

NORTH CAROLINA

WAKE COUNTY

BEFORE
THE GRIEVANCE COMMITTEE
OF
THE NORTH CAROLINA STATE BAR
24G0367

IN THE MATTER OF

)

)

CENSURE

ELISA BETH JERNIGAN

)

ATTORNEY AT LAW

)

On April 24, 2025, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by C.H. The grievance was assigned to a Subcommittee, which thoroughly reviewed the results of the State Bar staff's investigation of this matter.

Pursuant 27 N.C. Admin. Code 1B.0113(a), the Grievance Subcommittee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Subcommittee found probable cause. Probable cause is defined in the rules as "reasonable cause to believe that a member of the North Carolina State Bar is guilty of misconduct justifying disciplinary action."

Having found probable cause exists in your matter, the Grievance Committee next considered what level of discipline is most appropriate based on all the facts, the nature of the misconduct, the actual or potential injury caused, and any aggravating or mitigating factors. After further discussion and deliberations, the Grievance Committee determined the conduct before it merited discipline at the level of censure.

A censure is a written form of discipline issued when an attorney is determined to have violated one or more provisions of the Rules of Professional Conduct and has caused significant harm or potential significant harm to a client, the administration of justice, the profession or a member of the public, but the protection of the public does not require suspension of an attorney's license.

As Chair of the Grievance Committee of the North Carolina State Bar, it is my duty to issue this censure, which is based on the following conduct:

A former client, C.H., filed a petition for fee dispute resolution against you with the State Bar disputing fees she paid for your legal services. A fee dispute facilitator served you with a Letter of Notice asking for information in response to the fee dispute petition. You requested and received an extension of time to provide your response from the facilitator. Despite the extension, you did not provide a response to the fee dispute Letter of Notice, and you did not otherwise participate in good faith in the fee dispute resolution process, thereby violating Rule 1.5(f)(2) of the North Carolina Rules of Professional Conduct.

The State Bar served you with a Letter of Notice asking for information in connection with a grievance matter relating to your failure to respond and participate in the fee dispute process and your representation of C.H. You agreed to accept service of the grievance Letter of Notice by email.

After you did not timely respond to the grievance Letter of Notice, the State Bar sent you a late letter reminding you of your duty to respond. You replied stating that you believed you had more time to respond and would try to respond by the end of the week. You did not submit your response by the end of the week. The State Bar sent you a second late letter asking for your response to the grievance Letter of Notice. You did not submit a response to the grievance Letter of Notice or provide the State Bar with any of the requested documents. Instead, you emailed the State Bar a document that you called a “signed resolution” between you and C.H. The “signed resolution” stated that C.H. hereby accepted a partial refund of the legal fees that she paid to you and that she hereby dismissed any pending State Bar grievances against you. You drafted the “signed resolution” and signed it and had C.H. sign it.

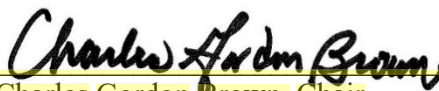
The State Bar sent you another letter asking you to respond to the grievance Letter of Notice because it was required to review the grievance allegations notwithstanding the “signed resolution” with C.H. Five months after your response was due, you submitted a response to the grievance Letter of Notice. By not timely submitting your response to the State Bar’s grievance Letter of Notice requesting information in connection with this grievance file and by not providing any of the documentation requested, you violated Rule 8.1(b) of the North Carolina Rules of Professional Conduct. By drafting and having C.H. sign a resolution stating that she accepted a partial refund and hereby dismissed the pending State Bar grievance against you, you violated Rule 8.4(d) of the North Carolina Rules of Professional Conduct.

Accordingly, you are hereby censured by the North Carolina State Bar for your professional misconduct consisting of the cited violations of the Rules of Professional Conduct. The Grievance Committee trusts that you will heed this censure, recognize the errors you made, and hereafter embrace and adhere to the high ethical standards of the legal profession to which you committed when you took your oath. This censure should serve as a strong reminder and inducement for you to weigh carefully your responsibility to the public, your clients, your fellow attorneys and the courts, and to comport yourself as a respected member of the legal profession whose conduct may be relied upon without question.

If you accept this censure, it will be forwarded to the Clerk of the Superior Court in the county where you practice for entry upon the judgment docket and to the Clerks of the North Carolina Supreme Court and Court of Appeals, the United States District Courts of North Carolina, the United States Court of Appeals for the Fourth Circuit and the United States Supreme Court for entry in their minutes. The censure will be maintained as a record in the judgment book of the North Carolina State Bar and a copy will be sent to the complainant. Please review carefully the details set forth in the formal Notice of Censure attached.

In accordance with the policy adopted July 23, 2010 by the Council of the North Carolina State Bar regarding the taxing of administrative fees and investigative costs to any attorney issued a censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 20th day of May, 2025.


Charles Gordon Brown, Chair
Grievance Committee

CGB/jms