

IN THE SUPREME COURT OF OHIO

FILED
JAN 07 2013
CLERK OF COURT
SUPREME COURT OF OHIO

Disciplinary Counsel : Case No. 2012-2049
 Relator, :
 V : Respondent's Objections to the Findings
 Edward Royal Bunstine : and / or Recommendations of the Board
 Respondent. : or to the confirmation of the report on
 : or to the confirmation of the report on
 : which the order to show cause was issued
 :

On December 19, 2012, Respondent received an Order to Show Cause issued by the Honorable Chief Justice Maureen O'Connor of The Supreme Court of Ohio.

Pursuant to Gov. Bar Rule V. (8) (B), Respondent files Objections to the Findings and Recommendations of the Board of Commissions 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 case was issued.

To be specific, Respondent submits the following objections:

OBJECTION ONE (1): Respondent would object to a part of Finding Number Five (5), which reads in part as follows:

"The Panel finds that Respondent violated two Rules of Professional Conduct and recommends that Respondent be suspended from the practice of law for one year, with six months stayed."

Respondent objects to this Finding alleging that the evidence did not support this Finding.

OBJECTION TWO (2): Respondent would object to Finding Number Sixteen (16) for supplemental purposes. Respondent has no problem with this Finding, although the attorney fee quote of \$500.00 was given to Ashley Holdren back in the third week of June, 2010, when Ashley Holdren called the office of Respondent.

OBJECTION THREE (3): Respondent would object to Finding Number Seventeen (17), which reads as follows:

“Respondent stated that she “could get rid of her fiancé,” take her “kids to the babysitter,” and answer the “door naked” or that he could come down to her house and that she could “answer the door naked.” Hearing Tr. 88 – 89.

Respondent testified that he never asked Ashley Holdren to get rid of her fiancé or to take the kids to the babysitter. *Hearing Tr. Page 40, Lines 16 – 21.* Evidently, this Finding of the Panel / Board is solely based upon the testimony of Ashley Holdren.

OBJECTION FOUR (4): Respondent would object to Finding Number Eighteen (18), which reads as follows:

“Respondent does not dispute that the foregoing statement was made to Holdren”

Respondent assumes that the Panel / Board is referring to the Findings made in Finding Number Seventeen (17). Why this Finding was made when the hearing transcript and the

testimony of Respondent reflects the complete opposite is unknown. *Hearing Tr. Page 40, Lines 16 – 21.* Again, Respondent, in his testimony, absolutely disputed making these statements to Ashley Holdren.

OBJECTION FIVE (5): Respondent would object to Finding Number Twenty (20), which reads as follows:

“During the course of the hearing, one of the issues that attracted the Panel’s attention was whether or not an attorney-client relationship was established during the July 16, 2010 meeting between Respondent and Ashley Holdren. The evidence addressed at the hearing demonstrated that the motion filed in the new Pike County case involved the same underlying facts as were filed in the original Ross County case. In fact, on July 14, 2010, Holdren attended a hearing in Pike County Juvenile Court, at which time she state that Respondent would be her potential attorney and the hearing was continued to July 21, 2010. Furthermore, Respondent admitted that one of the reasons for ultimately driving to Holdren’s place of residence was to obtain documents in anticipation of a continued representation of her. Id. at 60.”

Finding Number Twenty (20) is a Finding by the Panel / Board that an attorney – client relationship was established during the July 16, 2010 meeting between Respondent and

Ashley Holdren. There was no attorney – client relationship established at the meeting. Ashley Holdren and Lynn Bunstine testified that Respondent agreed to represent Ashley Holdren on the condition that Respondent’s wife would be present at all meetings and the hearing. This occurred on Sunday, July 18, 2010. *Hearing Tr. Page 161 – 162.*

OBJECTION SIX (6): Respondent would object to Finding Number Twenty-One (21), which reads as follows:

“At the hearing, Respondent introduced Exhibit H into evidence, a handwritten map from Respondent’s office to Holdren’s residence. Holdren did not authenticate this map as being her handwriting.”

Respondent would object to this Finding. It is true that Holdren did not authenticate his map as being her handwriting. However, she told Disciplinary Counsel that she wrote the map because it was in the pleadings filed by Disciplinary Counsel. Secondly, Respondent testified that he saw Ashley Holdren draw the map. *Hearing Tr. Page 38, Lines 12 – 13.* Additionally, witness, Lynn Bunstine, testified that Ashley Holdren told her she had written (drawn) the map. *Hearing Tr. Page 160, Lines 3 - 7.*

OBJECTION SEVEN (7): Respondent would object to a part of Finding Numbers Twenty-Two (22) and Twenty-Three (23). Ashley Holdren testified that she told Respondent not to come to her house. Respondent testified that Ashley Holdren invited Respondent to come to her house.

OBJECTION EIGHT (8): Respondent would object to Finding Number Twenty-Five (25). Five witnesses were called at the July 21, 2010 hearing in Pike County. The matter was not continued to a new date. Respondent's wife left Respondent on the day of the incident, which was July 16, 2010, not after the hearing. *Hearing Tr. Page 160, Line 24; Page 161, Lines 1 - 2.*

OBJECTION NINE (9): Respondent would object to Finding Twenty-Seven (27). Respondent contends that there was insufficient evidence to find, by clear and convincing evident, that Respondent violated Prof. Cond. R. 1.8(j); and Prof. Cond. R. 8.4(h).

OBJECTION TEN (10): Respondent objects to Finding Twenty-Nine (29) which reads as follows:

“There is no dispute that a statement was made by Respondent to solicit sexual activity. Respondent's own conduct in driving 35 minutes to the Holdren's home within a short time after the office meeting manifested a clear intention on his part to obtain an alternative means of payment for the representation of Holdren in the Pike County visitation matter.”

Respondent would object to the Finding. Respondent asked a question for the purpose of hearing the response. Respondent did not drive down to the home of Ashley Holdren to receive a means of alternate payment. Asking a question for the purpose of learning the answer (especially this question) does not equate to a finding that the statement was made by Respondent to solicit sexual activity. Did Respondent solicit Ashley Holdren to have

sex. The answer is NO. Did Respondent tell Ashley Holdren that Respondent would represent her if she had sex with Respondent. Again, the answer is no. Did Respondent tell Ashley Holdren that Respondent would represent her if she answered the door naked. Again, the answer is no. Respondent told his wife where Respondent was going and took the office camera for the purpose of taking photographs to be used for litigation.

OBJECTION ELEVEN (11): Respondent would object in part to Finding Thirty (30) which reads in part:

“ . . . Clearly, Holdren perceived that Respondent’s comment constituted solicitation. That comment meant that Respondent was soliciting sex for services.”

Respondent would object to this Finding. First of all, Respondent asked Ashley Holdren a question for the purpose of hearing the answer. Ashley Holdren testified that she assumed the Respondent wanted her to answer the door naked so that Respondent and Ashley Holdren could, thereafter, engage in sexual activity. This would be a strong assumption by Ashley Holdren when there occurred no discussion of any type of sexual activity between the Respondent and Ashley Holdren. Again, there is no evidence exists that Respondent would have ever gotten out of his truck. Respondent could have gone to the door and told her to put her clothes on if, in fact, she was going to answer the door naked. Both of these scenarios are as possible as the Panel / Board finding. The fact is Ashley Holdren got caught by her fiancé. When she got caught by her fiancé she did the only thing that she could do. Ashley Holdren tried to blame the Respondent.

OBJECTION TWELVE (12): Respondent would object to Findings 32, 33, 34, 35 and the Board Recommendation.

Respectfully submitted,



EDWARD R. BUNSTINE (0030127)

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was delivered to Jonathan W. Marshall, Secretary, Board of Commissioners on Grievances and Discipline of The Supreme Court of Ohio, 65 South Front Street, 5th Floor, Columbus, Ohio 43215-3431 and Heather Hissom, Assistant Disciplinary Counsel, 250 Civic Center Drive, Suite 325, Columbus, Ohio 43215-7205, this 7th day of January, 2013, by personal service or U.S. regular mail service or facsimile / e-mail.



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