



**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS**

IN THE MATTER OF §
AARON MARK WESBROOKS, § **CAUSE NO. 66186**
STATE BAR CARD NO. 21191850 §

JUDGMENT OF PROBATED SUSPENSION

On the 27th day of January 2023, the above-styled and numbered reciprocal disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner, the Commission for Lawyer Discipline, appeared by attorney and announced ready. Respondent, Aaron Mark Wesbrooks, appeared by and through his attorney of record and announced ready. All questions of fact and all issues of law were submitted to the Board of Disciplinary Appeals for determination. Having considered the pleadings on file, having received evidence, and having heard the argument of counsel, the Board of Disciplinary Appeals has determined that Petitioner is entitled to entry of the following findings, conclusions, and orders:

Findings of Fact. The Board of Disciplinary Appeals finds that:

- (1) Respondent, Aaron Mark Wesbrooks, Bar Card No. is 21191850, is licensed and authorized to practice law in the State of Texas by the Supreme Court of Texas.
- (2) On or about October 16, 2020, the State Bar of Arizona filed a Complaint before the Presiding Disciplinary Judge for the Supreme Court of Arizona in a matter styled *In the Matter of a Current Member of the State Bar of Arizona, Mark Doss Wesbrooks, Bar No. 018690, Respondent*, PDJ 2020-9097, [State Bar File No. 19-2602], alleging a violation of Arizona Rule of Professional Conduct 42, Ariz. R. Sup. Ct., and citing ER 1.2, ER 1.3, ER 1.4, ER 1.5, and ER 1.15.
- (3) On or about May 28, 2021, an Agreement for Discipline by Consent was entered before the Presiding Disciplinary Judge in the case styled *In the*

Matter of a Member of the State Bar of Arizona, Mark Doss Wesbrooks, Bar No. 018690, PDJ 2020-9097, State Bar File Nos. 19-2602 and 20-2347, which states in pertinent part:

Respondent's admissions are being tendered in exchange for the form of discipline stated below and are submitted freely and voluntarily and not as a result of coercion or intimidation. For the purposes of these proceedings, Respondent conditionally admits that he violated Rule 42, Ariz. R. Sup. Ct., specifically ERs 1.5(c) (solely with respect to engaging in services in furtherance of a legal malpractice action without a signed fee agreement), and 1.15(a), and (b)(1), and Rule 43(a), (b), (d) and (f), Ariz. R. Sup. Ct.

Respondent and the State Bar of Arizona agree that based on the facts and circumstances of this matter, as set forth above, the following sanctions are appropriate: Reprimand with Probation for one (1) year.

- (4) On or about June 29, 2021, the Presiding Disciplinary Judge entered a Final Judgment and Order in the case styled *In the Matter of a Member of the State Bar of Arizona, Mark Doss Wesbrooks, Bar No. 018690, Respondent, PDJ 2020-9097, State Bar Nos. 19-2602 and 20-2347, which states in pertinent part:*

IT IS THEREFORE ORDERED Respondent MARK DOSS WESBROOKS, Bar No. 018690, is reprimanded for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

IT IS FURTHER ORDERED that Respondent is placed on probation for a period of one (1) year. The terms of probation are as follows:

a) Trust Account Ethics Enhancement Program (TAEPP): Respondent shall attend a half-day TAEPP. Respondent shall contact the State Bar Compliance Monitor . . . within 10 days from the date of this Order, to schedule attendance at the next available class. Respondent shall be responsible for the cost of attending the program.

b) LOMAP (trust account records review): Respondent shall contact the State Bar Compliance Monitor . . . within 10 days from the date of service of this order. Respondent shall sign terms and conditions of participation, which shall be incorporated herein. The terms and conditions will include submission of specified trust account records on a quarterly basis. Respondent shall be required to undergo a quarterly review of his trust accounts records and shall

timely complete any follow-up deemed necessary as a result of those reviews. Respondent shall be responsible for any costs associated with LOMAP.

c) **FEE ARBITRATION:** Respondent shall initiate fee arbitration within 10 days of issue of this order. Respondent shall contact the Fee Arbitration Coordinator . . . within 10 days from the date of this Order to obtain the forms necessary to participate in Fee Arbitration. Respondent shall file the necessary forms no later than 30 days from the date of receipt of the forms. Respondent shall have 30 days of the date of letter from the Fee Arbitration Coordinator to comply with the award entered in the Fee Arbitration proceeding.

d) Respondent shall commit no further violations of the Rules of Professional Conduct. If Respondent violates any of the terms of this agreement, the State Bar may bring further discipline proceedings.

IT IS FURTHER ORDERED that Respondent shall pay the costs and expenses of the State Bar of Arizona in the amount of \$1,462.50, within 30 days from the date of this order. There are no costs or expenses incurred by the Office of the Presiding Disciplinary Judge in these proceedings.

- (5) Respondent, Aaron Mark Wesbrooks, is the same person as the Mark Doss Wesbrooks who is the subject of the Final Judgment and Order issued by the Presiding Disciplinary Judge for the Supreme Court of Arizona.
- (6) The Final Judgment and Order issued by the Presiding Disciplinary Judge for the Supreme Court of Arizona is final.
- (7) Respondent's answer to the Order to Show Cause and to the Third Amended Petition for Reciprocal Discipline was timely filed.

Conclusions of Law. Based upon the foregoing findings of facts, the Board of Disciplinary Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. TEX. RULES DISCIPLINARY P. R. 7.08(H).
- (2) Respondent failed to establish any defense under Texas Rule of Disciplinary Procedure 9.04 by clear and convincing evidence.

- (3) Reciprocal discipline is warranted in this case.
- (4) Pursuant to Texas Rule of Disciplinary Procedure 9.04, reciprocal discipline must be identical, to the extent practicable, with that imposed by the Final Judgment and Order issued by the Presiding Disciplinary Judge for the Supreme Court of Arizona. TEX. RULES DISCIPLINARY P. R. 9.04.
- (5) Respondent should be reprimanded and suspended from the practice of law for a period of one (1) year with the suspension being fully probated, subject to specific conditions of probation.
- (6) This Board retains jurisdiction during the full term of probation imposed by this judgment to hear a motion to revoke probation. TEX. RULES DISCIPLINARY P. R. 2.22.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Aaron Mark Wesbrooks, State Bar Card No. 21191850, is hereby reprimanded. This Public Reprimand shall be made a matter of record and appropriately recorded in accordance with the Texas Rules of Disciplinary Procedure.

It is further **ORDERED, ADJUDGED, and DECREED** that Respondent, Aaron Mark Wesbrooks, State Bar Card No. 21191850, is hereby suspended from the practice of law for a period of one (1) year with the suspension being fully probated, beginning February 2, 2023, and extending through February 1, 2024, under the following terms and conditions:

- (1) Respondent shall not violate any of the provisions of the Texas Disciplinary Rules of Professional Conduct or any provision of the State Bar Rules.
- (2) Respondent shall not be found guilty of, or plead no contest to, any felony involving moral turpitude or any misdemeanor involving theft, embezzlement, or fraudulent misappropriation of money or other property.
- (3) Respondent must notify both the Office of the Chief Disciplinary Counsel and the Membership Department of the State Bar of Texas of any change in Respondent's address within thirty (30) days of the change of address.

Probation Revocation

Upon determination that Respondent has violated any term or condition of this judgment,

the Chief Disciplinary Counsel may, in addition to any other remedies available, file with this Board a motion to revoke probation pursuant to Texas Rule of Disciplinary Procedure 2.22, and must then serve a copy of said motion on Respondent pursuant to Texas Rule of Civil Procedure 21a.

Should a motion to revoke probation be filed, this Board will conduct an evidentiary hearing to determine by a preponderance of the evidence whether Respondent has violated any term or condition of this judgment. If this Board finds grounds for revocation, it will enter an order revoking probation and placing Respondent on active suspension from the date of such revocation order without credit for any term of probation served prior to revocation.

It is further **ORDERED** that any conduct on the part of Respondent which serves as the basis for a motion to revoke probation may also be brought as independent grounds for discipline as allowed under the Texas Disciplinary Rules of Professional Conduct and the Texas Rules of Disciplinary Procedure.

It is further **ORDERED** that a certified copy of the Third Amended Petition for Reciprocal Discipline on file herein, along with a copy of this Judgment, be sent to the Office of the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further **ORDERED** that this Judgment of Probated Suspension shall be made a matter of public record and be published in the *Texas Bar Journal*.

Signed this 2nd day of February 2023.

A handwritten signature in blue ink, appearing to read "Kevin A.", with a long horizontal line extending to the right.

CHAIR PRESIDING