

VIRGINIA:

BEFORE THE SECOND DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
CARL HERMAN BUNDICK

DEC 29 2011

VS B Docket No. 11-021-085549

SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITHOUT TERMS)

On November 17, 2011, a hearing in this matter was held before a duly convened Second District Subcommittee consisting of Mary M. Kellam, Esquire, Chair, Dennis T. Lewandowski, Esquire, Member, and Mark B. Shaw, Lay Member, who unanimously approved the imposition of a Public Reprimand Without Terms.

Pursuant to Part 6, Section IV, Paragraph 13-15.E. of the Rules of the Virginia Supreme Court, the Second District Subcommittee of the Virginia State Bar hereby serves upon Respondent the following Public Reprimand Without Terms:

I. FINDINGS OF FACT

1. At all times relevant hereto, Respondent was an attorney licensed to practice law in the Commonwealth of Virginia.
2. In September 1997, Angela Powell Watkinson (formerly Parks)(“Watkinson”) was appointed co-guardian of the estate of her two-year old child, Sarah B. Watkinson (“Sarah”), for the purpose of administering Sarah’s portion of a wrongful death settlement approved pursuant to an order entered in the Northampton County Circuit Court on September 18, 1997.
3. As co-guardian of Sarah’s estate, Watkinson was required to file annual accountings with the Northampton Commissioner of Accounts (“Commissioner”).
4. In 1999, in anticipation of relocating to England, Watkinson retained Respondent, who

had previously been appointed Sarah's guardian *ad litem* in the wrongful death lawsuit, to assume responsibility for the preparation of the annual accountings. On August 5, 1999, Watkinson executed a Durable General Power of Attorney prepared by Respondent which purported to appoint Respondent as Watkinson's attorney-in-fact to act for her "individually and/or in my capacity as guardian for [Sarah] . . ."

5. At the time Respondent purported to undertake acting as guardian for Sarah's estate on Watkinson's behalf, no accountings had been filed, and accountings for 1997 and 1998 were thus delinquent.

6. Respondent did not file any accountings until November 2000. At that time, he filed accountings for years 1997-1999. Those accountings were signed by Respondent as attorney-in-fact for Watkinson. They were not signed by the co-guardian. Respondent filed the aforementioned accountings: i) approximately 15 months after assuming responsibility for the filings; ii) almost nine months after the Commissioner sent Respondent a letter dated February 10, 2000 asking when an inventory and accountings would be filed; iii) almost six months after the Commissioner issued a summons to the co-guardians on May 23, 2000 due to the non-filing of accountings; and iv) almost four months after the Commissioner sent a letter to Respondent dated July 31, 2000 requesting the status of the matter.

7. On May 9, 2005, the Commissioner sent Respondent a letter stating: i) the annual accountings for years 1997-1999 were not acceptable since they had been signed by Respondent as attorney-in-fact for Ms. Watkinson and had not been signed by the co-guardian; and ii) annual accountings for years 2000-2004 needed to be filed by June 30, 2005¹. In October 2005, the Commissioner wrote Respondent again inquiring about the status of the accountings. In February 2006, the Commissioner issued a summons to the co-guardians.

8. Respondent did not send the annual accountings for years 1997-1999 to Watkinson for her signature until by letter dated December 5, 2006. In January 2007, Watkinson and her father signed the accountings which were approved by the Commissioner in January 2010.

9. Respondent never filed accountings for years 2000-2004.

10. After the Northampton County Circuit Court issued an Order in November 2010 requiring Watkinson and her father to show cause why they should not be held in contempt and sanctioned for failing to file any accountings for years 2000-2009, Watkinson and her father prepared accountings for 2000-2009 that were approved by the Commissioner in January 2011.

II. NATURE OF MISCONDUCT

Such conduct by Carl Herman Bundick constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

RULE 1.3 Diligence

(a) A lawyer shall act with reasonable diligence and promptness in representing a client.

RULE 1.4 Communication

(a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

(c) A lawyer shall inform the client of facts pertinent to the matter and of communications from another party that may significantly affect settlement or resolution of the matter.

III. PUBLIC REPRIMAND WITH TERMS

Accordingly, it is the decision of the subcommittee to accept the Agreed Disposition of a Public Reprimand Without Terms and the Respondent is hereby so reprimanded.

Pursuant to Paragraph 13-9.E., the Clerk of the Disciplinary System shall assess costs.

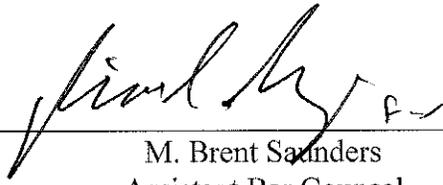
SECOND DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

By


Mary M. Kellam, Chair

CERTIFICATE OF SERVICE

I certify that on on the 29 day of December, 20 , I caused to be mailed by certified mail a true and correct copy of the Subcommittee Determination (Public Reprimand Without Terms) to Carl Herman Bundick, Esquire, Respondent, at, Carl H. Bundick, P.C., 23318 Wise Court, P.O. Box 36, Accomac, VA 23301, his last address of record with the Virginia State Bar.



A handwritten signature in cursive script, appearing to read "M. Brent Saunders", is written over a horizontal line.

M. Brent Saunders
Assistant Bar Counsel

¹ The Commissioner has no explanation for the almost five-year delay in the sending of his letter.