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IN THE SUPERIOR COURT OF GUAM

FILED

SUPERIOR COURT

SEP 27 11 58 AM '96

GUAM BAR ETHICS COMMITTEE)

SPECIAL PROCEEDINGS NO. SP0056-96

Petitioner,)

vs.)

JUDGMENT

JAMES S. BROOKS,)

Respondent.)

Petitioner Guam Bar Ethics Committee, by and through its Trial Counsel, and respondent James S. Brooks, together with his counsel Jose Leon Guerrero, hereby stipulate as follows:

1. This court has jurisdiction under Section 82 of the Guam Code of Civil Procedure as amended and Section 28055 of the Government Code of Guam.

2. Respondent James S. Brooks is a resident of Guam and an attorney licensed to practice law on Guam.

3. On or about 1991 through the present, Respondent has committed the following violations of Rule 1.15 of the Model Rules of Professional Conduct:

a. Respondent withdrew from the bank accounts held in the name of his clients New World Reinsurance Co. And Casualty Assurance Co. At the Bank of Guam, Saipan Branch, the sum of Three Hundred Thousand Dollars (\$300,000.00) and converted it to his own personal use.

b. Respondent knowingly concealed the existence of these funds from the Receiver who was seeking these funds for distribution to the creditors of said clients.

Judgment

1 4. Respondent and the Guam Bar Ethics Committee have agreed upon the
2 following disciplinary measures in regard to this violation:

3 a. Respondent shall immediately resign from the practice of law effective
4 April 15, 1996;

5 b. Respondent will make full and prompt restitution to the Receiver
6 seeking these funds and any other funds which are deemed to be his responsibility as
7 determined by the Receiver and shall co-operate fully with Receiver;

8 c. Respondent will make full and prompt restitution for these funds
9 before seeking reinstatement to the practice of law on Guam;

10 d. Respondent shall not seek reinstatement to the practice of law until
11 March 5, 1999.

12 e. Respondent shall have his name removed as a signatory immediately
13 from all office accounts held by the law firm of Brooks and Brooks and provide to Trial
14 Counsel written verification that he has done so;

15 f. Respondent shall sign a declaration under penalty of perjury that the
16 misfeasance in his remaining time of practice;

17 g. Respondent shall retain his license to practice law for the period
18 described above for the sole purpose of winding down his practice;

19 h. Respondent shall take on no new clients and no new engagements
20 with existing clients during the remaining time of his practice;

21 i. Respondent shall notify all his existing clients and any other
22 jurisdictions in which he is licensed to practice law that he has resigned from the practice
23 of law for disciplinary reasons and immediately comply with Rule 18 of the Superior Court
24 Rules Governing Disciplinary Proceedings;


25 j. Respondent shall pay all the costs of the proceedings including
26 attorney's fees for Trial Counsel's time in the amount of \$150 per hour; attorney's are
27 now \$3,480.00 and cost are \$60.00.

28 k. Respondent shall notify all courts on Guam of his resignation;

1 I. This order continues and does not amend or modify the parties'
2 obligations created by their joint petition of March 5, 1996.

3 WHEREFORE, the parties request that the Superior Court accept this stipulation and
4 discipline Respondent accordingly.

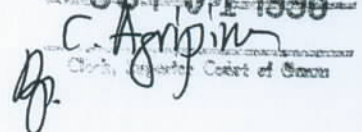
5 SO STIPULATED:

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9 **BENJAMIN J.F. CRUZ**
10 JUDGE, SUPERIOR COURT OF GUAM

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12 **FRANCES TYDINGCO-GATEWOOD**
13 JUDGE, SUPERIOR COURT OF GUAM

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15 **JOAQUIN V.E. MANIBUSAN, JR.**
16 JUDGE, SUPERIOR COURT OF GUAM

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26 I do hereby certify that the foregoing
is a true and correct copy of the
original as file in the office of the
Clerk of the Superior Court, Guam
Dated at Agaña, Guam

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OCT 01 1996

Clerk, Superior Court of Guam