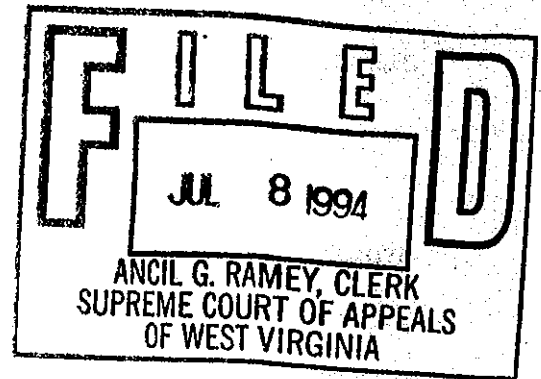


Per Curiam

Hearing Panel of the Committee  
on Legal Ethics of the West Virginia  
State Bar, Petitioner

No. 22331 v.

Patricia A. Bunner, a member of  
the West Virginia State Bar,  
Respondent



On July 6, 1994, this matter came on for hearing pursuant to a petition filed with this Court on June 10, 1994, by the Hearing Panel of the Committee on Legal Ethics of the West Virginia State Bar (Hearing Panel) for an impairment evaluation and for the indefinite suspension of the attorney's license to practice law. The Hearing Panel filed this original petition under the emergency procedures contained in Section 26(b) of Article VI of the Constitution, By-Laws and Rules and Regulations of the West Virginia State Bar (Rules).<sup>1</sup> Service of the petition was made upon

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<sup>1</sup>Section 26(b) of Article VI of the Rules states:

"Whenever the Investigative Panel or Hearing Panel shall petition the court to determine whether an attorney is incapacitated from continuing the practice of law by reason of mental infirmity or illness or because of addiction to drugs or intoxicants, the court may take or direct such action as it deems necessary or proper to determine whether the attorney is so incapacitated, including the examination of the attorney by such qualified medical experts as the court shall designate. If, upon due consideration of the matter, the court concludes that the attorney is incapacitated from continuing to practice

(continued...)

the respondent, Patricia A. Bunner, by mailing the same to her on June 10, 1994.

On February 2, 1994, a Statement of Charges was issued against the respondent.<sup>2</sup> She allegedly committed several acts in violation of the Rules of Professional Conduct. The respondent was charged with misappropriating client funds, encouraging her client to avoid arrest, neglecting cases, refusing to return files and refund fees, and failing to cooperate during an ethics investigation. She also was charged with threatening violence to a clerk at the Public Defender Services. The Statement of Charges was served personally upon the respondent. She did not file an answer.

On June 1, 1994, the respondent filed an "Affidavit of Bar Complaint." The respondent made numerous allegations against

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<sup>1</sup>(...continued)

law, it shall enter an order suspending him on the ground of such disability for an indefinite period and until the further order of the court and any pending disciplinary proceeding against the attorney shall be held in abeyance.

"The court may provide for such notice to the respondent-attorney of proceedings in the matter as is deemed proper and advisable and may appoint an attorney to represent the respondent if he is without adequate representation."

<sup>2</sup>We note that there has been no disposition of any formal ethics charges filed against the respondent. The Hearing Panel stayed the disciplinary proceedings pending a determination of the respondent's mental condition.

the State Bar and disciplinary counsel. However, she failed to specifically address the charges against her. The respondent later submitted a report of a psychiatric evaluation which indicates she suffers from major depression and caffeine abuse/dependence.

The respondent did not appear at the prehearing conference or at the hearing. The Hearing Panel was informed that the respondent was undergoing therapy and was advised to take things slowly. Therefore, she could not participate in the proceedings due to emotional problems.

The Hearing Panel filed this petition requesting that this Court order the respondent to submit to a psychological and/or psychiatric evaluation. The Hearing Panel also requested that the respondent's law license be suspended immediately for the protection of the public.

A response was filed with this Court in which the respondent admitted to being "either impaired or incapacitated from some time in 1989 to the present." She also stated that she was "totally incapacitated" following her mother's death in July of 1991. The respondent agreed to undergo an independent psychiatric evaluation. However, she stated that should her license be suspended, it possibly could exacerbate her depression to the point she would be at risk of committing suicide. She assured the Court that she would not practice law until this matter is resolved.

The Hearing Panel filed a reply recommending that the respondent be placed on inactive status and specifically be prohibited from meeting with clients. The Hearing Panel further recommended that the respondent be evaluated within sixty days.

After reviewing this matter, we find sufficient evidence to justify an evaluation to determine whether the respondent is incapacitated. Therefore, it is Ordered that the respondent submit to a psychological evaluation to be performed at Chestnut Ridge Department of Behavioral Medicine and Psychiatry in Morgantown, West Virginia, to determine whether she is incapacitated from continuing the practice of law. It also is Ordered that the respondent be placed on inactive status pending the outcome of the expert evaluation. She specifically is prohibited from meeting with clients or otherwise engaging in the practice of law. The respondent shall bear the obligation of contacting the Chestnut Ridge Department of Behavioral Medicine and Psychiatry to schedule the required examination. Following the evaluation, a report shall be submitted to this Court. Thereafter, a further hearing will be scheduled to make a disposition of this matter.