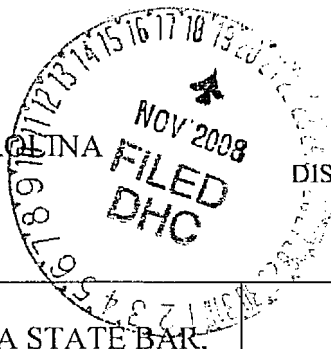


STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
08 BSR 4

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

JONATHAN MARK BROOKS, Attorney,

Defendant

CONSENT ORDER  
STAY OF SUSPENSION

This matter was considered by a hearing panel of the Disciplinary Hearing Commission (DHC) composed of the Chair, Theodore C. Edwards, II, and members Donna R. Rascoe and Donald G. Willhoit. Jennifer A. Porter and Carmen K. Hoyme represented Plaintiff, the North Carolina State Bar. Defendant, Jonathan Mark Brooks (hereinafter "Brooks"), was represented by Alan M. Schneider. This matter is before the DHC upon petition by Brooks for a stay of the remainder of the suspension imposed in the Order of Discipline in this case. Based upon Brooks' petition and supporting materials, the State Bar's response and materials, and the consent of the parties, the hearing panel hereby finds by clear, cogent, and convincing evidence the following

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar, is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar, Chapter 1 of Title 27 of the North Carolina Administrative Code.

2. Defendant, Jonathan Mark Brooks, (hereinafter "Brooks" or "Defendant"), was admitted to the North Carolina State Bar on August 18, 1995. Brooks' law license was suspended for three years by the Order of Discipline entered in this matter, filed and effective on October 26, 2007.

3. The Order of Discipline provided that after serving one year of the suspension, Brooks could apply to have the remainder of the suspension stayed upon filing a petition and showing compliance with the conditions stated in the order by clear, cogent, and convincing evidence.

4. Brooks applied to have the remainder of his suspension stayed by filing a petition for reinstatement on October 29, 2008. Brooks, through counsel, recited actions

taken to comply with the conditions in the Order of Discipline and attached documentation in support of his statements. Brooks appropriately filed the petition with the Secretary of the State Bar and served a copy on the Office of Counsel of the State Bar.

5. The Office of Counsel of the State Bar examined Brooks' compliance with the requirements for reinstatement pursuant to Rule .0125(b) of the State Bar Discipline and Disability Rules, 27 N.C. Admin. Code 1B § .0125(b), and the Order of Discipline in this matter. The State Bar filed a response to Brooks' petition for reinstatement reporting that Brooks had failed to comply with one condition stated in the Order of Discipline. The Order of Discipline required Brooks to timely pay membership dues and Client Security Fund assessments as if in active practice during the period of the suspension.

6. The records of the State Bar show that Brooks failed to timely pay his 2007 and 2008 membership dues and Client Security Fund assessments and did not pay them until September 2008.

7. Compliance with the Rules of the State Bar, including administrative rules and including conditions set out in Orders of Discipline, is a significant indicator of an attorney's willingness to practice law in accordance with the Rules of Professional Conduct and to submit appropriately to the regulation of his or her law practice by the State Bar.

8. The parties stipulate, however, that if a hearing were held on Brooks' petition, evidence would be presented indicating that Brooks' failure to comply with this condition was unintentional.

9. Furthermore, Brooks complied with the conditions pertaining to necessary CLE courses specifically set out by the hearing panel in this case, as well as the other standard conditions contained in the Order of Discipline.

#### CONCLUSIONS OF LAW

1. All the parties are properly before the hearing panel and the panel has jurisdiction over Defendant, Jonathan Mark Brooks, and the subject matter.

2. Pursuant to Rule .0125(b)(8), 27 N.C. Admin. Code 1B § .0125(b)(8), a hearing panel considering a petition for reinstatement from suspension can impose additional sanctions in the event violations of the order of suspension are found. Brooks' failure to comply with the condition in the Order of Discipline concerning payment of membership dues and Client Security Fund assessments warrants such additional sanction.

3. The unintentional nature of the violation is such, however, that denial of the application for a stay of the remainder of the suspension is not warranted.

THEREFORE, based upon the foregoing Findings of Fact, Conclusions of Law, and the consent of the parties, the hearing panel hereby enters the following

### ORDER

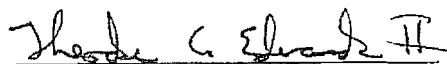
1. The remainder of the suspension of Brooks' law license is stayed and Brooks is reinstated to the active practice of law, subject to the terms, conditions, and requirements of the Order of Discipline in this case. Brooks' status as an active member of the North Carolina State Bar between the effective date of this order and October 26, 2010 is contingent upon his compliance with all of the conditions set forth in the Order of Discipline.

2. In accordance with Rule .0125(b)(2) of the North Carolina State Bar Discipline and Disability Rules, 27 N.C. Admin. Code 1B § .0125(b)(2), Brooks is eligible for reinstatement subject to the terms of the Order of Discipline on November 28, 2008. The stay of the remainder of his suspension and his reinstatement under this order shall be effective on that date.

3. Brooks is sanctioned for failing to comply with one of the conditions in the Order of Discipline as follows: should Brooks fail to comply with any of the conditions in the Order of Discipline and the stay of the suspension of his law license be lifted as provided in § .0114(x) of the North Carolina State Bar Discipline and Disability Rules, then the duration of Brooks' subsequent suspension will be two (2) years, beginning on the effective date of the order lifting the stay.

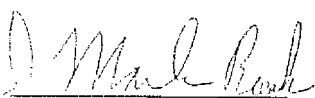
4. The Disciplinary Hearing Commission will retain jurisdiction of this matter pursuant to 27 N.C. Admin. Code 1B § .0114(x) of the North Carolina State Bar Discipline and Disability Rules throughout the period of the stayed suspension.

Signed by the Chair with the consent of the other hearing panel members, this the 19<sup>th</sup> day of November, 2008.



Theodore C. Edwards, II, Chair  
Disciplinary Hearing Panel

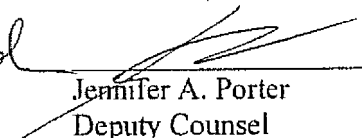
CONSENTED TO BY:



Jonathan Mark Brooks  
Defendant



Alan M. Schneider  
Defense Counsel



Jennifer A. Porter  
Deputy Counsel  
North Carolina State Bar