

The Supreme Court of the State of Louisiana

IN RE: CLAYTON PAUL SCHNYDER, JR.

No. 2025-B-00201


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IN RE: Disciplinary Counsel - Applicant Other; Findings and Recommendations  
(Formal Charges);  
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April 15, 2025

Suspension imposed. See per curiam.

PDG  
JLW  
JDH  
WJC  
JBM  
JMG  
CRC

Supreme Court of Louisiana  
April 15, 2025

  
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Chief Deputy Clerk of Court  
For the Court

SUPREME COURT OF LOUISIANA

NO. 2025-B-0201

IN RE: CLAYTON PAUL SCHNYDER, JR.

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

This disciplinary matter arises from formal charges filed by the Office of Disciplinary Counsel (“ODC”) against respondent, Clayton Paul Snyder, an attorney licensed to practice law in Louisiana, but currently ineligible to practice.<sup>1</sup>

**PRIOR DISCIPLINARY HISTORY**

Before we address the current charges, we find it helpful to review respondent’s prior disciplinary history. Respondent was admitted to the practice of law in Louisiana in 1996.

In 2000, respondent was admonished by the disciplinary board for failing to supervise a non-lawyer assistant. In 2002, respondent was admonished by the disciplinary board for failing to communicate with a client and failing to expedite litigation.

In 2006, this court suspended respondent from the practice of law for one year and one day for failing to communicate with two clients, neglecting their legal matters, settling one client’s lawsuit without her knowledge or consent, and failing to cooperate with the ODC in its investigations. *In re: Snyder*, 05-1463 (La. 1/13/06), 918 So. 2d 455. Respondent was reinstated to the practice of law in 2011. *In re: Snyder*, 11-1698 (La. 8/31/11), 70 So. 3d 777.

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<sup>1</sup> On September 9, 2024, respondent was declared ineligible to practice law for failure to pay his bar dues and the disciplinary assessment.

In 2019, the court accepted a petition for consent discipline and suspended respondent from the practice of law for one year and one day, with all but sixty days deferred, followed by two years of probation, for mishandling his client trust account and failing to cooperate with the ODC in its investigation. *In re: Schnyder*, 19-1500 (La. 12/20/19), 285 So. 3d 481. Respondent was reinstated to the practice of law on February 19, 2020.

Against this backdrop, we now turn to a consideration of the misconduct at issue in the present proceeding.

### **FORMAL CHARGES**

In August 2023, the ODC received notice from Crescent Bank (“bank”) that respondent appeared to be misusing his client trust account. With its correspondence, the bank enclosed copies of three checks written by respondent, as follows:

1. On July 18, 2023, respondent issued a \$5,000 trust account check payable to Keith Adams for “Refund for defamation.” The check appears to be endorsed by the payee and deposited into the payee’s bank account.
2. On August 3, 2023, respondent issued a \$3,000 trust account check payable to himself for “Renovations 3063 N. Galvez.” The check is endorsed “Clayton P. Schnyder,” and the address on the subject line is respondent’s primary bar registration address.
3. On August 4, 2023, respondent issued a \$3,000 trust account check payable to himself for “Entertainment.” The check is endorsed “Clayton P. Schnyder,” and the notation on the back of the check indicates that it was a “check cashing transaction.”

Following receipt of the bank's correspondence, the ODC opened a complaint for investigation. On September 13, 2023, the ODC sent notice of the complaint to respondent's primary bar registration address. The correspondence was received on September 19, 2023, but respondent failed to submit a response.

On October 12, 2023, the ODC sent another notice to respondent's primary address and his secondary bar registration addresses. None of the correspondence was returned to the ODC, indicating receipt. Notice was also sent to respondent's bar registered email address. The ODC received confirmation of delivery, but the requested "read receipt" was not returned.

On November 17, 2023, an ODC investigator went to respondent's primary address in an attempt to serve respondent with a subpoena duces tecum and other documents. The investigator spoke with attorney Donald de Boisblanc, who advised that he had provided respondent with the ODC's earlier correspondence, but further advised that respondent had not been at that address for approximately six months. The investigator also traveled to respondent's secondary address and an additional address, left business cards at all addresses, and attempted to contact respondent by phone, all to no avail.

On November 21, 2023, the investigator traveled to the primary address and the additional address, but respondent was not present.

On November 27, 2023, the ODC attempted to contact respondent at his bar registered email address and received confirmation of delivery, but the requested "read receipt" was not returned. An email was also sent to his private email address and was "rejected." The ODC also attempted to contact respondent by facsimile and by phone to all registered numbers, to no avail. A law firm employee answered the call for the secondary address and indicated that respondent did not work there.

Despite the ODC's extensive efforts, respondent has not submitted an initial response to the complaint or otherwise cooperated in the disciplinary investigation.

## **DISCIPLINARY PROCEEDINGS**

In August 2024, the ODC filed formal charges against respondent, alleging that his conduct as set forth above violated the following provisions of the Rules of Professional Conduct: Rules 1.1(c) (a lawyer is required to comply with all requirements of the Supreme Court's rules regarding annual registration, including payment of bar dues and the disciplinary assessment, timely notification of changes of address, and proper disclosure of trust account information), 1.15(a) (a lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property), 1.15(b) (a lawyer may deposit the lawyer's own funds in a client trust account for the sole purpose of paying bank service charges on that account or obtaining a waiver of those charges, but only in an amount necessary for that purpose), 8.1(b) (a lawyer shall not knowingly fail to respond to a lawful demand for information from a disciplinary authority), 8.1(c) (failure to cooperate with the ODC in its investigation), and 8.4(a) (violation of the Rules of Professional Conduct).

Respondent failed to answer the formal charges. Accordingly, the factual allegations contained therein were deemed admitted and proven by clear and convincing evidence pursuant to Supreme Court Rule XIX, § 11(E)(3). No formal hearing was held, but the parties were given an opportunity to file with the hearing committee written arguments and documentary evidence on the issue of sanctions. Respondent filed nothing for the hearing committee's consideration.

### *Hearing Committee Report*

After considering the ODC's deemed admitted submission, the hearing committee made the following factual findings:

On August 14, 2023, the ODC received correspondence from Crescent Bank regarding respondent's trust account. The correspondence states, in pertinent part:

Due to a resent [sic] review of the account history, we have determined that checks are being written on behalf of Attorney Clayton P. Schnyder Jr. We are enclosing three copies of the checks payable to him with a memo description other than what we feel are allowable for an IOLTA account.

On September 13, 2023, the ODC sent notice to respondent requesting a response, but he failed to comply. The ODC spent the next three months attempting to contact respondent and elicit a response. His lack of response inhibited the ODC's ability to investigate and the committee's ability to create a full and clear record for the court. However, the deemed admitted facts and evidence submitted by the ODC support the conclusion that respondent violated the rules, as charged. The committee addressed each rule violation as follows:

Rule 1.1(c) – Respondent has continued to list 410 S. Rampart Street as his secondary registration address. According to the landlord, respondent has not been at that address since the spring of 2023. Accordingly, respondent has violated Rule 1.1(c).<sup>2</sup>

Rules 8.1(b) and 8.1(c) – Given the ODC's numerous and varied attempts to contact respondent (mail, phone, in-person, and email), it is hard to believe he was unaware of the ODC's investigation. He has not addressed the complaint or even contacted the ODC. Accordingly, respondent has violated Rules 8.1(b) and 8.1(c).

Rules 1.15(a) and 1.15(b) – Respondent made two payments of \$3,000 each to himself from his client trust account.<sup>3</sup> One payment was for “entertainment” and the other was for “renovations to 3063 N. Galvez,” which is respondent's primary address. The notations strongly suggest that payments were for his personal use. Respondent was either maintaining personal funds in his trust account, which is

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<sup>2</sup> The committee also found that respondent violated Rule 1.1(c) based on his ineligibility, which commenced on September 9, 2024. However, the formal charges were filed on August 12, 2024, prior to the time respondent became ineligible, and thus, do not mention his ineligibility.

<sup>3</sup> Due to a lack of evidence, the committee could not conclude that the payment to Keith Adams was not a legitimate use of the trust account.

commingling, or he was using client funds for his personal use, which is conversion. There is no evidence as to what type of funds (personal or client) were present in the trust account, but the facts create the presumption that respondent either commingled or converted funds, a presumption which respondent has failed to refute. Under either scenario, there is a violation of Rule 1.15(a) and/or 1.15(b).

Rule 8.4(a) - Respondent's violation of the foregoing rules establishes a derivative violation.

The committee determined that respondent violated duties owed to his clients and the legal profession. He acted knowingly, if not intentionally. Due to the lack of evidence in the record, actual harm to his clients cannot be determined. However, the potential for harm is certainly present whenever a lawyer uses trust account funds for personal expenses. After considering the ABA's *Standards for Imposing Lawyer Sanctions*, the committee found that the appropriate baseline sanction in this matter is suspension.

The committee determined that the following aggravating factors are present: a "significant" prior disciplinary record, a pattern of misconduct, bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with the rules or orders of the disciplinary agency, and substantial experience in the practice of law. The committee noted that due to respondent's lack of participation, the record contains no evidence of mitigating factors other than that the admonitions of 2000 and 2002 are remote in time. The committee also noted that the one mitigating factor does nothing to counterbalance the significant aggravating factors.

After further considering this court's prior jurisprudence addressing similar misconduct, the committee recommended that respondent be suspended from the practice of law for three years. The committee further recommended that respondent be assessed with the costs and expenses of this proceeding.

Neither respondent nor the ODC filed an objection to the hearing committee's report. Therefore, pursuant to Supreme Court Rule XIX, § 11(G), the disciplinary board submitted the committee's report to the court for review.

## **DISCUSSION**

Bar disciplinary matters fall within the original jurisdiction of this court. La. Const. art. V, § 5(B). Consequently, we act as triers of fact and conduct an independent review of the record to determine whether the alleged misconduct has been proven by clear and convincing evidence. *In re: Banks*, 09-1212 (La. 10/2/09), 18 So. 3d 57.

In cases in which the lawyer does not answer the formal charges, the factual allegations of those charges are deemed admitted. Supreme Court Rule XIX, § 11(E)(3). Thus, the ODC bears no additional burden to prove the factual allegations contained in the formal charges after those charges have been deemed admitted. However, the language of § 11(E)(3) does not encompass legal conclusions that flow from the factual allegations. If the legal conclusion the ODC seeks to prove (i.e., a violation of a specific rule) is not readily apparent from the deemed admitted facts, additional evidence may need to be submitted in order to prove the legal conclusions that flow from the admitted factual allegations. *In re: Donnan*, 01-3058 (La. 1/10/03), 838 So. 2d 715.

The record in this deemed admitted matter supports a finding that respondent failed to comply with his professional obligations, mishandled his trust account, and failed to cooperate with the ODC in its investigation. As such, he has violated the Rules of Professional Conduct as alleged in the formal charges.

Having found evidence of professional misconduct, we now turn to a determination of the appropriate sanction for respondent's actions. In determining a sanction, we are mindful that disciplinary proceedings are designed to maintain



high standards of conduct, protect the public, preserve the integrity of the profession, and deter future misconduct. *Louisiana State Bar Ass’n v. Reis*, 513 So. 2d 1173 (La. 1987). The discipline to be imposed depends upon the facts of each case and the seriousness of the offenses involved considered in light of any aggravating and mitigating circumstances. *Louisiana State Bar Ass’n v. Whittington*, 459 So. 2d 520 (La. 1984).

Respondent violated duties owed to his clients and the legal profession. He acted knowingly, if not intentionally. While his failure to participate in the ODC’s investigation has made it impossible to determine whether his clients were actually harmed, the potential for harm is apparent. His failure to cooperate with the ODC’s investigation caused actual harm to the legal profession in that the ODC was forced to unnecessarily expend its limited resources on the investigation of this matter. Considering the ABA’s *Standards for Imposing Lawyer Sanctions*, the applicable baseline sanction ranges from suspension to disbarment.<sup>4</sup> The record supports the aggravating and mitigating factors as found by the committee.

Turning to the issue of an appropriate sanction, we believe the case law cited by the hearing committee and the ODC is instructive. In *In re: Urbina*, 22-0394 (La. 5/10/22), 338 So. 3d 1165, the court imposed a one year and one day suspension upon an attorney who mishandled his trust account and failed to cooperate with the ODC in its investigation. In *In re: Martin*, 17-1288 (La. 10/16/17), 226 So. 3d 1108, the court imposed a two-year suspension upon an attorney who mishandled his trust account and failed to cooperate with the ODC in its investigation. The attorneys in *Urbina* and *Martin* had failed to answer the formal charges, allowing their matters to become deemed admitted, but neither attorney had a prior disciplinary record.

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<sup>4</sup> See Standard 4.12, which states that suspension is generally appropriate when a lawyer knows or should know that he is dealing improperly with client property and causes injury or potential injury to a client; and Standard 8.1(b), which states that disbarment is generally appropriate when a lawyer has been suspended for the same or similar misconduct and intentionally or knowingly engages in further similar acts of misconduct.

Unlike the attorneys in *Urbina* and *Martin*, respondent has a prior disciplinary record, which includes discipline for the same misconduct presently at issue.

Considering that two of respondent's prior instances of discipline addressed his failure to cooperate with the ODC in its investigations, the most recent of which occurred in 2019, we find that his continued failure to cooperate with the ODC's investigations is particularly egregious. *See In re: Boudreau*, 03-1890 (La. 12/3/03), 860 So. 2d 1119 (six-month suspension for failing to cooperate with the ODC in its investigation; the attorney had recently been disciplined for similar misconduct, and his continued failure to cooperate was thus found to be "particularly egregious"). Indeed, the court has imposed lengthy suspensions for repeated failures to cooperate with the ODC in its investigations. *See, e.g., In re: Fahrenholtz*, 09-0748 (La. 10/2/09), 18 So. 3d 751 (one year and one day suspension for knowingly, if not intentionally, failing to cooperate with the ODC in two investigations and failing to fulfill professional obligations).

Based on this case law, we agree that a lengthy period of suspension is an appropriate sanction for respondent's misconduct. Accordingly, we will adopt the hearing committee's recommendation and suspend respondent from the practice of law for three years.

### **DECREE**

Upon review of the findings and recommendation of the hearing committee, and considering the record, it is ordered that Clayton Paul Schnyder, Jr., Louisiana Bar Roll number 24212, be and he hereby is suspended from the practice of law for a period of three years. All costs and expenses in the matter are assessed against respondent in accordance with Supreme Court Rule XIX, § 10.1, with legal interest to commence thirty days from the date of finality of this court's judgment until paid.