



STATE OF NORTH CAROLINA

WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
19 DHC 5 R

THE NORTH CAROLINA STATE BAR,

Plaintiff,

v.

J. BRANDON GRAHAM, Attorney,

Defendant.

CONSENT ORDER
STAY OF SUSPENSION

This matter was considered by a Hearing Panel of the Disciplinary Hearing Commission ("DHC") composed of Allison C. Tomberlin, Chair, Maya Madura Engle, and Ronald C. Brinson. Plaintiff was represented by Joshua Walthall and Cameron Lee. Defendant, J. Brandon Graham (hereinafter "Graham" or "Defendant"), was represented by Alan M. Schneider. This matter is before the DHC upon petition by Graham for a stay of the remainder of the suspension imposed in the Order of Discipline in this case. Based on Graham's petition and with 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, ("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, James Brandon Graham, ("Defendant") was admitted to the North Carolina State Bar in 2002, and is, and was at all times material hereto, an attorney licensed to practice in North Carolina, subject to the laws of the State of North Carolina, the Rules and Regulations of the State Bar, and the Rules of Professional Conduct.

3. Effective March 30, 2020, Graham was suspended from the practice of law for a period of five years in NCSB v. Graham, 19 DHC 5. The order stated that the

Graham shall be given credit against this period of suspension for the time he has been suspended from the practice of law since the entry of the Consent Order of Interim Suspension on 22 April 2019. The Order further provided that, after 22 April 2020, Graham may apply for a stay of the remaining period by filing a motion with the Clerk of the Disciplinary Hearing Commission as provided in 27 N.C. Admin. Code 1B .0118(e) and upon showing compliance with the conditions stated in the Order of Discipline.

4. On September 25, 2020, Graham filed a petition requesting a stay of the remaining portion of his active suspension and seeking reinstatement to active status subject to the continuing conditions set forth in the Order of Discipline.

5. In his petition, Graham stated that he has satisfied the conditions in the Order of Discipline for a stay of the remaining period of his suspension.

6. After conducting an investigation of the requirements set out in 27 N.C.A.C. 1B .0125(b) and the conditions of the Order of Discipline, Counsel for the North Carolina State Bar does not object to the petition for stay of the remaining part of the suspension.

Based upon the foregoing Findings of Fact, the Hearing Panel makes the following

CONCLUSIONS OF LAW

1. All the parties are properly before the Hearing Panel and the Panel has jurisdiction over Defendant and the subject matter of this proceeding.

2. Graham has satisfied the conditions in the Order of Discipline for a stay of his suspension and reinstatement to active status, subject to the continuing conditions set forth in the Order of Discipline.

3. Graham's reinstatement to active status should be conditioned upon continued compliance with the conditions and requirements in the Order of Discipline.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Hearing Panel enters the following:

ORDER

1. The remainder of the suspension of Graham's law license is stayed and Graham is reinstated to the active practice of law as of the date of this Order.

2. The stay of the remaining suspension is subject to the terms, conditions, and requirements set forth in the Order of Discipline, which is attached hereto and hereby incorporated by reference.

3. The Disciplinary Hearing Commission will retain jurisdiction of this matter pursuant to 27 N.C. Admin. Code 1B Sec. .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 5 day of October, 2020



Allison C. Tomberlin, Chair
Disciplinary Hearing Panel

CONSENTED TO BY:



Brandon Graham
Defendant



Alan M. Schneider
Attorney for Defendant



Cameron Lee
Attorney for Plaintiff