

1 Akron Bar Association v. Snyder.

2 [Cite as Akron Bar Assn. v. Snyder (1997), ____Ohio St.3d ____.]

3 *Attorneys at law -- Misconduct -- Indefinite suspension -- Engaging*
4 *in conduct involving dishonesty, fraud, deceit, or*
5 *misrepresentation -- Not delivering files to which client is*
6 *entitled -- Neglecting an entrusted legal matter -- Failing to*
7 *carry out contract of employment -- Failing to maintain records*
8 *of client funds and render accounts to client -- Failing to*
9 *promptly pay or deliver client's funds -- Failing to cooperate in*
10 *disciplinary investigation.*

11 (No. 96-2428 -- Submitted December 11, 1996 -- Decided March 26,
12 1997.)

13 ON CERTIFIED REPORT by the Board of Commissioners on Grievances
14 and Discipline of the Supreme Court, No. 95-47.

15 On October 11, 1995, the relator, Akron Bar Association, filed an
16 amended complaint charging respondent, Scott W. Snyder of Canal Fulton,
17 Ohio, Attorney Registration No. 0030089, with violating several
18 Disciplinary Rules while representing six clients during the years 1992
19 through 1994.

1 Based upon a stipulation of the parties and testimony received at a
2 hearing on February 23, 1996, a panel of the Board of Commissioners and
3 Grievances of the Supreme Court (“board”) found that during the period
4 1992 through 1994 respondent had violated the following Disciplinary
5 Rules: DR 1-102(4) (engaging in conduct involving dishonesty, fraud,
6 deceit, or misrepresentation), 2-110((A)(2) (not delivering files to which the
7 client is entitled), 6-101(A)(3) (neglecting an entrusted legal matter), 7-
8 101(A)(2) (failing to carry out a contract of employment entered into with a
9 client), 9-102(B)(3) (failing to maintain records of client funds and render
10 accounts to a client), and 9-102(B)(4) (failing to promptly pay or deliver
11 funds to a client). The panel also determined that respondent had violated
12 Gov. Bar R. V(4)(G)(duty to cooperate in an investigation).

13 Specifically, the panel found that in April 1992, Addie Hampton
14 engaged respondent to handle the transfer of real estate in the probate court.
15 Respondent did not complete the transfer, did not return Hampton’s phone
16 calls inquiring about the matter, and did not account for or return the \$700
17 advance payment he received from Hampton until the day of the hearing of
18 his disciplinary action..

1 The panel also found that Wanda Hilling engaged respondent to
2 represent her in a personal injury action on a one-third contingency fee
3 basis. The settlement check, jointly payable to respondent and Wanda and
4 Edward Hilling, was endorsed by the Hillings in April 1994, but, despite
5 repeated inquiries, Wanda Hilling neither received from respondent an
6 accounting for the settlement nor her share of the settlement until the day of
7 the disciplinary hearing. Respondent had delivered a check payable to
8 Wanda Hilling in December 1994, but it was returned for insufficient funds.

9 The panel further found that Jacqueline Acker retained respondent in
10 August 1993 to probate her father's will. Acker met with respondent four
11 times between August 1993 and April 1994. After her stepmother died in
12 May 1994, Acker retained respondent to probate her stepmother's will.
13 After May 2, 1994, except for one July 1994 telephone conversation, Acker
14 could no longer reach respondent despite repeated attempts by telephone
15 and letter. In December 1994, Acker learned that neither will was filed and
16 that neither estate was opened. Respondent's office was closed, and Acker
17 had no way to retrieve her files.

1 In addition, the panel found that Marjorie A. Vance retained
2 respondent in July 1993 to represent her father's estate. A year later, she
3 discovered that, contrary to respondent's assurances, he had not transferred
4 her father's real property to her mother and her brothers. Respondent also
5 failed to respond to Vance's request that her original papers be returned to
6 her.

7 The panel further found that in June or July 1993, Becky Griggs
8 retained respondent to represent her in a domestic relations case. Griggs
9 next talked with respondent when he called on July 31, 1994 to tell her that
10 because of an illness, an August 1, 1994 hearing in her case was canceled
11 and he would contact her shortly. Griggs never heard from respondent
12 again. Through her own efforts she found that the hearing was rescheduled
13 for February 9, 1995, and after numerous unavailing attempts to contact
14 respondent, Griggs appeared at the hearing without counsel.

15 Finally, the panel found that after Laura L. Haag paid respondent
16 \$450 on July 16, 1992 to obtain a divorce for her, respondent took no steps
17 to pursue the matter. On the day of the disciplinary hearing respondent
18 repaid the \$450 to Haag.

1 At the hearing, the panel received testimony that respondent enjoyed
2 a good reputation in the legal community until 1993 when he began to show
3 symptoms of despondency. These symptoms began when his father died in
4 March 1993. As his despondency increased, respondent began to neglect
5 his legal work, and in October 1994 he was admitted to the hospital. He
6 was treated by a psychiatrist for the next two months for “major
7 depression.” In January 1995, respondent gave up the practice of law and
8 began driving a truck to earn income. In the initial stages of relator’s
9 investigation respondent’s attitude was one of indifference. However, when
10 a member of the relator’s grievance committee impressed respondent with
11 the seriousness of the proceedings, he did cooperate.

12 In view of the fact that respondent has sought treatment for his
13 depression, that he has shown remorse for the difficulties he caused his
14 clients, and that he has reimbursed his clients for their monetary damages,
15 the panel recommended that respondent be indefinitely suspended. The
16 panel believed that such a sanction would give respondent the opportunity
17 to return to the practice of law sometime in the future.

1 The board adopted the panel’s findings, conclusions, and
2 recommendation.

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4 *John C. Weisensell, Michael C. Scanlon and Michael L. Stark*, for
5 relator.

6 *Scott W. Snyder, pro se.*

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8 *Per Curiam.* We approve the findings of fact, conclusions of law,
9 and recommendation of the board. From a review of the record we can
10 understand the factors which caused respondent to neglect his professional
11 duty to his clients. Nevertheless, we have a constitutional duty to oversee
12 the conduct of the legal profession in Ohio, and we cannot condone
13 respondent’s failures to meet his responsibilities. An attorney’s failure to
14 carry out a legal matter entrusted to him and failure to cooperate in the
15 ensuing disciplinary investigation have warranted suspension from the
16 practice of law. *Disciplinary Counsel v. Liebold* (1990), 53 Ohio St.3d 128,
17 559 N.E.2d 749. In a previous case where we found that rehabilitation was
18 as much or more appropriate than discipline, we imposed a sanction of

1 indefinite suspension. *Disciplinary Counsel v. Trumbo* (1996), 76 Ohio
2 St.3d 369, 667 N.E.2d 1186. We believe the same sanction is appropriate
3 here. Respondent is hereby indefinitely suspended from the practice of law
4 in Ohio. Costs taxed to respondent.

5 *Judgment accordingly.*

6 MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER, COOK
7 and LUNDBERG STRATTON, JJ., concur.