

VIRGINIA:

**BEFORE THE THIRD DISTRICT COMMITTEE, SECTION III,
OF THE VIRGINIA STATE BAR**

**IN THE MATTER OF
PATRICK ROSS BYNUM, JR.**

VSB DOCKET NO. 05-033-0149

DISTRICT COMMITTEE DETERMINATION
(Public Reprimand with Terms)

On September 13, 2005, a hearing in the above-styled matter was held before a duly convened panel of the Third District Committee, Section III, consisting of lay members Andrew J. Gibb and Mary P. Hunton, and attorneys Dennis R. Kiker, Cullen D. Seltzer, and John D. Sharer, Chair and presiding officer.

Patrick R. Bynum, Jr., the Respondent, appeared and represented himself. Barbara Ann Williams, Bar Counsel, appeared as counsel for the Virginia State Bar. The court reporter was Tracy Stroh, Chandler & Halasz, P.O. Box 9349, Richmond, Virginia 23227; (804) 730-1222.

I. Findings of Fact

The Respondent and Bar Counsel stipulated to the following facts, which the District Committee accepted:

1. The respondent, Patrick Ross Bynum, was admitted to the practice of law in the Commonwealth of Virginia on September 21, 1972.
2. During all times relevant to this proceeding, Mr. Bynum was an attorney in good standing to practice law in the Commonwealth of Virginia.
3. On November 6, 2001, the Circuit Court of Hanover County appointed Mr. Bynum to represent the complainant, Dedric Morris, on habitual offender charges.
4. The charges were tried in the Hanover Circuit Court on December 18, 2001, and Mr. Morris was convicted.
5. Mr. Morris was subsequently sentenced to serve three years in the state

penitentiary, but that sentence was suspended contingent upon his service of twelve months in jail.

6. Mr. Morris had served less than one month in jail when he was released on bond pending an appeal of the habitual offender conviction.

7. Mr. Bynum unsuccessfully appealed Mr. Morris's conviction to the Virginia Court of Appeals and the Supreme Court of Virginia.

8. Mr. Morris contends that because he did not receive a letter from Mr. Bynum dated May 5, 2003, indicating that the Supreme Court of Virginia had denied the appeal, he failed to surrender himself to authorities to resume serving his sentence.

9. Meanwhile, Mr. Morris was convicted of other crimes, which precipitated a show cause hearing with regard to his suspended sentence.

10. At a hearing held in Hanover Circuit Court on April 26, 2004, Mr. Morris was found to have violated the terms of his probation; his suspended sentence was revoked; and he was ordered to serve the three year suspended sentence in the state penitentiary plus the remaining time on his one year jail sentence.

11. Mr. Morris advised Mr. Bynum in writing that he wanted to move the court to reconsider the sentence.

12. A letter to Mr. Morris from Mr. Bynum dated May 3, 2004, states: "Enclosed find a copy of the 'motion for reconsideration aid [*sic*] to reduce sentence' recently filed with the court. I will advise you as soon as I have received a hearing date on this matter."

13. In a letter postmarked May 5, 2004, Mr. Morris advised Mr. Bynum that the reconsideration motion was not enclosed with Mr. Bynum's letter of May 3rd, noted that he had noted an appeal *pro se* and requested Mr. Bynum to come talk to him, send him the hearing transcript and seek an appeal bond.

14. Mr. Morris wrote Mr. Bynum again on May 25, 2004, inquiring about the time table for appeals, requesting an appeal bond and asking Mr. Bynum to contact him as soon as possible.

15. In a letter to Mr. Morris dated June 2, 2004, Mr. Bynum advised Mr. Morris to withdraw his appeal so the Circuit Court could consider the motion to reduce and promised Mr. Morris that he would file a bond motion and contact him "in the next few days to discuss your case."

16. Enclosed with Mr. Bynum's June 2nd letter was a copy of a "Motion to reduce sentence," which Mr. Bynum represented in his May 3rd letter to Mr. Morris had been "recently

filed with the court.”

17. The certificate of service appended to the sentence reduction motion is dated June 19, 2004.

18. The Hanover County Circuit Court has no record of a sentence reduction motion being filed in Mr. Morris’ case on June 19, 2004, or any time before that date.

19. On June 11, 2004, Mr. Morris wrote Mr. Bynum and again requested him to file a bond motion.

20. During June 2004, Mr. Morris complained to Mr. Bynum, the Hanover County Circuit Court Clerk, the Deputy Clerk of the Court of Appeals that Mr. Bynum was not communicating with him.

21. In a letter to Mr. Morris dated July 6, 2004, Mr. Bynum stated, “I am still attempting to obtain a court date in Hanover County. I will contact you in the next few days.”

22. On July 6, 2004, no motion was pending before the Hanover County Circuit Court in Mr. Morris’ case.

23. In a letter to Mr. Bynum dated July 14, 2004, Mr. Morris complained that what Mr. Bynum was telling him was “not adding up,” reiterated his previous requests for bond, the hearing transcript and a “face to face” meeting with Mr. Bynum.

24. On or about July 15, 2004, Mr. Morris filed a bar complaint against Mr. Bynum.

25. On July 16, 2004, Mr. Bynum filed a motion for an appeal bond.

26. The court granted the motion at a hearing on July 19, 2004, and Mr. Morris was released on \$2,500.00 bond.

27. In a letter dated July 28, 2004, in response to an inquiry from Mr. Morris concerning his appeal, the Deputy Clerk of the Court of Appeals reminded Mr. Bynum of his duty as court appointed counsel to communicate with and for Mr. Morris.

28. By letter dated October 27, 2004, Mr. Morris advised the Deputy Clerk that he had written Mr. Bynum twice and never heard anything from him.

29. The Deputy Clerk wrote Mr. Bynum on October 28, 2004, reminding him again of his duties as Mr. Morris’ court appointed counsel.

30. Mr. Bynum filed a motion to amend the sentencing order in the Hanover County Circuit Court on November 10, 2004.

31. The motion was heard on November 22, 2004, at which time the court granted the motion and corrected the April 26th ruling.

32. The court entered an order correcting the show cause order on December 12, 2004.

II. Findings of Misconduct

Based upon the stipulation between the Respondent and Bar Counsel, and its own independent assessment of the prefiled exhibits and oral testimony presented during the hearing, the Third District Committee, Section III, determined that the Bar had proven by clear and convincing evidence that the Respondent's conduct violated the following Rules of Professional Conduct:

RULE 1.3 Diligence

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

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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.

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(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. Imposition of Sanction

Based upon the Findings of Fact and Findings of Misconduct, it is the decision of the Third District Committee, Section III, to impose a Public Reprimand with Terms upon the

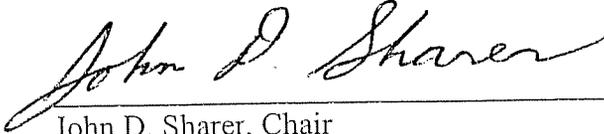
Respondent. The Respondent is hereby so reprimanded and the following terms imposed.

Within ten days of the issuance of the Committee Determination (Public Reprimand with Terms), the Respondent shall serve a copy of the determination upon each of the three attorneys with whom he practices in his partnership and promptly certify in writing to Bar Counsel that he has done so.

If the Respondent fails to comply with one or more of the foregoing terms, Bar Counsel may notice a show cause hearing before the Third District Committee, Section III. The only issue to be decided at that hearing will be the sufficiency of his compliance with the terms imposed. If the Third District Committee, Section III, finds that the Respondent has not complied with one or more of the terms imposed, this matter shall be certified to the Disciplinary Board pursuant to Paragraph 13.I. of the Rules of Court for imposition of an appropriate sanction.

This Public Reprimand with Terms shall be made part of the Respondent's disciplinary record. Pursuant to Part Six, Section IV, Paragraph 13.B.8.c. of the Rules of the Virginia Supreme Court, the Clerk of the Disciplinary System shall assess the appropriate administrative fees and costs.

**THIRD DISTRICT COMMITTEE, SECTION III,
OF THE VIRGINIA STATE BAR**



John D. Sharer, Chair

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of September, 2005, a copy of the foregoing District Committee Determination (Public Reprimand with Terms) was mailed to the respondent, Patrick Ross Bynum, Jr., Esquire, at his last address of record with the Virginia State Bar, The Lockwood Office Building, Suite 218, 9097 Atlee Station Road Mechanicsville, VA 23116; and to Barbara Ann Williams, Bar Counsel, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, VA 23219.

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