

WAKE COUNTY  
NORTH CAROLINA

BEFORE THE DISCIPLINARY HEARING COMMISSION  
OF THE NORTH CAROLINA STATE BAR  
02G0756  
02BCS03

IN THE MATTER OF THE  
TENDER OF LICENSE OF:  
ROBERT S. BROOKS

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ORDER OF DISBARMENT

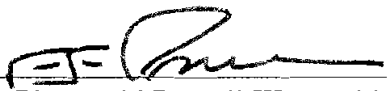
THIS MATTER coming to be heard and being heard by the Council of the North Carolina State Bar pursuant to Section .0017 of Subchapter B of the Rules and Regulations of the North Carolina State Bar upon an affidavit of tender of license executed by Robert S. Brooks and filed in the offices of the North Carolina State Bar on July 15, 2002.

Based upon the affidavit, the Council finds that Robert S. Brooks' conduct of misappropriating client funds from his trust account for his own personal benefit, commingling those trust funds with his own funds, failing to promptly disburse trust funds for title insurance premiums and other third parties, failing to reconcile his trust account, and failing to obtain final title insurance policies were grounds for discipline pursuant to N.C. Gen. Stat § 84-28(b)(2), in that Robert S. Brooks violated Rules 8.4(b) & (c), 1.15-2(a) & (m), 1.15-3(c), and 1.3 of the Revised Rules of Professional Conduct.

WHEREFORE, upon motion being duly made and seconded, the Council enters the following order:

1. The tender of surrender of license of Robert S. Brooks be and hereby is accepted.
2. Robert S. Brooks be and hereby is DISBARRED from the practice of law in North Carolina.
3. Robert S. Brooks shall comply with the provisions of Subchapter B, Section .0024 of the Rules and Regulations of the North Carolina State Bar and shall surrender his license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by Subchapter B, Section .0024.
4. That the costs of this action be taxed against Robert S. Brooks.

Done and Ordered this 19<sup>th</sup> day of July, 2002.

  
E. Fitzgerald Parnell III, President  
North Carolina State Bar

STATE OF NORTH CAROLINA

COUNTY OF WAKE

AFFIDAVIT

TO: The Council of the North Carolina State Bar


I, Robert S. Brooks, hereby tender my license to practice and desire to resign from the North Carolina State Bar. My resignation is extended freely and voluntarily, and is not the result of coercion or duress, and I am fully aware of the implications of submitting this, my resignation.

I am aware that there is presently pending an investigation or other proceedings regarding allegations that I have been guilty of misconduct, specifically that:


1. I misappropriated funds from my client trust account number 6263-263-448, which I maintained at Wachovia Bank, in at least the years 2000 and 2001. For example, on numerous occasions in 2000 and 2001 I issued checks payable to myself for purported fees that either were for amounts significantly greater than the fee to which I was entitled or identified nonexistent clients to which I was due no fee. The exact amount of the funds I misappropriated has not been determined at this time, but I have repaid into the trust account at least some of those funds.
2. I commingled the client funds I misappropriated from my trust account with my own personal funds. I used those misappropriated client funds for my own personal purposes, such as the payment of my personal income tax obligations and other expenses.
3. I failed to provide final title opinions and failed to disburse title insurance premiums from loan closing proceeds in a significant number of transactions. For at least some of these transactions, the time period set for expiration of the title insurance commitments has expired. I also failed to disburse other trust funds from loan closings to third parties other than title insurance companies. The exact number of such transactions has not been determined at this time. I have made efforts, however, to provide final title opinions and have premiums disbursed during the winding down of my practice.
4. I failed to reconcile my trust account balances with the funds I was supposed to be holding in trust for all clients on at least a quarterly basis during at least the years 2000 and 2001.

I acknowledge that the facts as set forth in paragraphs 1-4 are true. I am submitting my resignation because I know if charges were predicated upon the misconduct under investigation, I could not successfully defend against them.

This the 15 of July 2002.

  
Robert S. Brooks

Sworn to and subscribed before me,  
this 15 of July 2002.

  
Notary Public

My Commission Expires: 12-18-2006