

IN THE SUPREME COURT OF OHIO

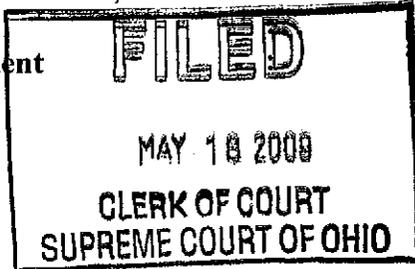
ORIGINAL

Disciplinary Counsel, :  
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Relator: :  
:  
:  
V :  
:  
Edward Royal Bunstine, :

Case No. 09-0693

Respondent's Objections to the Findings and / or Recommendations of the Board and to the Entry of a Disciplinary Order or to the confirmation of the report on which the order to show cause was issued

Respondent



On April 29, 2009, Respondent received an Order to Show Cause issued by the Honorable Chief Justice Thomas J. Moyer of The Supreme Court of Ohio.

Pursuant to the Gov. Bar Rule V. (8) (B), Respondent files objections to the findings and recommendations of the Board of Commissioners on Grievances and Discipline and to the entry of the disciplinary order or to the confirmation of the report on which the order to show cause was issued.

To be specific, Respondent submits the following objections:

Objection One(1): Respondent would object to Finding Number Five (5), which reads as follows:

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

Respondent objects to this Finding because the Finding is incorrect. Ryan Hammond was actually charged with resisting arrest and disorderly conduct on Saturday, August 5, 2006, and not on August 7, 2006.

**Objection Two (2):** Respondent would object to Finding Number Six (6), which reads as follows:

*“On the same date (being August 7, 2006), Respondent’s wife wrote a letter (Exhibit B) on behalf of Hammond and his parents addressed to Chillicothe Municipal Court Judge John Street.”*

Respondent contends that the Finding contains two (2) mistakes. First, at no time was Respondent’s wife writing a letter on behalf of Defendant Ryan Hammond. The letter was written on behalf of Ron and Yvonne Hammond, parents of Defendant Ryan Hammond, who were the victims of the conduct of the Defendant. Secondly, Ryan Hammond was arrested on August 5, 2006. Respondent’s wife did not write the letter until Monday, August 7, 2006.

**Objection Three(3):** Respondent would object to Finding Number Ten (10), which reads as follows:

*“Respondent did not recuse himself at the pre-trial nor did he disclose the fact that he and his wife had sent a letter to Judge Street on behalf of the Defendant.”*

First, Respondent and his wife did not send a letter to Judge Street on behalf of Defendant Ryan Hammond. Again, the letter was written on behalf of Ron and Yvonne Hammond, parents of Defendant Ryan Hammond who were the victims of the conduct of the Defendant. Secondly, the letter (Exhibit B) is in fact part of the court file and constitutes a public record. A copy of the letter was sent to the Public Defenders Office after Ryan Hammond was appointed a public defender. Additionally, since the letter was part of the court file, the letter was available to any person(s) that wanted to review the court file.

**Objection Four (4):** Respondent would object to Finding Number Twelve (12), which reads in part:

*“The panel finds by clear and convincing evidence that Respondent violated DR 1 – 102(A)(5).”*

Respondent would argue that the evidence submitted did not support a finding that Respondent engaged in conduct that was prejudicial to the administration of justice.

**Objection Five (5):** Respondent would object to Finding Number Fourteen (14) which reads as follows:

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

Respondent is attaching a copy of the Panel Report to his brief in support of said objections. The Hearing Panel Report did not make this finding.

**Objection Six (6):** Respondent would object to the Recommended Sanction, which reads as follows:

*“It is the recommendation of the panel that Respondent be suspended from the practice of law for six (6) months with all six months stayed.”*

Respondent would contend that he did not violate DR 1-102(A)(5), and that this matter should be dismissed.

**Objection Seven (7):** Respondent would object to the Board Recommendation that reads in part:

*“Pursuant to Gov. Bar Rule V(6)(L), the Board . . . recommends that Respondent . . . be suspended for six months with all six months stayed in the State of Ohio . . . “*

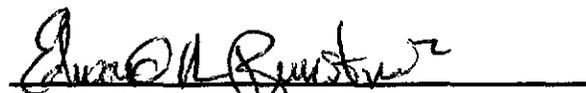
Respondent would contend that he did not violate DR 1-102(A)(5), and that this matter should be dismissed.

**Objection Eight (8):** The Hearing Panel Report that Respondent received does not comply with Gov. Bar Rule V(6)(J), and the Hearing Panel Report and the Board Report contained a document that violates the Rules of Evidence, was inadmissible, resulting in prejudicial error in the proceedings.

  
EDWARD R. BUNSTINE II  
Supreme Court No. 0030127  
32 South Paint Street  
Chillicothe, Ohio 45601  
(740) 775-5600

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was delivered to Jonathan W. Marshall, Secretary, Board of Commissions on Grievances and Discipline of The Supreme Court of Ohio, 65 South Front Street, 5<sup>th</sup> Floor, Columbus, Ohio 43215-3431, and Heather L. Hissom, Assistant Disciplinary Counsel, 250 Civic Center Drive, Suite 325, Columbus, Ohio 43215-7411, by regular mail or personal delivery upon this 17<sup>th</sup> day of May 2009.

  
EDWARD R. BUNSTINE II  
Attorney at Law

IN THE SUPREME COURT OF OHIO

Disciplinary Counsel,	:	Case No. 09-0693
	:	
Relator,	:	
	:	
V	:	On Objections to the Findings and
	:	Recommendations Of the Board of
Edward Royal Bunstine,	:	Commissioners on Grievances and
	:	Discipline of The Supreme Court of
	:	Ohio, Case No. 08-041
Respondent.	:	

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BRIEF OF RESPONDENT EDWARD ROYAL BUNSTINE

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Supreme Court No. 0068151

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**TABLE OF AUTHORITIES**

**CASES:**

None

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## STATEMENT OF FACTS

On January 9, 2009, Respondent appeared for a disciplinary hearing before a three (3) panel consisting of Martha L. Butler, Attorney John Siegenthaler, and the Honorable Judge Otho Eyster (panel chair).

Sometime after the hearing, the panel evidently filed a Hearing Panel Report with the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio. Attached to the Appendix is a copy of the Hearing Panel Report.

On or about April 15, 2009, Respondent received Findings of Fact, Conclusions of Law and Recommendation of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio. Attached to the Appendix is a copy of said filing.

On April 29, 2009, Respondent received an Order to Show Cause issued by the Honorable Chief Justice Thomas J. Moyer of the Supreme Court of Ohio.

Pursuant to Gov. Bar Rule V (8)(B), Respondent filed objections to the findings and recommendations of the Board and to the Entry of a disciplinary order or to the confirmation of the report on which the order to show cause was issued.

The facts, which gave rise to the disciplinary action filed against Respondent, are as follows.

Ryan Hammond is the son of Ron and Yvonne Hammond. Ryan Hammond lives with his parents. Ryan Hammond suffers from mental health issues, including being bipolar, with suicidal and anger tendency.

On August 5, 2006, Ryan Hammond was at his home with his parents and he had one of his episodes. Ryan Hammond was out of control. Ron and Yvonne Hammond tried to settle their son down. Ryan Hammond became more out of control, and his parents could not handle him. Yvonne Hammond called the Ross County Sheriff's Department

and a unit was dispatched to the Hammond home. Ryan Hammond would still not calm down.

At the request of the parents, Ryan Hammond was placed under arrest for disorderly conduct (victim being his mother Yvonne Hammond) and resisting arrest. Ryan Hammond was put in jail.

Respondent's wife attends the same church that Ron and Yvonne Hammond attend. Ron and Yvonne Hammond contacted Respondent's wife.

Ron and Yvonne Hammond wanted the Court to be aware of their son's mental health issues, specifically his threats of suicide, and they believed that he could be a threat to public safety. They wanted the court to know that their son needed help. They wanted the court to order a mental health evaluation for Ryan Hammond as a condition of bond. They wanted the court to order that Ryan Hammond seek mandatory counseling at the Scioto Paint Valley Mental Center as a condition of bond.

Respondent does not know Ryan Hammond. Respondent has never had a conversation with Ryan Hammond. Respondent had no conversation with Ron and Yvonne Hammond about the incident. Respondent is catholic and is a member of a different church. Respondent has never been at the home of Ron and Yvonne Hammond. Respondent has never gone out to dinner with Ron and Yvonne Hammond.

After Ryan Hammond was incarcerated, a representative from the Scioto Paint Valley Mental Health Center was called and that representative evaluated Ryan Hammond. Ron Hammond posted bond for his son and his son was released to his care. Respondent and Respondent's wife were unaware of this fact, both learning about this at the disciplinary hearing. Ryan Hammond was ordered to appear in Chillicothe Municipal court on Monday, August 7, 2006 at 9:00 a.m. for arraignment. Respondent's wife wrote a letter to the arraignment Judge, being the Honorable John B. Street. The letter was typewritten and signed "Ed and Lynn Bunstine". The letter is identified as Exhibit B.

The letter was submitted on behalf of Ron and Yvonne Hammond. Ron and Yvonne Hammond wanted the court to set bond conditions on their son because of his mental health issues. The letter was submitted because Ron and Yvonne Hammond were concerned about their son committing suicide and being a threat to public safety. When Ron Hammond posted his son's bond (1) day before his arraignment, all he did was post the money pursuant to the jail bond schedule. Ron and Yvonne Hammond wanted additional bond conditions on their son, not less conditions.

Respondent delivered the letter to court prior to the arraignment of Ryan Hammond. Ryan Hammond appeared at his arraignment and a public defender was appointed to represent him. Ron Hammond could not appear at his son's arraignment because of his work schedule. The public defender entered a plea of not guilty for Ryan Hammond. A copy of the letter was given to the public defender's office and the original letter is part of the court file.

Respondent, at the time of the incident, was a part-time prosecutor for the City of Chillicothe.

Ryan Hammond's case was assigned to the Honorable Judge Thomas Bunch. At the pre-trial conference on October 13, 2006, Respondent appeared in his capacity as a prosecuting attorney on behalf of the City of Chillicothe. Respondent worked out a plea agreement whereby if Defendant completed a sixteen (16) week counseling session at the Scioto Paint Valley Mental Healthy Center, then the charges would be dismissed.

The Defendant, Ryan Hammond, did not complete counseling per the plea agreement, so the case was set for a new pre-trial hearing and prosecution was recommenced. Ryan Hammond failed to appear for the pre-trial hearing. Under a new prosecutor, Ryan Hammond was given a second chance to complete the sixteen (16) week counseling program. Ryan Hammond did finally complete the counseling program and, therefore, the charges were dismissed by Prosecutor John Fosson.

## ARGUMENT

### Proposition of Law No. 1:

Disciplinary Council failed to submit sufficient evidence for the Panel Board to find that by clear and convincing evidence, Respondent engaged in conduct that was prejudicial to the administration of justice in violation of DR 1-102(A)(5).

\* \* \*

What is the definition of conduct that is prejudicial to the administration of justice? Respondent would define this phrase to mean that Respondent exhibited conduct which was bias, thereby the Respondent would be unable to exercise the function or purpose for which he was so employed.

The letter that gave rise to this disciplinary action was not sent or created for the benefit or on behalf of Defendant Ryan Hammond. Disciplinary counsel has argued that the letter was prepared and sent on behalf of the Defendant. In fact, Disciplinary Counsel argues that Respondent was advocating for Defendant Ryan Hammond. That is absolutely false and not supported by the evidence.

Respondent has objected to Board Findings Number Six (6) and Findings Number Ten (10). In both of these Findings, the Board found that the letter was sent to the court on behalf of the Defendant Ryan Hammond. The letter was written on behalf of Ron and Yvonne Hammond. They wanted the court to know that their son had threatened suicide on numerous occasions, and that he was a threat not only to himself, but to public safety. The letter is requesting that additional bond conditions be placed on their son.

I would agree that the letter could have been written better. Had I been paying closer attention, then the letter would have been written clearer. The letter was written by Respondent's wife with the right intentions. The letter states as follows:

**“The Hammonds would request at this time that the court order mandatory mental health intervention as a contingency to Ryan’s bond.”**

Ron and Yvonne Hammond were asking the court for additional bond conditions, not less bond conditions.

Does the letter in and of itself support a finding that Respondent engaged in conduct that was prejudicial to the administration of justice. The answer is no. Does the letter reflect a bias or prejudice for or against Ryan Hammond. The answer is no. The letter tells the court that Ryan Hammond has mental health problems and he needs help. Notifying the court of this problem is the right conduct, and not the wrong conduct.

We had a high school student who committed suicide after the Chillicothe High School Prom. My wife had known that student since he was a baby. The suicide of that student was a tragedy that affected our community and our lives. My wife did not want to see that happen again and she is right. Ryan verbalized that he was going to kill himself. And, that is why the letter was written.

Respondent supports the intent and purpose of the letter that was prepared by Respondent’s wife. Had I been paying closer attention, I would have changed the way that the letter was written. However, for the Board to find that the letter was written on behalf of Ryan Hammond is simply not true.

Respondent objects to Board Finding Number Ten (10). Respondent would agree that he did not recuse himself from handling the pre-trial because Respondent did not believe that he had a bias or prejudice against or for Ryan Hammond. Furthermore, Respondent disagrees that he did not disclose the fact that he and his wife had sent a letter to Judge Street on behalf of the Defendant.

The letter was sent to the public defenders office. The letter is part of the court file. The letter was available for any person to read who would look at the court file. Nothing was hidden or kept secret.

Did Respondent violate DR 1-102(A)(5) by not recusing himself at the pre-trial. Respondent would argue that he did not. Again, it would seem that the Board is saying that I should have recused myself because they concluded that I sent the letter on behalf of the Defendant.

If the letter had been sent on behalf of Defendant, then I would agree with the Board and I would have recused myself. However, the letter was not sent on behalf of the Defendant. It was sent on behalf of Ron and Yvonne Hammond, who were the victims of the Defendant's actions.

Even to this day, the Respondent has never met or spoken to the Defendant Ryan Hammond. Respondent has never spoken to Ron and Yvonne Hammond, except for at the pre-trial hearing. Respondent spoke to the arresting officer and Ron and Yvonne Hammond at the pre-trial because they were the victims of the Defendant's actions and for the purpose of discussing the plea agreement.

There is no evidence that I did not prosecute this case correctly. In fact, everyone seems to agree that I did prosecute this case correctly. Respondent handled this case no differently than any other similar case. The facts prove that. Ryan Hammond did not complete the sixteen (16) week counseling program, so the case was put back on the active docket for a new pre-trial hearing. The pre-trial hearing was scheduled on April 20, 2007. The Defendant failed to appear at the pre-trial. Ultimately, the Defendant was given a second chance to complete the sixteen (16) week program by another prosecutor. The Defendant completed the program and the other prosecutor dismissed the charges.

The Board seems to be indicating that Respondent engaged in conduct prejudicial to the administration of justice by not reusing himself from the prosecution of this case

because, again, they contend that the letter was sent on behalf of Ryan Hammond. If the letter had been sent on behalf of Ryan Hammond, Respondent would have recused myself from the case.

Finally, Respondent objects to Board Finding No. Fourteen (14), which reads as follows:

“The hearing panel found the Respondent still does not appreciate the wrongfulness of his actions.”

Respondent would request that the court examine the Hearing Panel Report that is attached. Respondent would indicate that this finding is not in the Hearing Panel Report. Irrespective of this fact, Respondent elects to respond.

The letter was submitted with only the best intentions. The letter was sent to prevent a tragedy. How could that be wrong.

Respondent prosecuted Ryan Hammond fairly, honestly, and justly. So did the second prosecutor who ultimately dismissed this case.

The letter was sent on behalf of Ron and Yvonne Hammond. The letter was never sent on behalf of Ryan Hammond.

The letter was in the court file available for anyone’s review, where it remains today. A copy of the letter was given to the public defender that represented Ryan Hammond. Respondent believes that this constitutes disclosure.

Respondent contends that he did not engage in conduct that was prejudicial to the administration of justice. Respondent understands the fact that he could have used better judgment.

The term “prejudice” is a state of mind. Prejudice can only be proven by a persons, actions or words. Was Respondent prejudiced for or against Defendant Ryan Hammond? The answer is no, and there existed no evidence to support this conclusion.

Was the administration of justice not served or circumvented in some fashion. The answer is no.

Respondent contends that at all times he acted consistent with maintaining the integrity and competency of the legal profession. Respondent contends that there was not clear and convincing evidence presented to conclude that Respondent engaged in conduct that was prejudicial to the administration of justice.

**Proposition of Law No. 2**

The Hearing Panel Report did not comply with Gov. Bar Rule V (6)(J) and the Hearing Panel Report and the Board Report contained a document that was not part of the disciplinary action or proceeding and as a result, the Board Report should be vacated and set aside.

\* \* \*

The Hearing Panel Report and the Findings of Fact, Conclusions of Law and Recommendations of the Board of Commissions on Grievances and Discipline of the Supreme Court of Ohio are located in the Appendix.

The Hearing Panel Report that was sent to Respondent was signed by two (2) of the three (3) panel members. Gov. Bar Rule V(6)(J) reads in part:

“If the hearing panel determines by clear and convincing evidence, that respondent is guilty of misconduct . . . the hearing panel shall file its certified report of the proceedings . . . with the Secretary.”

Respondent would argue that the Hearing Panel Report must be unanimous and signed by all three (3) panel members and certified to be in compliance with Gov. Bar Rule V(6)(J). If the Hearing Panel Report was not signed by all three (3) panel members and not certified, then the review by the entire Board pursuant to Gov. Bar Rule V(6)(K) could not have occurred, thereby making the Board Report void.

**Respondent is cognizant of Gov. Bar Rule V(6)(D)(3), which reads in part:**

**" A majority of the panel shall constitute a quorum"**

**This provision simply means that a hearing panel can consist of just two (2) members. Respondent would argue that this hearing panel had three (3) members and all three (3) members must be unanimous in their decision. That is what is the rule if the panel wanted to dismiss the complaint. The same rule should apply if the panel wants to proceed on the complaint.**

**Furthermore, attached to the Hearing Panel Report was an article from the Columbus Dispatch dated February 20, 2009. Respondent would acknowledge the motion to strike and remove filed by the Secretary of the Board. Someone used the Dispatch article, otherwise it would not have been attached to the Hearing Panel Report. The use of the Dispatch article would constitute prejudicial error against the Respondent and, as a result, the Hearing Panel Report should be vacated.**

**Pursuant to Gov. Bar Rule V(6)(K), the Hearing Panel Report is reviewed by the entire Board of Commissioners on Grievances and Discipline of the Supreme Court. Gov. Bar Rule V(6)(L) reads in pertinent part:**

**"If the Board determines . . . the Board should file a final certified report of its proceedings, including its findings of fact and recommendations, with the Clerk of the Supreme Court."**

**In regard to Findings of Fact, Conclusions of Law, and Recommendations of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio, the Respondent has two (2) concerns.**

**First, attached to the Board Report was the same article from the Columbus Dispatch dated February 20, 2009. Again, the Board Secretary has stated that the article was not introduced into evidence or made part of the record before the Board and is not**

related to this disciplinary matter. I believe Secretary Marshall. However, each Board member receives a copy of the Hearing Panel Report. If it was attached to the Hearing Panel Report then each Board member saw the article.

This is Respondent's life that we are talking about. The use of the Dispatch article constitutes prejudicial error against Respondent.

Secondly, Respondent objects to Finding No. Fourteen (14) of the Board Report, which reads as follows:

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

Again, this Finding is not contained in the Hearing Panel Report. It is clear that the entire Board would have taken this Finding into consideration when reviewing this matter. This Finding would prejudice the Respondent and, as a result, the Board Report should be vacated.

**CONCLUSION**

Respondent would respectfully request this Court to overrule and vacate the Findings of Fact, Conclusions of Law, and Recommendation of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio, for the reasons state herein.



**EDWARD R. BUNSTONE II**  
Supreme Court No. 0030127  
32 South Paint Street  
Chillicothe, Ohio 45601  
(740) 775-5600

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was delivered to Jonathan W. Marshall, Secretary, Board of Commissions on Grievances and Discipline of The Supreme Court of Ohio, 65 South Front Street, 5<sup>th</sup> Floor, Columbus, Ohio 43215-3431, and Heather L. Hissom, Assistant Disciplinary Counsel, 250 Civic Center Drive, Suite 325, Columbus, Ohio 43215-7411, by regular mail or personal delivery upon this 17<sup>th</sup> day of May 2009.

  
EDWARD R. BUNSTINE II  
Attorney at Law

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

In re:

Complaint Against

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

RESPONDENT,

Disciplinary Counsel  
250 Civic Center Drive  
Suite 325  
Columbus, Ohio 43215-7411

RELATOR.

Bd. Case No.: 08-041

*09-0693*

**PANEL REPORT**

**INTRODUCTION**

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

2. Appearing on behalf of the Relator was Heather L. Hissom, Assistant Disciplinary Counsel; the 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.

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 completed counseling sessions on the Defendant's part would lead to dismissal of all charges.

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: DR 1-102(A)(5), (A lawyer shall not engage in 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.

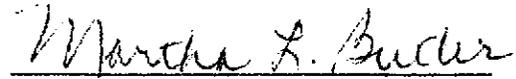
### **AGGRAVATION AND MITIGATION**

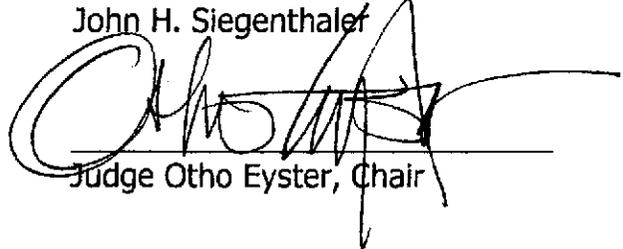
13. The parties stipulated the following mitigating factors pursuant to BCGD Proc. Reg. §10 (B)(2):

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

### **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.

  
\_\_\_\_\_  
Martha L. Butler

\_\_\_\_\_  
John H. Siegenthaler  
  
\_\_\_\_\_  
Judge Otho Eyster, Chair

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 8<sup>th</sup> day of January, 2009.

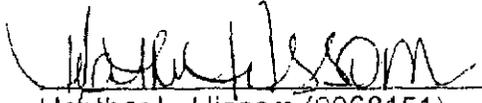


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Jonathan E. Coughlan (0026424)  
Disciplinary Counsel

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



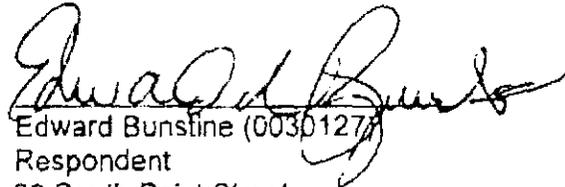
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Heather L. Hissom (0068151)  
Assistant Disciplinary Counsel

CONCLUSION

The above are stipulated to and entered into by agreement by the undersigned parties on this 3<sup>rd</sup> 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 1-A were in contact with Ryan on Sunday at the jail. The counselors at 1-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:

ES

COUNTY OF HOSS:

I, Tina E. Larga, 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. 2009

Tina E. Larga, Clerk

by  Deputy Clerk

EXHIBIT B

EX-CHILLICOTHE LAW DIRECTOR

## Lawyer found guilty of disorderly conduct

By Randy Ludlow  
THE COLUMBUS DISPATCH

CHILLICOTHE, Ohio — A lawyer scheduled to go on trial on charges of tampering with records and obstruction of justice entered a plea agreement and was convicted of two misdemeanor counts.

Edward Banstine, a former Chillicothe law director, pleaded no contest yesterday to two counts of disorderly conduct. He was convicted and fined \$300 by visiting Judge James Luse in Ross County Common Pleas Court.

Paul Scarsella, chief of the

special-prosecutions section of the Ohio attorney general's office, said a spokeswoman said the plea agreement spared some elderly theft victims the stress of testifying in the case.

Banstine was charged with creating false documents in an attempt to mislead criminal investigators, and with inducing a witness to withhold testimony in a theft case against a client, Scarsella said.

Banstine faces disciplinary proceedings before the Ohio Supreme Court's Board of Commissioners on Grievances and Discipline.

rludlow@dispatch.com

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

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

**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.

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', is written over a horizontal line.

**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):

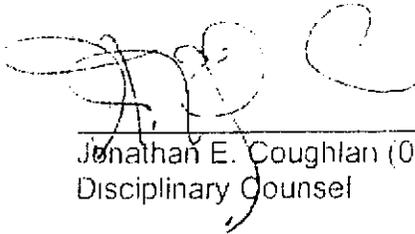
- (a) absence of a prior disciplinary record;
- (b) full and free disclosure to disciplinary board or cooperative attitude toward proceedings.

### 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

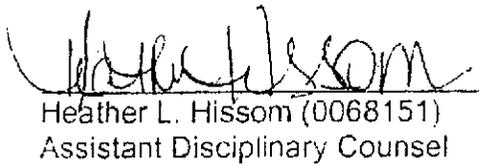
CONCLUSION

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



Jonathan E. Coughlan (0026424)  
Disciplinary Counsel

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

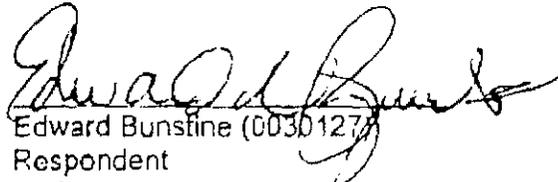


Heather L. Hissom (0068151)  
Assistant Disciplinary Counsel

CONCLUSION

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JAN 2009

\_\_\_\_\_  
Jonathan E. Coughlan (0026424)  
Disciplinary Counsel

  
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32 South Paint Street  
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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. Larga, 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. 2005

Tina E. Larga, Clerk

by  Deputy Clerk

EXHIBIT B

EX-CHILLICOTHE LAW DIRECTOR

## Lawyer found guilty of disorderly conduct

By Randy Ludlow  
Staff Writer & Reporter

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Binstine faces disciplinary proceedings before the Ohio Supreme Court's Board of Commissioners on Grievances and Discipline.

rludlow@dispatch.com

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

**STATEMENT OF NECESSARY EXPENSES**

Case No. 08-041  
Disciplinary Counsel, Relator v.  
Edward Royal Bunstine, Respondent

Postage	\$ 22.95
Federal Express	15.79
Martha L. Butler Necessary Expenses	148.25
Judge Otho S. Eyster Necessary Expenses	75.50
John H. Siegenthaler Necessary Expenses	212.60
Elliott & Associates Attendance and Transcript	<u>724.75</u>
	\$ 1,199.84