

VIRGINIA:

BEFORE THE SECOND DISTRICT SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

IN THE MATTER OF  
CARL HERMAN BUNDICK

VSB Docket No. 15-021-099977

SUBCOMMITTEE DETERMINATION  
(PUBLIC REPRIMAND WITH TERMS)

On February 25, 2015, a meeting was held in this matter before a duly convened Second District Subcommittee consisting of Kamala H. Lannetti, Lisa L. Thatch, and Dennis M. Wance. During the meeting, the Subcommittee voted to approve an agreed disposition for a Public Reprimand with Terms pursuant to Part 6, § IV, ¶ 13-15.B.4. of the Rules of the Supreme Court of Virginia. The agreed disposition was subsequently entered into by the Virginia State Bar, by M. Brent Saunders, Assistant Bar Counsel, and Carl Herman Bundick, Respondent, and Michael L. Rigsby, Esquire, counsel for Respondent.

WHEREFORE, the Second District Subcommittee of the Virginia State Bar hereby serves upon Respondent the following Public Reprimand with 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 October 2010, the complainant, Jamie Bradford (“Mr. Bradford”), hired Respondent to represent him in a contested child custody case involving his two minor children.
3. On February 1, 2011, a hearing was conducted in the Accomack County Juvenile and Domestic Relations District Court on custody and visitation petitions filed by both Mr. Bradford and the mother of the children. Respondent appeared on behalf of Mr. Bradford, who did not appear. The mother appeared with her counsel and was awarded sole legal and physical custody and Mr. Bradford was granted visitation rights.

4. At Mr. Bradford's request, Respondent noted an appeal on his behalf to the Accomack County Circuit Court. Approximately two years later, on March 25, 2013, a Consent Custody and Visitation Order ("Consent Order") was entered in the case which affirmed the terms of the February 1, 2011 order entered by the lower court and included additional terms negotiated by the parties through their respective counsel.

5. Mr. Bradford alleged in this complaint that Respondent agreed to the entry of the Consent Order without Mr. Bradford's consent or knowledge, and that he did not learn about it until September 2013.

6. According to Respondent, on March 30, 2011, he spoke with Mr. Bradford over the telephone and obtained his consent to the basic terms of a proposed consent order.

7. Respondent subsequently engaged in negotiations and discussions with the mother's attorney regarding additional terms and final language of a consent order. That process was impeded by the inability of the mother's attorney to communicate with the mother. However, that communication was eventually restored, after which the mother's attorney was able to obtain her client's consent to the finalized version of the proposed consent order. According to Respondent, he unsuccessfully attempted to contact Mr. Bradford for the purpose of obtaining his consent, but was unable to do so because Mr. Bradford had become unreachable at the telephone numbers and email address he had provided to Respondent. Notwithstanding the fact that he was unable to confirm Mr. Bradford's consent to the basic terms of a consent order or obtain his consent to the additional negotiated terms, and had not communicated at all with Mr. Bradford in approximately two years, Respondent signed the Consent Order requesting its entry on behalf of Mr. Bradford.

## II. NATURE OF MISCONDUCT

Such conduct by Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

### RULE 1.2 Scope of Representation

(a) A lawyer shall abide by a client's decisions concerning the objectives of representation, subject to paragraphs (b), (c), and (d), and shall consult with the client as to the means by which they are to be pursued. A lawyer shall abide by a client's decision, after consultation with the lawyer, whether to accept an offer of settlement of a matter . . .

### RULE 1.16 Declining Or Terminating Representation

(a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:  
(1) the representation will result in violation of the Rules of Professional Conduct or other law;

III. PUBLIC REPRIMAND WITH TERMS

Accordingly, having approved the agreed disposition, it is the decision of the Subcommittee to impose a Public Reprimand with Terms. The terms are:

Respondent shall enroll and attend two (2) hours of continuing legal education (CLE) in the substantive area of legal ethics for which Respondent will not seek credit toward his annual mandatory CLE requirement. Respondent shall certify in writing to M. Brent Saunders, the Assistant Bar Counsel assigned to this case, completion of this term on or before July 1, 2015.

If the terms are not met by the time specified, pursuant to Part 6, § IV, ¶ 13-15.F of the Rules of the Supreme Court of Virginia, the District Committee shall hold a hearing and Respondent shall be required to show cause why a Certification for Sanction Determination should not be issued. Any proceeding initiated due to failure to comply with terms will be considered a new matter, and an administrative fee and costs will be assessed.

Pursuant to Part 6, § IV, ¶ 13-9.E. of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs.

SECOND DISTRICT SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

  
Kamala H. Lannetti  
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on the 10<sup>th</sup> day of MAY, 2015, a true and complete copy of the Subcommittee Determination (Public Reprimand With Terms) was sent by certified mail to Carl Herman Bundick, Respondent, at Shore Advocacy Group PLLC, 23318 Wise Ct, PO Box 36, Accomac, VA 23301, Respondent's last address of record with the Virginia State Bar, and by first class mail, postage prepaid, to Michael L. Rigsby, counsel for Respondent, at Michael L. Rigsby, PC, P.O. Box 29328, Henrico, VA 23242.



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M. Brent Saunders  
Assistant Bar Counsel