

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
JOSEPH D. BUNIN, BAR NO. 5594.

No. 60257

IN THE MATTER OF DISCIPLINE OF
JOSEPH D. BUNIN, BAR NO. 5594.


No. 61494

IN THE MATTER OF DISCIPLINE OF
JOSEPH D. BUNIN, BAR NO. 5594.

No. 62584

FILED

NOV 21 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF SUSPENSION

These are three separate bar discipline matters concerning attorney Joseph D. Bunin. Docket Nos. 60257 and 61494 are automatic reviews, pursuant to SCR 105(3)(b), of Southern Nevada Disciplinary Board hearing panels' findings that Bunin violated various Rules of Professional Conduct (RPC) and their recommendations that he be suspended for six months and seven years, respectively. Docket No. 62584 is an automatic review of a hearing panel's recommendation that this court approve Bunin's conditional guilty plea in exchange for a stated form of discipline pursuant to SCR 113.

The three matters include 19 grievances against Bunin and 90 violations of the RPCs, stemming from Bunin's failure to diligently represent clients and failure to communicate with clients and the state bar. The three matters involve similar conduct.

In Docket Nos. 60257 and 61494, on automatic review to this court under SCR 105(3)(b), the hearing panels found violations of RPC 1.1 (competence) (two violations), RPC 1.3 (diligence) (two violations), RPC 1.4

(communication) (two violations), RPC 1.15 (safekeeping property), RPC 3.2 (expediting litigation), RPC 5.3 (responsibilities regarding nonlawyer assistants) (two violations), RPC 5.5 (unauthorized practice of law), RPC 8.1(b) (bar admission and disciplinary matters) (two violations), and RPC 8.4 (misconduct).

In Docket No. 60257, the panel recommended that Bunin be suspended for 6 months and 1 day and that he take 12 additional hours of CLE, including 6 hours related to law office management, 3 hours regarding proper client communication, and 3 ethics credits. Bunin was also to pay the costs of the proceeding. The recommendation in Docket No. 61494 included a suspension of seven years. The panel recommended that Bunin take 12 additional hours of CLE related to law office management, attend counseling with an approved medical professional, pay restitution totaling \$8,570.51, retake and pass the bar exam as a condition precedent to reinstatement, and pay the costs of the proceeding, including salaries up to \$10,000.

While a disciplinary panel's findings are persuasive, this court's automatic review of a panel decision is conducted de novo. SCR 105(3)(b); *In re Discipline of Droz*, 123 Nev. 163, 168, 160 P.3d 881, 884-85 (2007). The panel's findings of misconduct must be supported by clear and convincing evidence. *In re Discipline of Drakulich*, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995).

Based on our review of the record, we conclude that the panels' findings in these matters are supported by clear and convincing evidence. Accordingly, we approve the panels' recommendations that Bunin be suspended with conditions. However, we determine that the seven-year

suspension recommended in Docket No. 61494 should be reduced as explained below.

Docket No. 62584 is an automatic review, pursuant to SCR 113, of a conditional guilty plea in exchange for a stated form of discipline. In this matter, Bunin admitted to 8 violations of RPC 1.1 (competence), 11 violations of RPC 1.3 (diligence), 11 violations of RPC 1.4 (communication), 6 violations of RPC 1.5 (fees), 7 violations of RPC 1.15 (safekeeping property), 8 violations of RPC 3.2 (expediting litigation), and 9 violations of RPC 8.1 (bar matters and discipline).

The agreement provides for a suspension of four years. Bunin agreed to voluntarily cease practicing law by January 1, 2013, and the suspension is to begin retroactively on that date. Bunin also agreed to pay restitution totaling \$13,837 and pay the costs of the disciplinary proceeding. Bar counsel recommended that the seven-year suspension in Docket No. 61494 be reduced to four years, to run concurrently with this four-year suspension.¹

Based on our review of the record, we conclude that Bunin committed the violations to which he pleaded guilty and we approve the stipulated discipline suspending Bunin subject to conditions. Accordingly, combining the discipline for these three matters, Bunin is hereby disciplined as follows. Bunin shall:

¹Each of the matters included further conditions restricting Bunin's practice after his reinstatement, if any. We conclude that such conditions are more appropriately considered in the context of reinstatement.

1. Serve an actual suspension of four years, six months, and one day. Such suspension shall be retroactive to January 1, 2013.²
2. Pursue a course of counseling with a recognized medical professional approved by the state bar, who will develop a treatment plan and certify that Bunin has met treatment goals.
3. Pay restitution totaling \$22,407.51 to 12 affected clients.³

²Bunin has been CLE suspended since December 28, 2012. *See In re Continuing Legal Education*, Docket No. 61517 (Order Dismissing Petition as to Certain Respondent Attorneys and Granting Petition as to Certain Respondent Attorneys, December 28, 2012). Accordingly, in addition to petitioning for reinstatement pursuant to SCR 116 and satisfying the conditions outlined in this order, Bunin must also comply with the reinstatement requirements set forth in SCR 213 prior to seeking reinstatement to the practice of law in Nevada.

³Bunin shall pay restitution to the following clients in the indicated amounts:


1. Paula Jackson, \$5,020.51
2. Shelly Vincent, \$2,550
3. Tina Dixon, \$1,000
4. Renard Polk, \$2,000
5. Jay Kalbfleisch, \$500
6. Plamen Donovan, \$1,000
7. Steven Billings, \$1,500
8. Thomas Walker, \$1,289
9. Robert Yarina, \$1,500
10. Joyce Davis, \$3,000

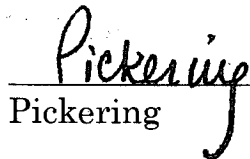
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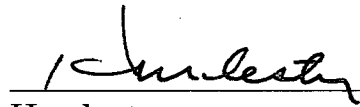
4. Take an additional 24 CLE units, comprised of 18 credits related to law office management, 3 credits covering proper client communication, and 3 ethics credits as a condition precedent to seeking reinstatement. This requirement is in addition to any CLE Bunin must complete to rectify his existing CLE suspension. See *supra* n.2.
5. Retake and pass the bar exam as a condition precedent to seeking reinstatement.

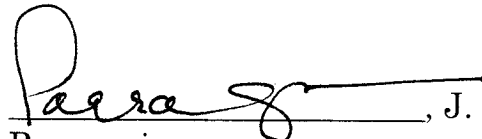
The parties shall comply with the applicable provisions of SCR 115 and SCR 121.1.

It is so ORDERED.

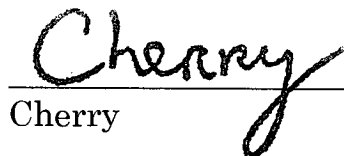

Gibbons, J.

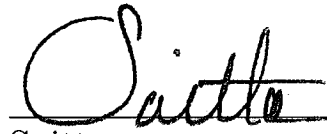

Pickering, C.J.


Hardesty, J.


Parraguirre, J.


Douglas, J.


Cherry, J.


Saitta, J.

... continued

11. Eric and Marsha Sanders, \$1,789

12. Rommel Blanco, \$1,259

cc: Jeffrey R. Albregts, Chair, Southern Nevada Disciplinary Board
David A. Clark, Bar Counsel
Kimberly K. Farmer, Executive Director, State Bar of Nevada
The Law Office of Daniel M. Bunin
Perry Thompson, Admissions Office, United States Supreme Court