

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF
TIMOTHY WARREN SNYDER, ESQUIRE**

VS B Docket No. 03-053-1233

ORDER

This matter came on to be heard on May 7, 2004, upon the Agreed Disposition of the Virginia State Bar and Timothy Warren Snyder, based upon the Certification of a Fifth District-Section III Subcommittee. The Agreed Disposition was considered by a duly convened panel of the Virginia State Bar Disciplinary Board consisting of Robert E. Eicher, Esquire, Joseph R. Lassiter, Jr., Esquire, H. Taylor Williams, IV, Esquire, V. Max Beard, lay member, and Roscoe B. Stephenson, III, Esquire, presiding.

Seth M. Guggenheim, Esquire, representing the Bar, and the Respondent, Timothy Warren Snyder, Esquire, appearing *pro se*, presented an endorsed Agreed Disposition, dated April 19, 2004, reflecting the terms of the Agreed Disposition.

Jennifer Hairfield of Chandler & Halasz, Registered Professional Reporters, Post Office Box 9349, Richmond, Virginia (804) 730-1222, after being duly sworn, transcribed the hearing.

Having considered the Certification and the Agreed Disposition, it is the decision of the Board that the Agreed Disposition be accepted, and the Virginia State Bar Disciplinary Board finds by clear and convincing evidence as follows:

1. At all times relevant to the matters set forth herein, Timothy Warren Snyder,

Esquire (hereafter “Respondent”), was an attorney licensed to practice law in the Commonwealth of Virginia.

2. On December 5, 2001, Young C. Cheon (hereafter “Complainant”) retained the Respondent to recover damages from third parties occasioned by an alleged assault and battery.

3. On the following day the Respondent filed a two-count Motion for Judgment in the Circuit Court for Fairfax County, Virginia, against both the alleged perpetrator of the assault and battery and the proprietors of the establishment in which the alleged assault and battery occurred.

4. On or about January 19, 2002, one of the defendants in the suit served a Counterclaim and discovery requests upon the Respondent, to which the Respondent filed no responses within the time prescribed by law, although the Court later granted Complainant’s “Motion for Enlargement of Time in Which to File Answer *Nunc Pro Tunc*.”

5. The litigation progressed to a point where the defendant referred to in the preceding paragraph filed a “Motion *In Limine*” seeking to exclude expert testimony and testimony or evidence related to medical damages. The motion was based upon Complainant’s alleged failure to comply with discovery requests and certain terms of a scheduling order that the Court had entered.

6. Without the prior knowledge or consent of the Complainant, the Respondent endorsed an Order, entered by the Court on October 18, 2002, which:

a. dismissed Complainant’s claim against the defendant who was the alleged perpetrator of the assault and battery, “with prejudice, as settled”;

b. dismissed that same defendant’s counterclaim against the Complainant,

“with prejudice, as settled”;

c. nonsuited the Complainant’s claims against the remaining defendants.

7. A Bar Complaint was filed in this matter, claiming, *inter alia*, that Respondent “ha[d] not taken any action in the case and his telephones have been disconnected.” In response to the Complaint, the Respondent wrote the Complainant a letter, which stated as follows:

The Virginia State Bar has forwarded to me a copy of your complaint regarding the way your case was handled, and your request for a refund. I’m sorry that I wasn’t able to do more for you, but numerous circumstances regarding my practice required that I close down the office in the spring of 2002.

I am enclosing a check for \$1,000, refunding the amount of your deposit, and am waiving any charges incurred against your case. I have reviewed my file, and as I have only my notes, I believe there is nothing to return to you. If you have any further questions, please contact me at the telephone no. above.

8. During an investigation of this matter conducted by the Virginia State Bar, the Respondent stated or admitted to an investigator that:

a. following the granting of Complainant’s motion to enlarge time on March 29, 2002, he neglected the Complainant’s case;

b. from April through July, 2002, when he closed his law practice, he did not communicate with the Complainant;

c. that the Complainant could have probably found another attorney if he had told the Complainant what was going on;

d. he did not have the experience to do personal injury cases; and

e. he endorsed the order referred to in Paragraph 6 hereof because he was not prepared, and that he left the Complainant “hanging.”

The Board finds by clear and convincing evidence that such conduct on the part of Timothy Warren Snyder, Esquire, constitutes a violation of the following Rules of Professional Conduct:

RULE 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

RULE 1.2 Scope of Representation

- (a) A lawyer shall abide by a client's decisions concerning the objectives of representation, subject to paragraphs (b), (c), and (d), and shall consult with the client as to the means by which they are to be pursued. A lawyer shall abide by a client's decision, after consultation with the lawyer, whether to accept an offer of settlement of a matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial and whether the client will testify.

RULE 1.3 Diligence

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.
- (b) A lawyer shall not intentionally fail to carry out a contract of employment entered into with a client for professional services, but may withdraw as permitted under Rule 1.16.
- (c) A lawyer shall not intentionally prejudice or damage a client during the course of the professional relationship, except as required or permitted under Rule 1.6 and Rule 3.3.

RULE 1.4 Communication

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.
- (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.
- (c) A lawyer shall inform the client of facts pertinent to the matter and of

communications from another party that may significantly affect settlement or resolution of the matter.

RULE 1.16 Declining Or Terminating Representation

- (d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, refunding any advance payment of fee that has not been earned and handling records as indicated in paragraph (e).

Upon consideration whereof, it is ORDERED that the Respondent shall receive a six (6) month suspension of his license to practice law in the Commonwealth of Virginia, to commence upon entry of this Order, as representing an appropriate sanction if this matter were to be heard; and it is further

ORDERED that pursuant to the provisions of Part Six, § IV, ¶ 13(M) of the Rules of the Supreme Court of Virginia, the Respondent shall give notice by certified mail, return receipt requested, of this suspension to all clients for whom he is handling matters and to all opposing attorneys and the presiding judges in pending litigation and that he shall also make appropriate arrangements for the disposition of matters that are in his care in conformity with the wishes of his clients. The notice shall be given within fourteen (14) days of the effective date of his suspension and arrangements shall be made within forty-five (45) days of the effective date of the suspension. Respondent shall also furnish proof to the Bar within sixty (60) days of the effective date of his suspension that such notices have been timely given and that such arrangements for the dispositions of matters have been made. Issues concerning the adequacy of the notice and the arrangements required herein shall be determined by the Disciplinary Board, or, alternatively, by a three-judge circuit court, either of which tribunals may impose a sanction

of revocation or additional suspension for failure to comply with the requirements of Part Six, § IV, ¶ 13(M) of the Rules of the Supreme Court of Virginia. Respondent shall furnish true copies of all of the notice letters sent to all persons notified of the suspension, with the original return receipts for said notice letters, to the Clerk of the Disciplinary System, on or before the sixtieth (60th) day following the effective date of his suspension; and it is further

ORDERED that pursuant to Part Six, § IV, ¶ 13(B)(8)(c) of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs against the Respondent.

It is further ORDERED that a copy teste of this Order shall be mailed by Certified Mail, Return Receipt Requested, to the Respondent, Timothy Warren Snyder, at his address of record with the Virginia State Bar, 6425 Deepford Street, Springfield, Virginia 22150-1218, and by first class, regular mail, to Seth M. Guggenheim, Assistant Bar Counsel, Virginia State Bar, 100 N. Pitt Street, Suite 310, Alexandria, Virginia 22314.

ENTERED this _____ day of _____, 2004.

Roscoe B. Stephenson, III, Chair
Virginia State Bar Disciplinary Board