

STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
19 DHC 13

THE NORTH CAROLINA STATE BAR,
Plaintiff

v.

JOHN CHARLES SNYDER, Attorney,
Defendant

CONSENT ORDER
OF
DISCIPLINE

This matter was considered by a Hearing Panel of the Disciplinary Hearing Commission composed of Donald C. Prentiss, Chair, and members, David W. Long and Brandon Gosey. Alex G. Nicely represented Plaintiff, the North Carolina State Bar. F. Lane Williamson represented Defendant, John Charles Snyder. Defendant waives a formal hearing in this matter. The parties stipulate and agree to the findings of fact and conclusions of law recited in this order, and consent to the discipline imposed by this order. By consenting to the entry of this order, Defendant knowingly, freely, and voluntarily waives his right to appeal this consent order or to challenge in any way the sufficiency of the findings and conclusions herein.

Based on the pleadings and the stipulated facts, and with the consent of the parties, the Hearing Panel hereby finds by clear, cogent, and convincing evidence the following:

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar ("State Bar"), is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar (Chapter 1 of Title 27 of the North Carolina Administrative Code).
2. Defendant, John Charles Snyder, was admitted to the North Carolina State Bar on August 24, 2001, and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the laws of the State of North Carolina, the Rules and Regulations of the North Carolina State Bar and the Rules of Professional Conduct.
3. During all or part of the relevant periods referred to herein, Defendant was engaged in the practice of law in the State of North Carolina and maintained law offices in Charlotte and Matthews, Mecklenburg County, North Carolina.
4. Defendant was properly served with process in this matter.

Representation of Client L.B.

5. On July 5, 2016, D.B. filed a pro se complaint for divorce against his wife, L.B., in Mecklenburg County file no. 16 CVD 11939 ("July 2016 complaint").
6. L.B. was served with the summons and complaint on July 7, 2016.
7. On or about July 18, 2016, L.B. contacted Defendant concerning representation in 16 CVD 11939.
8. Defendant agreed to represent L.B. in 16 CVD 11939.
9. Defendant never filed a notice of appearance in 16 CVD 11939.
10. On July 27, 2016, L.B. asked Defendant to move forward with filing an answer to the July 2016 complaint.
11. On that same day, L.B. emailed Defendant a copy of the July 2016 complaint.
12. On July 29, 2016, L.B. told Defendant the answer needed be filed by August 5, 2016.
13. In an August 1, 2016 text message to Defendant, L.B. stated: "I am trying to confirm if you will be handling my divorce case. I need to file an answer no later than Friday of this week..."
14. Defendant responded by stating: "I will handle your case and get your extension!"
15. Defendant did not file an answer to the July 2016 complaint.
16. On September 6, 2016, L.B. asked Defendant whether he filed a request for an extension of time to file an answer.
17. Defendant replied: "I am writing it now."
18. Defendant failed to obtain an extension of time to file an answer in 16 CVD 11939.
19. On September 13, 2016, D.B. filed an amended complaint in 16 CVD 11939 to include equitable distribution.
20. Defendant did not file an answer to the amended complaint on behalf of L.B. nor did he seek an extension of time within which to do so.
21. On November 22, 2016, the Court entered a Judgment of Divorce but reserved the issue of equitable distribution for future determination.

22. In a November 24, 2016 text to Defendant, L.B. requested an update on the status of her case, expressed dissatisfaction with Defendant's lack of communication, and asked Defendant whether she needed to seek other counsel.

23. In a reply text, Defendant stated: "I'll handle."

24. On November 30, 2016, L.B. received a copy of the Judgment of Divorce in the mail.

25. On November 30, 2016, the following text exchange occurred between Defendant and L.B.:

L.B.: "John, I just received a letter in the mail saying that I am divorced. Please call me."

Defendant: "Doesn't affect any of the equitable distribution claims or custody and child support." "I will call you this evening."

L.B.: "So I am officially divorced? How could that happen w/o any court hearing or discussion with me?"

Defendant: "He hasn't ever served me with any notice! I will address with the court."

...

L.B.: "So I am officially divorced?"

Defendant: "I say no and don't acknowledge delivery of the letter to [D.B.]"

26. Defendant did not inform L.B. of his failure to file an answer in 16 CVD 11939.

27. On December 1, 2016, Defendant filed a pleading on L.B.'s behalf entitled "Complaint for Divorce, Child Custody, Child Support, Post-Separation Support, Alimony, Equitable Distribution, and Attorneys' Fees" in Mecklenburg County file no. 16 CVD 21709 ("December 2016 pleading").

28. Defendant failed to sign the December 2016 pleading.

29. Defendant failed to file an amended complaint or otherwise cure the unsigned December 2016 pleading.

30. In paragraph 8(b) of the December 2016 pleading, Defendant alleged the following: "Wife knows of no proceeding that could affect this action."

31. At the time that he filed the December 2016 pleading, Defendant knew the July 2016 complaint in file no. 16 CVD 11939 had already been filed and properly served upon L.B.

32. At the time that he filed the December 2016 pleading, Defendant knew the Judgment of Divorce had already been entered in 16 CVD 11939.

33. At the time he filed the December 2016 pleading, Defendant knew the allegation contained in paragraph 8(b) of the December 2016 pleading was false.

34. Defendant failed to correct the false statement contained in paragraph 8(b) of the December 2016 pleading.

35. On January 6, 2017, D.B.'s attorney filed an answer to the December 2016 pleading, asserting counterclaims, affirmative defenses and motions to dismiss.

36. On March 9, 2017, D.B.'s attorney filed a notice of hearing on D.B.'s motion to dismiss and set the hearing for April 10, 2017.

37. On March 10, 2017, D.B.'s attorney served the notice of hearing upon Defendant by mailing a copy to Defendant's office address.

38. On March 10, 2017, the Court consolidated the two domestic case files under case number 16 CVD 21709.

39. Defendant failed to notify L.B. of the April 10, 2017 hearing on D.B.'s motion to dismiss.

40. Neither Defendant nor L.B. appeared in court at the April 10, 2017 hearing.

41. The Court entered an order dismissing all of L.B.'s claims because Defendant failed to sign the December 2016 pleading and failed to file the December 2016 pleading until after the Judgment of Divorce was already entered.

42. On or about April 12, 2017, L.B. learned that Defendant failed to appear in court on her behalf and that her claims had been dismissed.

43. On that same day, L.B. asked Defendant about his failure to appear and inquired about the dismissal.

44. Defendant responded to L.B. by texting the following: "I was in another court at the time and didn't have the notice."

45. Defendant also told L.B. that he would move to set aside the dismissal.

46. On April 28, 2017, Defendant filed a Rule 60 Motion to Set Aside, asking the Court to set aside its order dismissing L.B.'s claims.

47. The Rule 60 Motion was set for hearing on May 22, 2017.

48. Neither Defendant nor L.B. appeared in court on May 22, 2017.

49. D.B.'s attorney appeared at the May 22, 2017 hearing and made an oral motion to dismiss the Rule 60 Motion.

50. The Court dismissed the Rule 60 Motion Defendant filed on L.B.'s behalf for failure to prosecute, noting that neither Defendant nor L.B. were present at the May 22, 2017 hearing.

51. On May 25, 2017, L.B. sent Defendant the following text: "John I just sent you an email from [D.B.]. Apparently you missed another court date. I am extremely disappointed in the service I've been getting from you"

52. In a May 25, 2017 email to D.B.'s attorney, Defendant falsely stated the following: "I filed our complaint without the knowledge of [D.B.'s] complaint."

53. On May 26, 2017, D.B.'s attorney emailed Defendant the following response: "John, the May 22 hearing was YOUR hearing for your Rule 60 Motion. The Judge dismissed your Motion so your client has no pending claims at all. Only my client's claims remain."

54. In a May 26, 2017 email to Defendant, L.B. inquired about the status of her claims for child custody and child support.

55. In response to L.B.'s email, Defendant misrepresented to L.B. that her child custody and child support claims were still ongoing.

56. Between June 12, 2017 and June 14, 2017, L.B. made several attempts to communicate with Defendant about the status of her case.

57. Defendant did not respond to L.B.'s attempts to communicate.

58. On or about June 15, 2017, L.B. terminated Defendant's representation and requested return of her client file.

59. L.B. paid \$3,500.00 to retain a new attorney for representation in 16 CVD 21709.

60. Defendant did not return L.B.'s client file to her.

Communication with Local District Bar and State Bar

61. On January 2, 2018, L.B. filed a grievance file against Defendant based in part on the conduct described above, grievance file no. 17G1286.

62. Grievance file no. 17G1286 was referred to the 26th Judicial District Grievance Committee ("District Grievance Committee") for investigation. A representative of the District Grievance Committee was assigned to investigate the grievance.

63. By letter dated February 8, 2018, the District Grievance Committee sent a Letter of Notice in grievance file no. 17G1286 to Defendant's last known address on file with the State Bar.

64. The Letter of Notice notified Defendant that he was required to provide a written response within fifteen days of receipt of the Letter of Notice.

65. Defendant did not respond to the Letter of Notice within fifteen days of receipt as required by 27 N.C. Admin. Code 1B.0204(f)(3).

66. On March 5, 2018, a District Grievance Committee representative left Defendant a voicemail message concerning his failure to respond to the Letter of Notice.

67. On that same day, Defendant returned the District Grievance Committee representative's call and stated that he recently moved offices and had just received the Letter of Notice. Defendant further stated that he would respond to the Letter of Notice "soon."

68. On March 22, 2018, a District Grievance Committee representative spoke with Defendant regarding his continuing failure to respond to the Letter of Notice in grievance file no. 17G1286.

69. During the March 22 conversation, Defendant acknowledged that he missed a hearing date and had "dropped the ball" in L.B.'s case.

70. In that same phone conversation, Defendant requested an extension of time to respond to the Letter of Notice.

71. The District Grievance Committee granted Defendant's request and extended the response deadline to April 9, 2018.

72. On April 9, 2018, Defendant requested another extension.

73. The District Grievance Committee representative granted Defendant's second request and extended the response deadline to April 16, 2018.

74. On April 16, 2018, Defendant requested a third extension to April 18, 2018.

75. Defendant's third request was granted, and the response deadline was extended to April 18, 2018.

76. In an April 18, 2018 email to the District Grievance Committee, Defendant stated the following: "I am trying to track down some emails in regards to your letter. I am not having luck retrieving them. I have an IT guy to help but will need to Friday. Sorry for the additional requests but want [sic] to make sure I have my factual dates in place."

77. On April 20, 2018, Defendant sent the District Grievance Committee an email with the subject line "Response for [L.B.]."

78. Defendant's response included no supporting documentation or emails.

79. Defendant stated the following in his response: "Upon learning of the dismissal of our complaint, I filed a rule 60 hearing based on mistake, lack of notice, and the need for equitable relief for my client. That hearing was scheduled for May. After that hearing, I believed the case was on track. . . ."

80. Defendant's statement that he believed the case was on track after the Rule 60 hearing was false: Defendant failed to appear at the Rule 60 hearing and the Court dismissed the Rule 60 motion based upon Defendant's failure to appear and failure to prosecute.

81. At the time he made the statement referenced in paragraphs 79 and 80, Defendant knew the statement was false.

82. On May 9, 2018, a District Grievance Committee representative asked Defendant why he failed to file a Notice of Appearance in file no. 16 CVD 11939.

83. In a May 9 response email, Defendant stated: "I communicated clearly to [D.B.] that I was [L.B.'s] attorney and that I would represent her in any action. At the time I made that representation, nothing had been filed."

84. Defendant's statement that "At the time I made the representation, nothing had been filed" is false.

85. The District Grievance Committee representative sent Defendant a second email on May 9, 2018, asking that Defendant supply additional information.

86. Defendant did not respond to the District Grievance Committee representative's second request for information.

87. In a June 26, 2018 letter, the District Grievance Committee notified Defendant that grievance file no. 17G1286 was being returned to the State Bar for final resolution.

88. In an August 9, 2018 letter, the State Bar asked Defendant to explain the false allegation contained in paragraph 8(b) of the December 2016 pleading. Defendant was asked to provide a response within ten days of the letter.

89. In a response dated January 11, 2019, Defendant stated the following: "As to your follow up question in 17G1286, I do not recall making that assertion and I do not remember the events related to drafting the document. I would not intentionally make any misrepresentation to the court."

Representation of Client J.L.

93. In or around December 2016, Defendant undertook representation of client J.L. in Luxury Auction Marketing, Inc and J.L. v. GEA, Inc., L.F. and V.D., Mecklenburg County file no. 16 CVS 19851 ("state action").

94. Defendant was required to appear for mediation in the state action on April 6, 2017 at 10:00 a.m.

95. The purpose of the mediation was for both parties to seek a good-faith resolution of all disputes related to the state action.

96. Defendant was not present at the mediation at 10:00 a.m.

97. On April 6, 2017 at 10:35 a.m., Defendant filed a Complaint and Motion for Injunctive Relief ("federal complaint") in Source Auction, LLC and J.L. v. L.F. and V.D., 3:17-cv-185 in the United States District Court for the Western District of North Carolina ("federal action").

98. The federal and state actions involved substantially similar parties and issues.

99. At 11:07 a.m., Defendant filed an *ex parte* Motion for a Temporary Restraining Order ("*ex parte* TRO motion") in the federal action.

100. Defendant appeared at the mediation on April 6, 2017 at 11:30 a.m.

101. At no time before the mediation did Defendant notify the opposing party or opposing counsel of his intention to file the federal complaint or the *ex parte* TRO motion.

102. Defendant and opposing counsel participated in mediation for several hours in front of Judge Richard Boner.

103. While at the mediation, Defendant stated that J.L. was present to negotiate in good faith.

104. At no point during the mediation did Defendant disclose that he had filed the federal complaint and the *ex parte* TRO motion.

105. In the *ex parte* TRO motion, Defendant cited Rule 65 of the Federal Rules of Civil Procedure as the basis for issuance of a temporary restraining order.

106. Defendant was required by Federal Rule of Civil Procedure 65(b)(1)(B) to certify in writing any efforts he made to give notice to the opposing party of his intention to file the *ex parte* TRO motion and the reasons why such notice should not be required.

107. Defendant did not include the written certification required by Federal Rule of Civil Procedure 65(b)(1)(B) in the *ex parte* TRO motion.

108. On April 10, 2017, the Court denied the *ex parte* TRO motion in part because of Defendant's failure to comply with Federal Rule of Civil Procedure 65(b)(1)(B).

109. On April 13, 2017, opposing counsel filed an answer to the federal complaint and asserted several counterclaims.

110. On April 14, 2017, Defendant filed an amended complaint and a second Motion for Temporary Restraining Order and Injunction ("second *ex parte* TRO motion") in the federal action.

111. In the second *ex parte* TRO motion, Defendant cited Rule 65 of the Federal Rules of Civil Procedure as the basis for issuance of a temporary restraining order.

112. Defendant again failed to include the written certification required by Federal Rule of Civil Procedure 65(b)(1)(B) when filing the second *ex parte* TRO motion.

113. Defendant did not attempt to give notice of the second *ex parte* TRO motion to the opposing party or to opposing counsel prior to filing the motion.

114. Defendant was required by Local Rule 7.1(b) of the Rules of Practice and Procedure of the United States District Court of the Western District of North Carolina ("Local Rule 7.1(b)") to certify in any motions filed that he conferred with opposing counsel and attempted in good faith to resolve areas of disagreement, or to describe any attempts made to confer with opposing counsel.

115. Defendant did not include the certification required by Local Rule 7.1(b) in either the *ex parte* TRO motion or the second *ex parte* TRO motion.

116. Defendant was required by Local Rule 7.1(c) of the Rules of Practice and Procedure of the United States District Court of the Western District of North Carolina ("Local Rule 7.1(c)") to file a brief contemporaneously with the *ex parte* TRO motion and the second *ex parte* TRO motion.

117. Defendant did not submit a brief contemporaneously with either the *ex parte* TRO motion or the second *ex parte* TRO motion.

118. On April 27, 2017, Defendant voluntarily dismissed the state action.

119. On April 29, 2017, opposing counsel filed a motion to strike the amended complaint and the second *ex parte* TRO motion.

120. On May 1, 2017, Defendant withdrew the second *ex parte* TRO motion.

121. On November 20, 2017, Defendant moved to withdraw as counsel in the federal action. Defendant's motion to withdraw was granted the next day.

122. On February 21, 2018, the amended complaint was dismissed by the Court for failure to state a claim.

Communication with Local District Bar and State Bar

123. On July 31, 2017, the State Bar opened a grievance file against Defendant concerning his conduct in the state and federal actions, grievance file no. 17G0740.

124. Grievance file no. 17G0740 was referred to the 26th Judicial District Grievance Committee ("District Grievance Committee") for investigation. A representative of the District Grievance Committee was assigned to investigate the grievance.

125. On August 18, 2017, the District Grievance Committee sent a Letter of Notice to Defendant's last known address on file with the State Bar.

126. The Letter of Notice notified Defendant that he was required to provide a written response within fifteen days of receipt of the Letter of Notice.

127. Defendant did not respond to the Letter of Notice within fifteen days of receipt as required by 27 N.C. Admin. Code 1B.0204(f)(3).

128. On September 13, 2017, a District Grievance Committee representative called Defendant concerning the status of his response. Defendant requested that he have until September 22, 2017 to respond to the Letter of Notice.

129. Defendant's request was granted, and the response deadline was extended to September 22, 2017.

130. On September 28, 2017, a District Grievance Committee representative sent Defendant a letter concerning his failure to respond to the Letter of Notice in grievance file no. 17G0740.

131. On September 29, 2017, Defendant left a voicemail message for the District Grievance Committee representative acknowledging receipt of the September 28 letter.

132. On October 2, 2017, a District Grievance Committee representative left Defendant a voicemail message requesting a status update on his response to the Letter of Notice.

133. Defendant did not respond to the District Grievance Committee representative's October 2, 2017 request for information.

134. In a May 17, 2018 letter, the District Grievance Committee notified Defendant that grievance file no. 17G0740 was being returned to the State Bar for final resolution.

135. On August 9, 2018, the State Bar sent Defendant a letter in which he was given another opportunity to respond to the Letter of Notice in grievance file no. 17G0740. Defendant was asked to provide a written response within ten days of the letter.

136. On November 28, 2018, the State Bar sent a follow-up letter to Defendant concerning his failure to respond to the District Grievance Committee and to the State Bar's August 9, 2018 letter. Defendant was given until December 21, 2018 to provide a response.

137. Defendant did not provide a written response in grievance file no. 17G0740 until January 11, 2019.

Based upon the foregoing Findings of Fact and with the consent of the parties, the Hearing Panel makes the following:

CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Panel and the DHC has jurisdiction over Defendant, John Charles Snyder, and over the subject matter of this proceeding.

2. Defendant's conduct, as set out in the stipulated Findings of Fact above, constitutes grounds for discipline as follows:

A. Pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that Defendant violated the Rules of Professional Conduct as follows:

- 1) By failing to file a notice of appearance in 16 CVD 11939, by failing to file an answer or any other pleadings in 16 CVD 11939, by failing to sign the December 2016 pleading in 16 CVD 21709, by failing to cure the unsigned December 2016 pleading in 16 CVD 21709 and by failing to appear at two scheduled court dates on behalf of L.B., Defendant failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3;
- 2) By failing to notify L.B. of two scheduled court dates and by not timely and substantively responding to his client's inquiries, Defendant failed to keep a client informed about the status of the matter in violation of Rule 1.4(a)(3) and failed to promptly comply with reasonable requests for information in violation of Rule 1.4(a)(4);
- 3) By misleading L.B. about the status of her claims for child custody and child support, Defendant failed to reasonably consult with a client about the means by which the client's objectives were to be accomplished in violation of Rule 1.4(a)(2), failed to keep the client informed about the status of the matter in violation of Rule 1.4(a)(3) and engaged in conduct involving misrepresentation in violation of Rule 8.4(c);
- 4) By filing a complaint for divorce in 16 CVD 21709 after a Judgment for Divorce had already been entered in 16 CVD 11939, Defendant brought a claim and asserted an issue for which there was no basis in law or fact in violation of Rule 3.1;
- 5) By representing to opposing counsel that at the time Defendant filed the December 2016 pleading he was unaware of the July 2016 complaint, Defendant knowingly made a false statement of material fact to a third person in the course of representing a client in violation of Rule 4.1 and engaged in conduct involving dishonesty in violation of Rule 8.4(c);
- 6) By filing the December 2016 pleading that Defendant knew contained a false statement of material fact, Defendant made a false statement of material fact to a tribunal in violation of Rule 3.3(a)(1) and engaged in conduct involving dishonesty in violation of Rule 8.4(c);
- 7) By failing to correct the false statement of material fact contained in the December 2016 pleading, Defendant failed to correct a false statement of material fact to a tribunal in violation of Rule 3.3(a)(1) and engaged in conduct involving dishonesty in violation of Rule 8.4(c);

- 8) By failing to return L.B.'s client file upon termination of the representation, Defendant failed to take reasonably practicable steps upon termination of the representation to protect a client's interests in violation of Rule 1.16(d);
- 9) By failing to timely respond to the Letter of Notice in grievance file no. 17G1286 and by failing to respond to subsequent inquiries of the 26th Judicial District Grievance Committee, Defendant knowingly failed to respond to a lawful demand for information from a disciplinary authority in connection with a disciplinary matter in violation of Rule 8.1(b);
- 10) By stating in his response to the Letter of Notice in grievance file no. 17G1286 that he believed L.B.'s case was on track after the Rule 60 hearing, and by making a false statement in his May 9, 2018 email to the District Grievance Committee representative, Defendant knowingly made a false statement of material fact in connection with a disciplinary matter in violation of Rule 8.1(a) and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c);
- 11) By failing to timely respond to the State Bar's August 9, 2018 letter, Defendant knowing failed to respond to a lawful demand for information from a disciplinary authority in connection with a disciplinary matter in violation of Rule 8.1(b);
- 12) By filing the *ex parte* TRO motion and the second *ex parte* TRO motion in J.L.'s federal action without including the certifications required by Federal Rule of Civil Procedure 65(b)(1)(B) and Local Rule 7.1(b), and by failing to contemporaneously file the brief required by Local Rule 7.1(c), Defendant handled a legal matter that he knew or should have known he was not competent to handle without associating a lawyer who was competent to handle the matter in violation of Rule 1.1, failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3 and knowingly disobeyed an obligation under the rules of a tribunal in violation of Rule 3.4;
- 13) By failing to comply with Local Rule 7.1(b) and Local Rule 7.1(c), known local customs of courtesy or practice of a tribunal, without giving opposing counsel timely notice of his intent not to comply, Defendant engaged in conduct intended to disrupt a tribunal in violation of Rule 3.5(a);
- 14) By filing the amended complaint that was ultimately dismissed for failure to state a claim, by filing the *ex parte* TRO motion and the second *ex parte* TRO motion that did not comply with the Rules of Civil Procedure and the Local Rules of Practice and by failing to disclose in mediation that the federal complaint and the *ex parte* TRO motion had been filed, Defendant engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);

15) By failing to timely respond to the Letter of Notice in grievance file no. 17G0740 and by failing to respond to a subsequent inquiry of the 26th Judicial District Grievance Committee, Defendant knowingly failed to respond to a lawful demand for information from a disciplinary authority in connection with a disciplinary matter in violation of Rule 8.1(b); and

16) By failing to timely respond to the State Bar's letters dated August 9, 2018 and November 28, 2018, Defendant knowingly failed to respond to a lawful demand for information from a disciplinary authority in connection with a disciplinary matter in violation of Rule 8.1(b).

B. Pursuant to N.C. Gen. Stat. § 84-28(b)(3), in that Defendant knowingly misrepresented facts or circumstances surrounding an allegation of misconduct, and in that Defendant failed to answer a formal inquiry issued by the North Carolina State Bar in a disciplinary matter.

Based upon the consent of the parties, the Hearing Panel also finds by clear, cogent, and convincing evidence the following:

ADDITIONAL FINDINGS REGARDING DISCIPLINE

1. The findings of fact and conclusions of law above are reincorporated as if set forth herein.

2. Defendant's lack of diligence and failure to adequately communicate with L.B. and J.L. caused harm to his clients, as they were unfamiliar with the legal process and relied upon Defendant to protect their interests.

3. By misleading L.B., making a false representation to opposing counsel, filing a pleading which contained a false statement of material fact, and making a false statement of material fact in connection with a disciplinary matter, Defendant created the potential for significant harm to a client, the public, the legal profession and the administration of justice.

4. Defendant's failure to respond to State Bar inquiries and failure to participate in the grievance process created the potential for significant harm to the profession, to the public and to the administration of justice. Such conduct indicates a disregard for the regulatory authority of the State Bar and impedes the legal profession's ability to self-regulate its members.

5. Defendant was licensed in North Carolina in 2001 and has substantial experience in the practice of law. At the time of his conduct, Defendant knew or should have known that his actions would result in harm or potential harm.

6. Defendant was previously disciplined in North Carolina. In 2015, Defendant received an admonition for neglecting a client's case, failing to communicate with a client and failing to timely respond to lawful demands for information from a disciplinary authority. By engaging in similar misconduct in the present case, Defendant has shown that written discipline will not adequately protect the public from future transgressions.

7. By engaging in multiple instances of neglect, multiple instances of conduct involving dishonesty or misrepresentation, and multiple instances of failure to participate in the legal profession's self-regulation process, Defendant has displayed a pattern of misconduct.

8. Defendant was experiencing personal and familial difficulties at the time of his misconduct.

9. Defendant expressed remorse for his actions.

Based upon the Findings of Fact, Conclusions of Law and Additional Findings Regarding Discipline, and with the consent of the parties, the Hearing Panel also enters the following:

CONCLUSIONS REGARDING DISCIPLINE

1. The Hearing Panel has considered all of the factors enumerated in 27 N.C. Admin. Code 1B.0116(f)(1) of the Discipline and Disability Rules of the North Carolina State Bar and concludes that the following factors that warrant suspension or disbarment are present:

- a) Intent of the Defendant to commit acts where the harm or potential harm is foreseeable;
- b) Circumstances reflecting on the Defendant's lack of honesty or trustworthiness;
- c) Negative impact of Defendant's actions on the client's or public's perception of the profession;
- d) Negative impact of Defendant's actions on the administration of justice;
- e) Impairment of the client's ability to achieve the goals of the representation;
- f) Acts of dishonesty, misrepresentation or deceit; and
- g) Multiple instances of failure to participate in the legal professions self-regulation process.

2. The Hearing Panel has considered all of the factors enumerated in 27 N.C. Admin. Code 1B.0116(f)(2) of the Discipline and Disability Rules of the North Carolina State Bar and concludes the following factors are applicable in this matter:

- a) Acts of dishonesty, misrepresentation or deceit.

3. The Hearing Panel has considered all of the factors enumerated in 27 N.C. Admin. Code 1B.0116(f)(3) of the Discipline and Disability Rules of the North Carolina State Bar and concludes the following factors are applicable in this matter:

- a) Prior disciplinary offenses in this State;
- b) A pattern of misconduct;
- c) Multiple offenses;
- d) Effect of personal or emotional problems on the conduct in question;

- e) Remorse;
- f) Full and free disclosure to the hearing panel or cooperative attitude toward the proceedings;
- g) Significant experience in the practice of law.

4. The Hearing Panel has considered issuing an admonition, reprimand or censure but concludes that such discipline would not be sufficient. The Hearing Panel concludes that such discipline would fail to acknowledge the seriousness of the violations committed by Defendant, would not sufficiently protect the public and would send the wrong message to attorneys and the public regarding the conduct expected of members of the Bar in this State.

Based upon the foregoing Findings of Fact, Conclusions of Law, Additional Findings Regarding Discipline and Conclusions Regarding Discipline, and based upon the consent of the parties, the Hearing Panel enters the following:

ORDER OF DISCIPLINE

1. Defendant, John Charles Snyder, is hereby suspended from the practice of law for three years, effective thirty days from service of this order upon Defendant.
2. Defendant shall surrender his law license and membership card to the Secretary of the North Carolina State Bar no later than thirty days following service of this Order upon Defendant.
3. Defendant shall comply with all requirements of 27 N.C. Admin. Code 1B.0128, including the wind-down provisions contained therein.
4. Defendant shall file an affidavit with the Secretary of the North Carolina State Bar within ten days of the effective date of this Order, certifying he has complied with the provisions of 27 N.C. Admin. Code 1B.0128.
5. Within ten days of the effective date of this Order, Defendant shall provide the State Bar with an address and telephone number at which clients seeking return of their files can communicate with Defendant and obtain such files, and Defendant shall promptly return all files to clients upon request. Defendant shall promptly refund any unearned or excessive fees due to clients in accordance with Rules 1.5 and 1.16 of the Rules of Professional Conduct.
6. Defendant is taxed with the costs and administrative fees of this action as assessed by the Secretary. Defendant shall pay the costs and administrative fees within ninety days of service of the statement of costs and administrative fees upon him.
7. Two years from the effective date of this Order, Defendant may apply for a stay of the remainder of the suspension upon the filing of a petition with the DHC at least thirty days before any proposed effective date of the stay and demonstrating by clear, cogent and convincing evidence the following:

- a) Defendant timely complied with paragraphs 2 – 6 of this section of the Order;

- b) Defendant has arranged for an active member of the North Carolina State Bar in good standing who practices law in the county in which Defendant primarily practices and who has been approved in advance by the State Bar Office of Counsel to serve as his practice monitor. Defendant has provided the Office of Counsel with a letter from the approved monitoring attorney confirming his agreement to: (a) meet with Defendant monthly to review Defendant's cases; (b) provide supervision to ensure that Defendant timely and diligently handling client matters; and (c) submit written quarterly reports of this supervision to the Office of Counsel as set out below;
- c) Defendant has complied with the provisions for reinstatement after suspension listed in 27 N.C. Admin. Code 1B.0129(b) of the North Carolina State Bar Discipline & Disability Rules;
- d) Defendant has timely paid the costs and administrative fees of this proceeding as assessed by the Secretary of the North Carolina State Bar;
- e) Defendant has kept the North Carolina State Bar Membership Department advised of Defendant's current physical business address, telephone number and e-mail address, and notified the Bar of any change within ten days of such change;
- f) Defendant has responded to all communications from the State Bar within thirty days of receipt or by the deadline stated in the communication, whichever is sooner;
- g) Defendant is current in payment of all Membership dues, fees, and costs, including all Client Security Fund assessments and other charges or surcharges the State Bar is authorized to collect from Defendant, and including all judicial district dues, fees and assessments;
- h) There is no deficit in Defendant's completion of CLE hours, in reporting such hours or in payment of any fees associated with attendance at CLE programs;
- i) Defendant has not violated the Rules of Professional Conduct, the laws of the United States or the laws of any state or local government during Defendant's suspension; and
- j) Defendant properly wound down Defendant's law practice and complied with the requirements of 27 N.C. Admin. Code 1B.0128.

8. If Defendant is not granted a stay of Defendant's suspension, or if some part of the suspension is stayed and thereafter the stay is lifted, Defendant must comply with the requirements of paragraphs 7(a) through 7(j) above before being reinstated to the practice of law, and must provide in any petition for reinstatement clear, cogent and convincing evidence demonstrating Defendant's compliance therewith.

9. If Defendant successfully petitions for a stay of the suspension of Defendant's law license, such stay will continue in force only as long as Defendant complies with the following conditions:

- a) Defendant is supervised by a practice monitor under the terms and conditions described in paragraph 7(b) above. The practice monitor must be an active member of the North Carolina State Bar in good standing who practices law in the county in which Defendant primarily practices and who has been approved in advance by the State Bar Office of Counsel. Defendant shall meet at least once a month with his monitoring attorney, report the status of all current client matters to the monitoring attorney and provide any information the monitoring attorney deems necessary to ensure that Defendant is timely and diligently handling all client matters. Defendant shall ensure that the monitoring attorney timely submits written quarterly reports of this supervision to the Office of Counsel. Such reports are due on the following dates as they occur during the stay of this suspension: January 15, April 15, July 15 and October 15. This monitoring will occur for the duration of any stay of this suspension. Defendant will pay the cost, if any, charged by the monitor for this supervision;
- b) Defendant shall keep the North Carolina State Bar Membership Department advised of Defendant's current physical business address, telephone number and e-mail address, and shall notify the Bar of any change within ten days of such change;
- c) Defendant shall accept all certified mail from the State Bar sent to the address on record with the Membership Department of the North Carolina State Bar;
- d) Defendant shall provide full and complete responses to all letters of notice and requests for information from the North Carolina State Bar within thirty days of receipt of the communication or by the deadline stated in the communication, whichever is sooner;
- e) Defendant shall timely comply with all State Bar continuing legal education requirements and pay all fees and costs assessed by the applicable deadline;
- f) Defendant shall pay all membership dues, fees, costs and assessments, including all Client Security Fund assessments and other charges or surcharges the State Bar is authorized to collect from him, including all judicial district dues and assessments, by the applicable deadline; and
- g) Defendant shall not violate the Rules of Professional Conduct, the laws of the United States or the laws of any state or local government during the period of the stay.

10. If Defendant fails to comply with any of the conditions of the stayed suspension provided in paragraphs 9(a) through 9(g) above, the stay of the suspension may be lifted as provided in 27 N.C. Admin. Code 1B.0118.

11. The Disciplinary Hearing Commission will retain jurisdiction of this matter pursuant to 27 N.C. Admin. Code 1B.0118 throughout the suspension, and any stay thereof, and until all conditions of this Order have been satisfied.

Signed by the Disciplinary Hearing Panel Chair with the consent of the other hearing panel members, this the 1st day of June, 2020.



Donald C. Prentiss, Chair
Disciplinary Hearing Panel

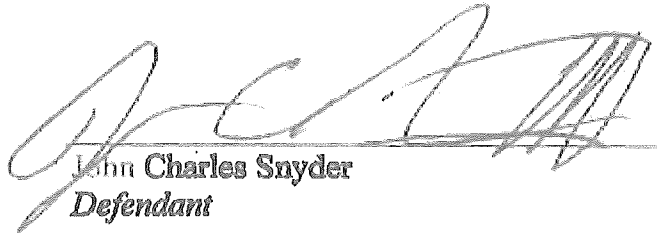
AGREED AND CONSENTED TO BY:



Alex G. Nicely
Attorney for Plaintiff



F. Lane Williamson
Attorney for Defendant



John Charles Snyder
Defendant