



FILED

Dec. 27, 2019

THE BOARD OF DISCIPLINARY APPEALS  
Appointed by the Supreme Court of Texas

No. 63673

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BEFORE THE BOARD OF DISCIPLINARY APPEALS

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ROBERT AARON MARKLE,  
Appellant

v.

COMMISSION FOR LAWYER DISCIPLINE,  
Appellee

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*On appeal from the Evidentiary Panel  
for the State Bar of Texas District 3-2,  
Montgomery County, Texas  
No. 201805898*

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**MOTION TO WITHDRAW AS COUNSEL**

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Sharon E. Conway  
Attorney at Law  
2441 High Timbers, Suite 410  
The Woodlands, Texas 77380-1052  
SConway@SConwayLaw.com

ATTORNEYS FOR APPELLEE

TO THE HONORABLE BOARD OF DISCIPLINARY APPEALS:

Sharon E. Conway, counsel for Robert Aaron Markle, Appellant ("Markle"), files this her Motion to Withdraw as Counsel from representing Mr. Markle in this appeal.

Ms. Conway seeks to withdraw for the following reasons:

1. The scope of representation by Ms. Conway has been completed pursuant to the signed, written Legal Services Agreement dated October 16, 2019, which expressly excluded representation in appellate matters. Mr. Markle did not employ Ms. Conway to pursue his appeal. Ms. Conway agreed to file a Notice of Appeal to protect Mr. Markle's right to pursue appeal if he chose to do so, but she did not agree to pursue the appeal or to prepare or file any appellate briefs for Mr. Markle, and he was instructed that he would have to find separate counsel if he decided to pursue the appeals. Notice of Appeal was accomplished in this case on October 31, 2019.
2. Withdrawal can be accomplished without material adverse effect on the interests of the client because:
  - (a) Mr. Markle agreed that Ms. Conway would not represent him in his appeal and that he would have to seek other counsel if he pursued his appeal;
  - (b) Mr. Markle did not seek oral argument, although he might participate if the court granted one; and
  - (c) Mr. Markle is a lawyer, though his license to practice law in Texas is currently suspended by the underlying Judgment of the Evidentiary Panel.

Mr. Markle was given reasonable warning that Ms. Conway would withdraw from representing him in this appeal. Mr. Markle contractually agreed that Ms. Conway would not represent him in this appeal. On November 20, 2019, Ms. Conway sent Mr. Markle an e-mail notifying him that she was withdrawing as his attorney in this case. Ms. Conway

sent Mr. Markle additional e-mails on November 22, 2019, and December 7, 2019, in which she reiterated that she would be withdrawing as his attorney from this case. On December 21, 2019, Ms. Conway e-mailed and mailed a letter to Mr. Markle notifying him of her withdrawal and including a copy of this Motion. Mr. Markle was notified of the current deadlines and settings in the case, which are duplicated below:

**Kennedy - Clerk's record filed 12/17/19, your brief deadline 1/16/20**

No oral argument has been requested by either party at this time. Mr. Markle was also notified in writing that he must request the court reporter's record (if there is one) by written notice to the court reporter.

The client's name is: Robert Aaron Markle

His last known address is:	(office)	7 Grogans Place, Suite 9 The Woodlands, Texas 77380
	(residence)	163 Maple Path Place The Woodlands, Texas 77382.

Mr. Markle's last known telephone number is: (281) 300-4982 (cell phone).

A copy of this Motion to Withdraw as counsel was delivered to Mr. Markle by e-mail and to both of his last known addresses by first-class mail and certified mail.


Ms. Conway has given Mr. Markle written notice of the right to object to the motion.

### **Conclusion and Prayer**

Accordingly, Sharon E. Conway, Attorney at Law, counsel for Appellant Robert Aaron Markle, respectfully requests that this Court grant this Motion to Withdraw as counsel.

Respectfully submitted,

SHARON E. CONWAY  
ATTORNEY AT LAW

By:   
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ATTORNEYS FOR ROBERT AARON MARKLE,  
Respondent

### **CERTIFICATE OF SERVICE**


I certify that on the 23rd day of December, 2019, a true and correct copy of this Motion to Withdraw was delivered to Melisa H. Jordan, attorney for the Commission for Lawyer Discipline at 4801 Woodway Drive, Suite 315-W, Houston, Texas, 77056, via e-mail at Melisa.Jordan@TexasBar.com.

  
SHARON E. CONWAY

### **CERTIFICATE OF CONFERENCE**

As required by Texas Rule of Appellate Procedure 10.1(a)(5), I certify that by telephone conference or e-mail, I conferred with counsel for Appellee, Melisa Jordan, about the merits of this Motion to Withdraw with the following result:

- ☐ opposes motion
- X** **does not oppose motion**
- ☐ agrees with motion
- ☐ would not say whether motion is opposed
- ☐ did not return my messages regarding the motion

  
SHARON E. CONWAY

### **CERTIFICATE OF COMPLIANCE**

As required by Texas Rule of Appellate Procedure 9.4(i)(2), (3), I certify that this computer generated motion has no word count requirement.

  
SHARON E. CONWAY