

COLORADO OFFICE OF THE PRESIDING DISCIPLINARY JUDGE

People v. Snyder

418 P.3d 550 (Colo. O.P.D.J. 2018) · Decided April 10, 2018

SUMMARY

The Colorado Presiding Disciplinary Judge found that Albert R. Snyder neglected an immigration representation, failed to communicate with his clients, failed to provide fee and financial records, and practiced law while administratively suspended. The court concluded that Snyder violated eight Colorado Rules of Professional Conduct and imposed a three-year suspension, along with related winding-up, affidavit, and cost obligations.

CASE DETAILS

COURT	Colorado Office of the Presiding Disciplinary Judge
WRITING FOR THE COURT	William R. Lucero, Presiding Disciplinary Judge
JURISDICTION	Colorado
DECIDED	April 10, 2018
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding in which the respondent defaulted after failing to answer the complaint. The Presiding Disciplinary Judge held a sanctions hearing and imposed a three-year suspension.
STANDARD OF REVIEW	The court applied the attorney-discipline sanction framework, considering the duty violated, the respondent's mental state, actual or potential injury, and aggravating and mitigating factors under ABA Standard 3.0 and related standards.
PRECEDENTIAL VALUE	Published attorney-discipline opinion; persuasive or precedential value is governed by Colorado disciplinary-opinion rules.
PARTIES	The People v. Albert R. Snyder

TOPICS

immigration

agency adjudication

administrative law

PRACTICE AREAS

legal ethics

attorney discipline

immigration law

professional responsibility

QUESTIONS PRESENTED

1. Whether Snyder violated the Colorado Rules of Professional Conduct by neglecting the clients' immigration matter and failing to communicate material information.
2. Whether Snyder violated the rules governing fees, client funds, and financial records by failing to provide a written fee agreement, accounting, and required records.
3. Whether Snyder violated disciplinary rules by continuing to represent the clients and practicing law while administratively suspended.
4. What sanction was appropriate in light of the misconduct, mental state, injury or potential injury, aggravating factors, mitigating factors, and comparable Colorado disciplinary cases.

HOLDINGS

1. Snyder violated Colo. RPC 1.3 by failing to act with reasonable diligence and promptness, including allowing the clients' I-130 petition to expire.
2. Snyder violated Colo. RPC 1.4(b) and 1.4(a)(4) by failing to explain his change in immigration strategy and by failing to respond promptly to reasonable requests for information and an accounting.
3. Snyder violated Colo. RPC 1.5(b), 1.15A(b), and 1.15D by failing to communicate the basis of his fees in writing, failing to provide an accounting or deliver client funds or property upon request, and failing to maintain required financial records.
4. Snyder violated Colo. RPC 3.4(c) and 5.5(a)(1) by failing to notify the clients of his administrative suspension, failing to withdraw, and practicing law without authorization while suspended.
5. A three-year suspension was warranted for Snyder's knowing and repeated misconduct, considering the duties violated, actual and potential injury, four aggravating factors, absence of mitigation, and comparable Colorado disciplinary decisions.

KEY QUOTATIONS

“Respondent's misconduct warrants suspension for three years.” (at 552)

“Taking into consideration the misconduct and the number of aggravators and lack of mitigators, the Court suspends Respondent for three years.” (at 557)

FACTUAL BACKGROUND

Snyder represented Marta Hawk, a U.S. citizen, and her husband, Francisco Sanchez Ruiz, a Mexican national, in an effort to obtain Ruiz's lawful permanent residence. He failed to communicate adequately, failed to explain a change from consular processing to advance parole, failed to complete or monitor required immigration filings, and allowed the I-130 petition to expire before Hawk obtained its reinstatement. Snyder also practiced during an administrative suspension, failed to notify the clients of that suspension or withdraw, failed to provide a written fee agreement and accounting, and failed to maintain financial records.

PROCEDURAL HISTORY

The Office of Attorney Regulation Counsel filed a disciplinary complaint on September 22, 2017. Snyder acknowledged receipt but did not answer, so the court entered default on December 1, 2017, deeming the complaint's allegations admitted. After a March 8, 2018 sanctions hearing at which Snyder did not appear, the court found multiple Colorado Rules of Professional Conduct violations and ordered a three-year suspension, compliance with winding-up and notice requirements, payment of costs, and related posthearing filings.

DISPOSITION

other

CASES CITED

- In re Roose, 69 P.3d 43, 46-47 (Colo. 2003)
- People v. Shock, 970 P.2d 966, 966-68 (Colo. 1999)
- People v. Kargol, 854 P.2d 1267, 1268 (Colo. 1993)
- People v. Rishel, 956 P.2d 542, 543-44 (Colo. 1998)
- People v. Honaker, 863 P.2d 337, 340 (Colo. 1993)
- People v. Clark, 900 P.2d 129, 130 (Colo. 1995)
- In re Attorney F., 285 P.3d 322, 327 (Colo. 2012)
- In re Fischer, 89 P.3d 817, 822 (Colo. 2004)
- In re Rosen, 198 P.3d 116, 121 (Colo. 2008)