

ORIGINAL

BEFORE THE BOARD OF COMMISSIONERS
ON
GRIEVANCES AND DISCIPLINE
OF
THE SUPREME COURT OF OHIO

09-0693

In Re:	:	
Complaint Against	:	Case No. 08-041
Edward Royal Bunstine Attorney Reg. No. 0030127	:	Findings of Fact, Conclusions of Law and Recommendation of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio
Respondent	:	
Disciplinary Counsel	:	
Relator	:	

INTRODUCTION

1. This matter came on for hearing on January 9, 2009, in Columbus, Ohio, before a Board panel consisting of Martha Butler, John Siegenthaler, and Judge Otho Eyster, Chair. None of the panel members resides in the district from which the complaint originated or served on the probable cause panel that certified this matter.

2. Appearing on behalf of Relator was Heather L. Hissom, Assistant Disciplinary Counsel; Respondent appeared pro se.

3. The parties entered into Agreed Stipulations on January 8, 2009. The stipulations are attached (Exhibit A) and were adopted by the panel.

<p>FILED</p> <p>APR 15 2009</p> <p>CLERK OF COURT SUPREME COURT OF OHIO</p>
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4. Respondent was admitted to the practice of law in Ohio in 1981. Respondent maintains a private law practice and until May of 2007 was employed as a part-time prosecutor working in the Chillicothe Municipal Court.

5. On August 7, 2006, Ryan Hammond was charged with resisting arrest and disorderly conduct in the Chillicothe Municipal Court.

6. On the same date, Respondent's wife wrote a letter (Exhibit B) on behalf of Hammond and his parents addressed to Chillicothe Municipal Court Judge John Street.

7. Respondent's wife is a personal friend of Hammond's parents. The letter to Judge Street closed with the typed signature line "Ed and Lynn Bunstine." Respondent knew that his name was on the letter. He personally delivered the letter to Judge Street's bailiff the following day, using his private law office envelope.

8. Ryan Hammond's case was assigned to Chillicothe Municipal Court Judge Thomas Bunch. At a pretrial conference in front of Judge Bunch on October 13, 2006, Respondent appeared in his capacity as a prosecuting attorney on behalf of the City of Chillicothe.

9. Respondent worked out a plea agreement whereby if defendant completed counseling sessions, then all charges would be dismissed.

10. Respondent did not recuse himself at the pretrial nor did he disclose the fact that he and his wife had sent a letter to Judge Street on behalf of the defendant.

11. Relator alleges Respondent's conduct violated the Code of Professional Responsibility, specifically: DR1-102(A)(5)(conduct that is prejudicial to the administration of justice); and DR 5-101(A)(1) (except with the consent of the client after full disclosure, a lawyer shall not accept employment if the exercise of professional

judgment on behalf of the client will be or reasonably may be affected by the lawyer's financial, business, property, or personal interest).

12. The panel finds by clear and convincing evidence that Respondent violated DR 1-102(A)(5). The panel finds the evidence insufficient to support the finding of a violation of DR 5-101(A)(1) and recommends this allegation be dismissed.

AGGRAVATION AND MITIGATION

13. The parties stipulated the following mitigating factors pursuant to BCGD Proc.Reg.10 (B)(2):

- a. Absence of prior disciplinary record;
- b. Full and free disclosure to disciplinary board or cooperative attitude toward proceedings.

14. The hearing panel found that Respondent still does not appreciate the wrongfulness of his actions.

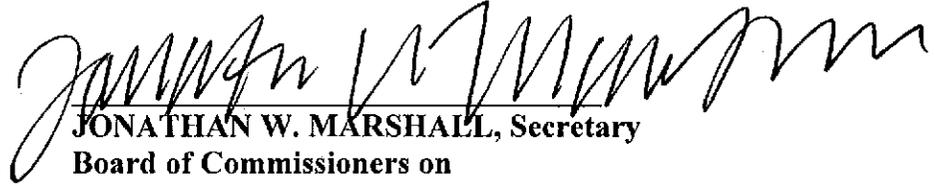
RECOMMENDED SANCTION

It is the recommendation of the panel that Respondent be suspended from the practice of law for six months with all six months stayed.

BOARD RECOMMENDATION

Pursuant to Gov. Bar Rule V(6)(L), the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio considered this matter on April 3, 2009. The Board adopted the Findings of Fact, Conclusions of Law, and Recommendation of the Panel and recommends that Respondent, Edward R. Bunstine, be suspended for six months with all six months stayed in the State of Ohio. The Board further recommends that the cost of these proceedings be taxed to Respondent in any disciplinary order entered, so that execution may issue.

**Pursuant to the order of the Board of Commissioners on
Grievances and Discipline of the Supreme Court of Ohio,
I hereby certify the foregoing Findings of Fact, Conclusions
of Law, and Recommendations as those of the Board.**

A handwritten signature in black ink, appearing to read 'Jonathan W. Marshall', written in a cursive style.

**JONATHAN W. MARSHALL, Secretary
Board of Commissioners on
Grievances and Discipline of
The Supreme Court of Ohio**

BEFORE THE BOARD OF COMMISSIONERS
ON GRIEVANCES AND DISCIPLINE
OF THE SUPREME COURT OF OHIO

Edward Bunstine
32 South Paint Street
Chillicothe, Ohio 45601

Attorney Registration No.: (0030127)

FILED

JAN 08 2009

BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

AGREED
STIPULATIONS
BOARD NO. 08-041

DISCIPLINARY COUNSEL
250 Civic Center Drive, Suite 325
Columbus, Ohio 43215-7411

AGREED STIPULATIONS

Relator, Disciplinary Counsel, and respondent, Edward Bunstine, do hereby stipulate to the admission of the following facts and exhibits.

STIPULATED FACTS

1. Respondent, Edward Bunstine, was admitted to the practice of law in the State of Ohio on May 11, 1981. Respondent is subject to the Code of Professional Responsibility and the Rules for the Government of the Bar of Ohio.
2. Until May 2, 2007, Respondent was a part-time prosecutor for the City of Chillicothe. As a part-time prosecutor, he worked in the Chillicothe Municipal Court.
3. Respondent also has a private law practice.

EXHIBIT A

4. While serving as a part-time prosecutor, Respondent's wife was contacted by the parent's of Ryan Hammond. Hammond had been charged with resisting arrest and disorderly conduct on or about August 7, 2006.
5. Hammond's parents expressed concern for their son and his need for mental health counseling.
6. On or about August 7, 2006, Respondent's wife wrote a letter to Judge Street of the Chillicothe Municipal Court on behalf of Hammond. Respondent delivered the letter to Judge Street's bailiff. Hammond was scheduled to appear before Judge Street for arraignment on August 7, 2006.
7. Respondent was assigned as the prosecutor to handle cases in Judge Bunch's courtroom on October 13, 2006. Hammond's case was scheduled for initial pre-trial on that date. Hammond was represented by counsel.
8. Respondent did not recuse himself from the pre-trial.
9. Respondent worked out a plea agreement whereby Hammond would receive sixteen (16) weeks of counseling monitored by the court. If the counseling was successfully completed, the charges would be dismissed.
10. After the pre-trial, the case was transferred to another prosecutor.

STIPULATED VIOLATIONS AND SANCTION

Relator and respondent have been unable to reach stipulations as to violations and sanction. The parties leave the determination of whether or not violations have been proven by clear and convincing evidence to the discretion of the panel.

STIPULATED AGGRAVATION AND MITIGATION

Relator and Respondent stipulate to the following mitigating factors pursuant to BCGD Proc. Reg. § 10 (B)(2):

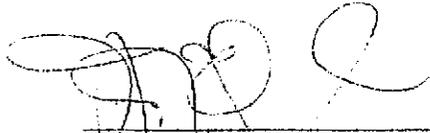
- (a) absence of a prior disciplinary record;
- (b) full and free disclosure to disciplinary board or cooperative attitude toward proceedings.

STIPULATED EXHIBITS

- Exhibit 1 Criminal Complaint dated August 7, 2006
- Exhibit 2 Criminal Complaint dated August 7, 2006
- Exhibit 3 Correspondence to Judge Street from Respondent
- Exhibit 4 Notice of Pre-Trial hearing
- Exhibit 5 Law Director's Case Action Report
- Exhibit 6 Parties request for subsequent proceedings
- Exhibit 7 Plaintiff's Motion to Dismiss or Amend Complaint
- Exhibit 8 Transcript of October 13, 2006 pre-trial
- Exhibit 9 Affidavit of Ron Hammond
- Exhibit 10 Affidavit of Yvonne Hammond
- Exhibit 11 Copy of envelope that contained correspondent to Judge Street from Respondent

CONCLUSION

The above are stipulated to and entered into by agreement by the undersigned parties on this 8th day of January, 2009.



Jonathan E. Coughlan (0026424)
Disciplinary Counsel

Edward Bunstine (0030127)
Respondent
32 South Paint Street
Chillicothe, Ohio 45601

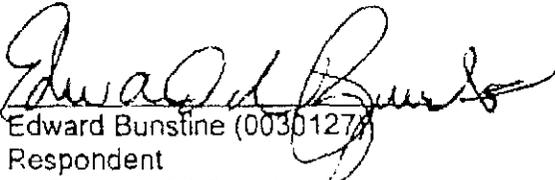


Heather L. Hissom (0068151)
Assistant Disciplinary Counsel

CONCLUSION

The above are stipulated to and entered into by agreement by the undersigned parties on this 3rd day of ~~December~~, 2008
JAN 2009

Jonathan E. Coughlan (0026424)
Disciplinary Counsel


Edward Bunstine (0030127)
Respondent
32 South Paint Street
Chillicothe, Ohio 45601

Heather L. Hissom (0068151)
Assistant Disciplinary Counsel

Dear Judge Street:

This past Saturday night Ron and Yvonne Hammond called 911 because their son, Ryan, was uncontrollable and behaving in a destructive manner. Although alcohol played a part in his behavior, Ryan suffers from some severe psychological problems.

Ron and Yvonne Hammond are personal friends of ours and Ryan comes from a stable family environment.

Ron and Yvonne believe that Ryan is bipolar and / or has other mental health issues. There are times when he is not cognizant of his surroundings, and has threatened suicide on numerous occasions, the last being this past weekend.

It is their understanding that the counselors at I-A were in contact with Ryan on Sunday at the jail. The counselors at I-A feel that Ryan needs intervention, but it is up to Ryan to contact them for the help. Ryan has indicated in the past that he knows that he has issues, but has refused counseling and / or drug intervention.

The Hammonds would request at this time that the court order mandatory mental health intervention as a contingency to Ryan's bond. If not ordered by the court Ryan will not receive the treatment that he desperately needs and will continue to remain a physical threat to others as well as himself.

Ed and Lynn Bunstine

STATE OF OHIO:

SS

COUNTY OF ROSS:

I, Tina E. Largo, Clerk of the Chillicothe Municipal Court, within and for said County, hereby certify that the above and foregoing is truly taken and copied from the original

now on file in my office.

Witness my hand and seal of said Court this

15 day of Dec A.D. 2008

Tina E. Largo, Clerk

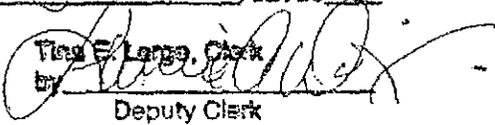
by  Deputy Clerk

EXHIBIT B