

STATE OF NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
25 DHC 1

THE NORTH CAROLINA STATE BAR,  
Plaintiff

v.

ELIZABETH J. CAVINESS, Attorney,  
Defendant

**ORDER OF DISCIPLINE**

THIS MATTER was considered by a Hearing Panel of the Disciplinary Hearing Commission composed of the Chair, Jaye P. Meyer, and members Joshua O. Harper and Hampton M. Billips upon Plaintiff's Motion for Order of Discipline. J. Cameron Lee, Deputy Counsel, represented Plaintiff, the North Carolina State Bar. Defendant Elizabeth J. Caviness was not represented, did not make an appearance in this matter, and did not file any written submissions in response to Plaintiff's Motion for Order of Discipline. After reviewing the pleadings herein and pursuant to 27 N.C.A.C. § 1B.0115(g), the Hearing Panel determines it is appropriate to grant Plaintiff's Motion for Order of Discipline.

THEREFORE, based on the pleadings and the admissions established by Defendant's default pursuant to 27 N.C. Admin. Code § 1B.0115(f), the Hearing Panel hereby finds by clear, cogent and convincing evidence the following:

**FINDINGS OF FACT**

1. Plaintiff, the North Carolina 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, Elizabeth J. Caviness, was admitted to the North Carolina State Bar on February 28, 1989, and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the laws of the State of North Carolina, the Rules and Regulations of the North Carolina State Bar and the North Carolina Rules of Professional Conduct.
3. The Complaint in this action was filed on January 8 2025.

4. Defendant was served with the Summons and Complaint on January 13, 2025.
5. Defendant failed to file an answer or any responsive pleading by the deadline established by 27 N.C.A.C. § 1B.0115(c).
6. Upon Plaintiff's motion, default was entered against Defendant by the Secretary of the State Bar on April 11, 2025.
7. Plaintiff filed a Motion for Order of Discipline on August 22, 2025, and served the motion on that date by electronic mail (e-mail) and by depositing a copy of the same in the U.S. Mail in a postage prepaid envelope addressed to Defendant's last known address.
8. Prior to December 28, 2022, Defendant was engaged in the practice of law in the State of North Carolina and maintained law offices in Siler City, Chatham County, and Charlotte, Mecklenburg County, North Carolina. Defendant has been suspended from the practice of law since December 28, 2022.
9. Defendant was properly served with process in this matter and this matter came before the Hearing Panel with due notice to all parties.

*Guardianship of D.C.'s Father (16E236)*

10. On May 18, 2016, D.C.'s father, F.C., was adjudicated incompetent (16-E-236 Chatham County Clerk of Superior Court); that same day, D.C. was appointed her father's general guardian.
11. On or around October 27, 2016, D.C. hired Defendant to assist with the guardianship.
12. Around that same time, D.C. transferred \$10,100.00 from the guardianship estate to Defendant to be held in Defendant's trust account and to be billed against by Defendant for Defendant's services.
13. Defendant's responsibilities included preparing and filing annual inventories and accountings of D.C.'s father's guardianship estate (the "guardianship estate").
14. Pursuant to N.C. Gen. Stat. 35A-1264, a guardian must "within 30 days after the expiration of one year from the date of [their] qualification or appointment, and annually, so long as any of the estate remains in [their] control, file in the office of the clerk an inventory and account...of the amount of property received...or invested...and the manner and nature of such investment, and [their] receipts and disbursements for the past year in the form of debit and credit."
15. Under North Carolina law, the 2017 annual account of the guardianship estate was due to the clerk on June 17, 2017.
16. Defendant failed to file the 2017 annual account of the guardianship estate by June 17<sup>th</sup>.

17. Defendant did not petition the clerk for an extension of time to file the 2017 annual account of the guardianship estate.
18. On September 5, 2017, D.C. was served with an order from the clerk directing her to appear in court on October 3<sup>rd</sup> and show cause why she should not be held in civil contempt for failing to file the 2017 annual account of the guardianship estate as required by law.
19. On September 6, 2017, D.C. emailed Defendant and informed her of the show cause order.
20. On October 5, 2017, D.C. received an email from Defendant's legal assistant, Christine, informing her that Defendant had filed, and the clerk had approved, the 2017 annual account of the guardianship estate.
21. On September 4, 2018, Defendant filed a petition for extension of time in which to file the 2018 annual account for the guardianship estate.
22. On September 10, 2018, the clerk granted Defendant's petition and extended the deadline for filing the 2018 annual account for the guardianship estate to October 7<sup>th</sup>.
23. Defendant did not file the annual account for the guardianship estate by October 7, 2018.
24. On November 6, 2018, D.C. was served with an order from the clerk informing her that she had failed to file the annual account for the guardianship estate and directing her to file the annual account within 20 days.
25. Defendant filed the 2018 annual account on December 7, 2018.
26. On January 26, 2019, D.C. received a notice from the clerk directing her to prepare and submit a final account of the guardianship estate by February 23<sup>rd</sup>.
27. That same day, D.C. emailed Defendant's legal assistant, Christine, and asked if Defendant would be able to prepare and file the final account of the guardianship estate by February 23<sup>rd</sup>.
28. On January 28, 2019, Defendant's legal assistant replied to D.C.'s January 26<sup>th</sup> email, telling D.C.: "There should not be a problem with that."
29. Defendant did not prepare and file the final account of the guardianship estate by February 23, 2019.
30. On July 18, 2019, the clerk issued an order directing D.C. to file the final account of the guardianship estate within 20 days of D.C.'s being served with a copy of the order.
31. D.C. was served with a copy of the clerk's July 18<sup>th</sup> order on August 2, 2019.

32. A copy of the clerk's July 18<sup>th</sup> order was forwarded to Defendant at her Charlotte address.
33. D.C. emailed Defendant's legal assistant on August 2<sup>nd</sup> to inform her of the clerk's July 18<sup>th</sup> order.
34. In her response to D.C.'s email on August 5, 2019, Christine told D.C. that Defendant had received a copy of the clerk's order, that she had discussed the matter with Defendant and that Defendant thought the necessary documents had been submitted to the clerk for the final accounting.
35. On August 5, 2019, D.C. filed a motion to extend the time to file the final account for the guardianship estate in which D.C. indicated that she had been trying to schedule an appointment with Defendant to discuss the guardianship.
36. The clerk granted D.C.'s motion and extended the deadline to file the final account of the guardianship estate to August 22, 2019.
37. On August 21, 2019, Defendant's legal assistant emailed D.C. and told her that she had confirmed that the necessary documents had been delivered to the Court and advised D.C. to "rest easy."
38. Defendant did not file the final account for the guardianship by August 22, 2019.
39. On August 30, 2019, the clerk issued an order directing D.C. to appear in court on September 17, 2019, and show cause why she should not be held in contempt for failing to file the final account for the guardianship estate.
40. On September 3, 2019, D.C. was served with a copy of the show cause order.
41. A copy of the clerk's August 30, 2019 order was forwarded to Defendant at her Charlotte office.
42. At 11:11am on September 3, 2019, D.C. emailed Defendant's legal assistant and told her that she'd been served with the clerk's August 30<sup>th</sup> order.
43. Defendant's legal assistant responded roughly 2 hours later, telling D.C.: "I thought [Defendant] had filed everything. I will check with her. I even confirmed that they had received it and that we did not need to appear."
44. On September 16, 2019, D.C. filed the final account for the guardianship herself.

*D.C.'s Father's Estate (19E69)*

45. D.C.'s father died on December 16, 2018.

46. On January 3, 2019, D.C. met with Defendant at Defendant's Siler City office to discuss opening and administering her father's estate.
47. On February 15, 2019, Defendant mailed to the estates division of the Chatham County Clerk of Superior Court an Affidavit of Collection of Personal Property of Decedent.
48. On March 14, 2019, Defendant's legal assistant emailed D.C. and told D.C. that her father's estate had been opened in Chatham County.

Final Affidavit of Collection

49. Pursuant to N.C. Gen. Stat. 28A-25-3(a)(2), Defendant had 90 days from the date of filing of the Affidavit of Collection of Personal Property of Decedent to file an affidavit confirming the manner of the disbursement of the property identified in the Affidavit of collection (the "Final Affidavit of Collection").
50. Defendant failed to timely file the Final Affidavit of Collection.
51. On May 21, 2019, the clerk issued an order directing D.C. to file a final affidavit of collection.
52. D.C. was served with a copy of the clerk's May 21, 2019 order on May 28, 2019.
53. A copy of the clerk's May 21, 2019 order was mailed to Defendant at her Charlotte office.
54. Defendant failed to file a Final Affidavit of Collection in response to the clerk's May 21, 2019 order.
55. On July 18, 2019, the clerk issued an order directing D.C. to appear in court on August 8<sup>th</sup> and show cause why she should not be held in contempt for failing to file a Final Affidavit of Collection.
56. D.C. was served with a copy of the clerk's July 18, 2019 show cause order on August 2, 2019.
57. A copy of the clerk's July 18, 2019 order was mailed to Defendant at her Charlotte office.
58. On August 5, 2019, D.C. filed a Motion to Extend Time to File the Final Affidavit of Collection. In her motion, D.C. averred that she had "tried to contact my lawyer but have not heard back from her. The last time I talked to her after daddy passed away in December, she told me she would take care of the final audit."
59. The clerk granted D.C.'s motion and continued the show cause hearing to August 22, 2019.
60. On August 20, 2019, Defendant filed documents responsive to the clerk's July 18, 2019 show cause order with the estates division of the Chatham County Clerk of Superior Court.

### Inventories and Accountings

61. On August 20, 2019, Defendant mailed to the estates division of the Chatham County Clerk of Superior Court an Application for Letters of Administration, an accompanying oath, and an Inventory for Decedent's Estate for D.C.'s father's estate.
62. On August 21, 2019, the clerk issued letters testamentary authorizing D.C. to administer her father's estate.
63. Pursuant to N.C. Gen. Stat. 28A-21-1, the personal representative of an estate "for so long as any property of the estate" remains in their control, must "file annually in the office of the clerk of superior court an inventory and account, under oath," of the decedent's estate; such annual accounts "shall be due 30 days after the expiration of one year from the date of qualification of the personal representative...and annually on the same date thereafter."
64. Defendant failed to timely file the first annual account of D.C.'s father's estate.
65. On September 17, 2020, the clerk issued an order informing D.C. that she had failed to file the first annual account of her father's estate and directing her to file the first annual account of her father's estate within 20 days of service of the order.
66. D.C. was served with a copy of the clerk's September 17, 2020 order on September 21<sup>st</sup>.
67. A copy of the clerk's September 17, 2020 order was mailed to Defendant at her Charlotte office.
68. With the assistance of her CPA, on September 22, 2020 D.C. filed the first annual account for her father's estate.
69. On May 15, 2021, D.C. contacted Defendant and told Defendant that, going forward, D.C.'s CPA would assist in the preparation and filing of annual accounts for her father's estate; D.C. also asked Defendant for an accounting of the funds held in trust by Defendant for D.C. and for copies of invoices for work performed by Defendant in the two estate cases.
70. Defendant never responded to D.C.'s May 15, 2021 email.
71. Defendant never provided D.C. with an accounting of the funds Defendant held in trust for D.C.
72. Defendant never provided D.C. with copies of invoices for work performed by Defendant in the two estate cases.

*Defendant's Failure to Respond to the State Bar*

73. On March 20, 2022, the State Bar opened grievance file no. 22G0282 against Defendant.
74. On March 29, 2022, Defendant accepted service of the Letter of Notice in file no. 22G0282.
75. Defendant's response to the Letter of Notice in file no. 22G0282 was due on April 12, 2022.
76. Defendant did not request an extension of time to respond to the Letter of Notice in file no. 22G0282.
77. Defendant did not respond to the Letter of Notice in file no. 22G0282.
78. On September 22, 2022, the Chair of the Grievance Committee issued a subpoena directing Defendant to produce a complete copy of D.C.'s client file by October 4, 2022.
79. Defendant was served with the subpoena on September 27, 2022.
80. Defendant did not respond to the subpoena.

*Defendant's Representation of B.R. and D.H.,  
Failure to Comply with the Wind-Down Provision of the DHC's Noncompliance  
Suspension Order, and Failure to Respond to the State Bar*

81. On November 21, 2022, the Chair of the Disciplinary Hearing Commission issued an order suspending Defendant's law license for noncompliance with the grievance process in file no. 22G0282 (the "Suspension Order").
82. By its terms, the Suspension Order was effective 30 days from its service upon Defendant.
83. Defendant was served with the Suspension Order on November 28, 2022.
84. The suspension of Defendant's law license took effect on December 28, 2022.
85. Pursuant to paragraph 2 of the Suspension Order, Defendant was obligated to "comply with all wind-down provisions of 27 N.C. Admin. Code 1B .0128, as provided in 27 N.C. Admin. Code 1B .0135(h)."
86. The wind-down provisions of 27 N.C. Admin. Code 1B .0128 require that a lawyer who has been disbarred or whose license has been suspended must:
  - a. "Promptly notify by certified mail, return receipt requested, all clients being represented in pending matters of the disbarment or suspension, the reasons for the disbarment or suspension, and consequent inability of the [lawyer] to act as an

attorney after the effective date of disbarment or suspension and will advise such clients to seek legal advice elsewhere.”

- b. “Withdraw from all pending administrative or litigation matters before the effective date of the suspension or disbarment and...follow all applicable laws and disciplinary rules regarding the manner of withdrawal.”
87. In 2022, G.H. died intestate.
88. G.H. had three children, G.W.H., B.R., and D.H.
89. At the time of his death, G.H. owned a parcel of real property located in Pittsboro, North Carolina (the “Property”).
90. On November 7, 2022, G.W.H. filed a partition action seeking to force the sale of the Property.
91. B.R. and D.H. were named respondents in the partition action; both were served with copies of the petition and summons on November 9, 2022.
92. The summons directed B.R. and D.H. to file an answer to G.W.H.’s petition within 30 days of service.
93. On November 21, 2022, B.R. and D.H. hired Defendant to represent them in the partition action.
94. On December 7, 2022, Defendant mailed to the Special Proceedings Division of the Chatham County Clerk of Court for filing in the partition action copies of 1) a motion for extension of time in which to file a response to the petition, 2) a proposed order granting same, and 3) a certificate of service.
95. Defendant’s motion for extension of time was received and filed by the clerk on December 12, 2022.
96. On December 16, 2022, the clerk denied Defendant’s motion for extension of time because Defendant’s motion had been filed after the 30-day period in which B.R. and D.H. were to file an answer in the partition action had expired.
97. The partition action was set for hearing in the Clerk’s Courtroom at the Chatham County Courthouse on February 22, 2023, at 10:00 am.
98. On the morning of February 22, 2023, G.W.H., his attorney, B.R., and D.H. were present in court for the partition hearing.
99. Defendant did not appear in court.

100. Instead, on the morning of February 22, 2023, Defendant called the clerk's office and, claiming to be sick, requested a continuance.
101. The clerk granted Defendant's request and continued the partition hearing.
102. On February 24, 2023, B.R. received a call from Defendant's legal assistant advising B.R. that Defendant had just returned from vacation and that Defendant wanted to meet with B.R. and D.H. at 2:00 pm on March 3<sup>rd</sup> at Defendant's Siler City office.
103. On March 3, 2023, North Carolina State Bar Investigator Stephan Lampert drove to Defendant's Siler City office to personally serve Defendant with the Letter of Notice in file no. 23G0299.
104. Lampert arrived at Defendant's Siler City office at approximately noon.
105. Defendant arrived at her Siler City office at approximately 12:45pm.
106. Lampert approached Defendant and served her with the Letter of Notice in file no. 23G0299.
107. Defendant's response to the Letter of Notice in file no. 23G0229 was due on or before March 18, 2023.
108. Lampert also gave Defendant a copy of the DHC's noncompliance suspension order.
109. Defendant claimed to Lampert that she was unaware that her law license had been suspended by the DHC.
110. Having been informed of her suspension, Defendant told Lampert that she had three client appointments scheduled for that afternoon that she would have to cancel.
111. After parting ways with Lampert, Defendant called D.H. and cancelled their 2:00pm appointment.
112. When she called D.H. to cancel the appointment, Defendant did not tell D.H. that her law license had been suspended.
113. Instead, Defendant told D.H. that she was cancelling their appointment because she had COVID.
114. Defendant never told B.R. or D.H. that her law license was suspended as she was required to do under the terms of the Suspension Order.
115. Defendant did not withdraw from the partition action as she was required to do under the terms of the Suspension Order.

116. Defendant did not request an extension of time to respond to the Letter of Notice in file no. 23G0229.

117. Defendant did not respond to the Letter of Notice in file no. 23G0229.

Based upon the pleadings, Defendant's default, and the foregoing Findings of Fact, the Hearing Panel enters the following:

### CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Panel, and the Panel has jurisdiction over Defendant and the subject matter of this proceeding.
2. Defendant has failed to file any responsive pleading in this matter and a proper entry of default was entered by the Secretary of the State Bar.
3. 27 N.C.A.C. § 1B.0115(f) provides that allegations contained in the complaint will be deemed admitted if the defendant fails to file an answer. The allegations of Plaintiff's complaint are deemed admitted.
4. Defendant's conduct, as set forth in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. §84-28(b)(2) for violation of the Rules of Professional Conduct in effect at the time of the conduct as follows:
  - a. By failing to timely file a Final Affidavit of Collection for D.C.'s father's estate such that the clerk had to issue a notice and show cause order directing D.C. to file such an affidavit, Defendant failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3 and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);
  - b. By serially failing to timely file or file at all annual accounts for the guardianship estate and D.C.'s father's estate such that the clerk regularly had to issue notices and show cause orders directing D.C. to file such accounts, Defendant failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3 and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);
  - c. By failing to ensure that her legal assistant's representations to D.C. regarding the status of the final account for the guardianship estate were accurate, Defendant failed to take reasonable efforts to ensure that the conduct of a nonlawyer over whom she had direct supervisory authority was compatible with Defendant's professional obligations in violation of Rule 5.3(b);

- d. By failing to respond to D.C.'s May 15, 2021 request for copies of invoices and an accounting of the funds Defendant held in trust for D.C., Defendant failed to promptly comply with her client's reasonable request for information in violation of Rule 1.4(a)(4), failed to tender to her client a written accounting of the receipts and disbursements of all trust funds as reasonably requested by her client in violation of Rule 1.15-3(f), and failed upon termination of representation to take steps to the extent reasonably practicable to protect her client's interests in violation of Rule 1.16-(d);
- e. By failing to respond to the Letter of Notice and the grievance subpoena in file no. 22G0282, Defendant knowingly failed to respond to a lawful demand for information from a disciplinary authority in connection with a disciplinary matter in violation of Rule 8.1(b);
- f. By failing to comply with the wind-down requirements of the DHC's noncompliance suspension order with respect to B.R. and D.H., Defendant failed to reasonably consult with clients about the means by which the clients' objectives are to be accomplished in violation of Rule 1.4(a)(2), failed to keep clients reasonably informed of the status of a matter in violation of Rule 1.4(a)(3), failed to explain a matter to clients to the extent reasonably necessary to permit the clients to make informed decisions regarding the representation in violation of Rule 1.4(b), failed, upon termination of representation, to take steps to the extent reasonably practicable to protect clients' interests in violation of Rule 1.16(d), knowingly disobeyed an obligation under the rules of a tribunal in violation of Rule 3.4(c), and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);
- g. By failing to timely file a motion for an extension of time to file an answer in the partition action, Defendant failed to act with reasonable diligence and promptness in representing clients in violation of Rule 1.3, and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);
- h. By failing to inform B.R. and D.H. that she was going to ask the court to continue the partition hearing, Defendant failed to keep her clients reasonably informed of the status of their case in violation of Rule 1.4(a)(3);
- i. By representing to the clerk that she needed to continue the partition hearing because she was sick when, in fact, she was on vacation, Defendant knowingly made a false statement of material fact or law to a tribunal in violation of Rule 3.3(a)(1), engaged in conduct involving dishonesty, fraud, deceit or misrepresentation that reflects adversely on the lawyer's fitness as a lawyer in violation of Rule 8.4(c), and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);

- j. By representing to D.H. that she needed to cancel their appointment because she had COVID when she did not, in fact, have COVID, Defendant engaged in conduct involving dishonesty, fraud, deceit or misrepresentation that reflects adversely on the lawyer's fitness as a lawyer in violation of Rule 8.4(c);
  - k. By not telling B.R. and D.H. that her law license had been suspended and thereby implicitly representing to them that she was licensed to practice and could continue representing them in the partition action, Defendant engaged in conduct involving dishonesty, fraud, deceit or misrepresentation that reflects adversely on the lawyer's fitness as a lawyer in violation of Rule 8.4(c); and
  - l. By failing to respond to the Letter of Notice in file no. 23G0229, Defendant knowingly failed to respond to a lawful demand for information from a disciplinary authority in connection with a disciplinary matter in violation of Rule 8.1(b).
5. 27 N.C.A.C. § 1B.0115(g)(2)(B) provides that, upon entry of the defendant's default by the Secretary, State Bar counsel may then apply to the hearing panel for a default order imposing discipline. This provisions states, "Upon such motion, the hearing panel shall enter an order making findings of fact and conclusions of law as established by the facts deemed admitted by the default. If such facts provide sufficient basis, the hearing panel shall enter an order imposing the discipline deemed to be appropriate." The hearing panel may, but is not required, to hear additional evidence before entering an order of discipline. 27 N.C.A.C. § 1B.0115(g)(2)(B).
  6. The facts established through the default provide sufficient basis for the Hearing Panel to enter an order of discipline in this case.
  7. Additional evidence is not necessary to determine the appropriate discipline in this case.

Based on the foregoing Findings of Fact and Conclusions of Law, the Hearing Panel hereby finds by clear, cogent and convincing evidence the following additional:

#### **FINDINGS OF FACT REGARDING DISCIPLINE**

The findings of fact and conclusions of law above are reincorporated as if set forth herein.

1. Defendant's failure to respond to D.C.'s requests for information or provide timely updates about the administration of D.C.'s father's guardianship and, later, estate, caused significant harm to D.C. D.C. trusted Defendant to represent her interests and guide her with a sure hand through the estate administration process. Defendant's misconduct left D.C. in the dark about the status of her father's guardianship and estate cases, and, as a

natural consequence, unprepared to manage those cases without the assistance of counsel, which D.C. was ultimately forced to do.

2. Defendant's failure to timely comply with filing deadlines in D.C.'s father's guardianship and estate cases caused significant harm to the administration of justice. Defendant's failure to timely comply with filing deadlines in those cases led to the issuance of seven notices of delinquent filings/orders to show cause. In addition to putting her in jeopardy of contempt of court, Defendant's lack of diligence unnecessarily wasted the court's time and resources and delayed the disposition of D.C.'s cases.
3. Defendant's failure to tell B.R. and D.H. that her law license had been suspended and her subsequent failure to keep B.R. and D.H. properly informed regarding the status of the partition action resulted in significant harm to B.R. and D.H. As with D.C., B.R. and D.H. trusted Defendant for guidance and relied upon Defendant to protect their interests. By not informing B.R. and D.H. of her suspension and timely withdrawing from their case, Defendant effectively left them unrepresented by counsel.
4. Defendant's lack of honesty and failure to withdraw from B.R. and D.H.'s case caused harm to the public—specifically, the opposing party in that case—and to the administration of justice. Defendant's failure to withdraw unnecessarily delayed the disposition of B.R. and D.H.'s case, wasted court resources, and deprived the opposing party of timely resolution of a significant legal matter.
5. Defendant took clients' money and failed to perform the work for which she had been paid, thereby harming her clients and causing potentially significant harm to the standing of the legal profession in the eyes of the public. The harm to Defendant's clients is self-evident. As to the potentially significant harm to the standing of the profession: confidence in the legal profession is a building block for public trust in the legal system. At the very least, the public is entitled to expect that lawyers will render the services for which they are paid. Defendant's conduct has the potential to erode the public's trust in the profession.
6. Defendant's refusal to participate in the disciplinary process caused significant harm to the legal profession. Self-regulation is a privilege. If the legal profession is to remain self-regulating, members of the Bar must be active participants in the regulatory process. Defendant's outright refusal to participate in the disciplinary process demonstrates disregard for the profession's ability to self-regulate and, more broadly, a lack of respect for the profession. Moreover, Defendant's refusal to respond to multiple grievance inquiries from the State Bar caused significant harm to the administration of justice. Defendant's refusal to respond impeded the State Bar's investigation of those grievance matters, interfered with the State Bar's ability to regulate its members, and delayed timely resolution of this case.

7. Defendant has been licensed since 1989. With her degree of experience, Defendant should have known better than to engage in these acts that have led to the discipline imposed in this order.
8. Since December 28, 2022, Defendant's law license has been suspended for noncompliance with the grievance process in file no. 22G0282.
9. The Hearing Panel finds by clear, cogent, and convincing evidence any additional facts that may be contained in the conclusions regarding discipline set out below.

Based on the foregoing Findings of Fact, Conclusions of Law, and Additional Findings Regarding Discipline, the Hearing Panel enters the following:

### **CONCLUSIONS REGARDING DISCIPLINE**

1. The Hearing Panel carefully considered all of the different forms of discipline available to it, including admonition, reprimand, censure, suspension and disbarment.
2. The Hearing Panel considered disbarment, and has determined that disbarment is not warranted given the facts and circumstances of this case.
3. The Hearing Panel considered all of the factors enumerated in 27 N.C.A.C § 1B.0116(f)(1) and determined the following factors are applicable:
  - a. Factor (A) Intent of the defendant to cause the resulting harm or potential harm;
  - b. Factor (B) Intent of the defendant to commit acts where the harm or potential harm is foreseeable;
  - c. Factor (C) Circumstances reflecting the defendant's lack of honesty, trustworthiness, or integrity;
  - d. Factor (D) Elevation of Defendant's own interest above those of her clients;
  - e. Factor (E) Negative impact of defendant's actions on client's or public's perception of the profession;
  - f. Factor (F) Negative impact of the defendant's actions on the administration of justice;
  - g. Factor (G) Impairment of the client's ability to achieve the goals of the representation;
  - h. Factor (H) Effect of defendant's conduct on third parties;

- i. Factor (I) Acts of dishonesty, misrepresentation, deceit, or fabrication; and
  - j. Factor (J) Multiple instances of failure to participate in the legal profession's self-regulation process.
4. The Hearing Panel considered all the factors enumerated in 27 N.C.A.C § 1B.0116(f)(2) and determined that factor (A) Acts of dishonesty, misrepresentation, deceit or fabrication is present in this case. However, given the totality of the evidence in this case, the presence of this factor alone does not warrant disbarment.
5. The Hearing Panel considered all the factors enumerated in 27 N.C.A.C § 1B.0116(f)(3) and determined the following factors are applicable:
  - a. Factor (A) Absence of prior disciplinary offenses in this state or any other jurisdiction;
  - b. Factor (C) Dishonest or selfish motive;
  - c. Factor (E) Indifference to making restitution;
  - d. Factor (F) A pattern of misconduct;
  - e. Factor (G) Multiple offenses;
  - f. Factor (M) Bad faith obstruction of the disciplinary proceedings by intentionally failing to comply with rules or orders of the disciplinary agency;
  - g. Factor (O) Refusal to acknowledge wrongful nature of conduct; and
  - h. Factor (S) Degree of experience in the practice of law.
6. The Hearing Panel considered lesser alternatives and finds that censure, reprimand, or admonition would be insufficient discipline that would not adequately protect the public due to of the gravity of the actual and potential harm to Defendant's clients, the public, the administration of justice, and the legal profession caused by Defendant's conduct, including her failure to provide legal services she agreed to provide and her repeated failures to comply with her professional obligations to respond to the State Bar's requests for information, and the resulting threat of potential significant harm Defendant poses to the public.
7. The Hearing Panel determines that discipline short of suspension would not adequately protect the public from future misconduct by Defendant for the following reasons:

- a. The factors under 27 N.C.A.C. §§ 1B.0116(f)(1) and (f)(3) support imposition of suspension as the appropriate discipline;
- b. Defendant caused significant harm and potential significant harm to Defendant's clients, the public, the administration of justice, and the profession, as set out in detail above;
- c. Entry of an order imposing less serious discipline would fail to acknowledge the seriousness of the offenses Defendant committed and would send the wrong message to attorneys and the public regarding the conduct expected of members of the Bar of this State;
- d. For the public to have confidence in the State Bar's regulation of the profession, lawyers who continuously engage in improper conduct, including neglect of client matters and refusal to participate in the profession's self-regulatory process, must be removed from the practice of law; and
- e. The public will be adequately protected by suspension of Defendant's license. Given her history of client neglect, Defendant should be allowed to resume practicing law only upon her compliance with conditions designed to protect the public and ensure her continued compliance with the Rules of Professional Conduct.

Based on the foregoing Findings of Fact, Conclusions of Law, and additional Findings of Fact and Conclusions of Law Regarding Discipline, the Hearing Panel hereby enters the following:

#### **ORDER OF DISCIPLINE**

1. Defendant, Elizabeth J. Caviness, is hereby suspended from the practice of law for five years, beginning 30 days from the date of service of this order upon Defendant.
2. Defendant shall submit her law license and membership card to the Secretary of the North Carolina State Bar no later than 30 days after the effective date of this order.
3. Defendant shall comply with the wind down provisions contained in 27 N.C.A.C. § 1B.0128, including filing an affidavit with the Secretary of the North Carolina State Bar no later than 10 days after the effective date of this order, certifying that she has complied with the wind down rule.
4. Defendant is taxed with the administrative fees and the costs of this action as assessed by the Secretary. Defendant shall pay the costs and administrative fees of this action as assessed by the Secretary no later than 30 days after service of the statement of costs upon her.

5. Within 30 days of the effective date of this order, Defendant shall provide the State Bar with an address and telephone number at which clients seeking return of files and return of unearned fees and any funds held in trust can communicate with Defendant. This address must be a physical address at which Defendant maintains a consistent presence and receives mail. Defendant must keep this information current with the State Bar, providing updated information to the State Bar within 10 days of any change.
6. Defendant shall promptly return client files and unearned fees in her possession, custody, or control to clients upon their request within five days of receipt of the request. Defendant will be deemed to have received the request three days after the date the request is deposited in the United States Mail addressed to Defendant's address maintained with the North Carolina State Bar.
7. Within 15 days of the effective date of this order, Defendant shall disburse to the appropriate recipients all entrusted funds in her possession.
8. After serving no less than 36 months of the five-year suspension, Defendant may apply for a stay of the remaining period of suspension imposed by filing a verified petition with the Secretary of the North Carolina State Bar pursuant to 27 N.C.A.C. § 1B.0118(c) demonstrating by clear, cogent, and convincing evidence that in addition to complying with the general provisions listed in 27 N.C.A.C. § 1B.0128, Defendant has complied with the following conditions:
  - a. Defendant timely complied with paragraphs 1- 7 of this section of the Order of Discipline;
  - b. Defendant completed 12 hours of Continuing Legal Education focused on ethics and professional responsibility during the 12 months immediately preceding filing the petition for stay, and provided proof of her completion to the Office of Counsel;
  - c. Defendant fully complied with her obligations under 27 N.C.A.C. § 1B.0135 pursuant to her Order of Noncompliance Suspension dated November 21, 2022, and provided the Office of Counsel proof of her compliance;
  - d. Defendant promptly and appropriately responded to all inquiries from clients requesting the return of client files and unearned fees;
  - e. Defendant properly disbursed all entrusted funds in her possession to the appropriate recipients, reimbursed the Client Security Fund for all funds paid to her clients, and provided the Office of Counsel proof of her compliance;
  - f. Defendant created a client communication policy for her law practice to ensure compliance with her obligations under Rule 1.4. Such policy must be in writing, and Defendant must provide a copy to the Office of Counsel;

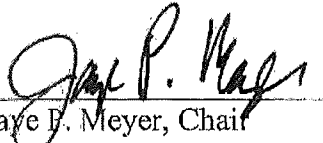
- g. Defendant was evaluated by a psychologist, psychiatrist, or licensed clinical social worker approved by the Office of Counsel to determine whether she has any identifiable condition(s) that may impact her professional judgment or ability to practice law for which treatment is recommended. The evaluation shall take place no more than twelve months before Defendant petitions for a stay of her suspension. Defendant shall be solely responsible for all costs associated with the evaluation. Defendant must also demonstrate:
- i. That a written report was prepared by the evaluating clinician(s) pursuant to the preceding paragraph and submitted to the Office of Counsel within 10 days of completion;
  - ii. That Defendant executed releases directing and authorizing the evaluating clinician(s) to communicate and share all records related to the evaluation with the Office of Counsel; and,
  - iii. That Defendant complied with all treatment recommendations of the evaluating clinician(s), and that the clinician certifies that Defendant does not suffer from any mental or physical conditions that would significantly impair her professional judgment, performance, or competence as an attorney and—if applicable—executed releases directing and authorizing the clinician(s) who provided the recommended treatment to communicate and share all records related to the treatment with the Office of Counsel;
- h. That at least 30 days prior to filing a petition for stay, Defendant arranged for an active member of the North Carolina State Bar to serve as her law practice monitor during the stay. The practice monitor shall be an attorney in good standing who practices law in the judicial district in which Defendant practices law and who has been approved by the State Bar's Office of Counsel. Defendant shall pay the costs, if any, charged by the practice monitor for the monitor's supervision. At the time she files a petition for stay, Defendant must provide the Office of Counsel with a letter from the practice monitor confirming the practice monitor's agreement to perform the duties described in paragraph 9(c) below during the period of stayed suspension;
- i. That Defendant entered into a written fee agreement with every non-court appointed client, including all non-court appointed clients for whom legal services are provided *pro bono*, and the fee agreement stated with specificity the legal work Defendant shall undertake to perform;

- j. That Defendant kept the North Carolina State Bar Membership Department advised of her current business and home addresses and notified the Bar of any change in address within ten days of such change;
  - k. That Defendant accepted all certified mail from the North Carolina State Bar and responded to all letters of notice and requests for information from the North Carolina State Bar by deadlines stated in the communication or within 15 days of receipt of such communication, whichever is earlier, and participated timely and in good faith in the State Bar's Fee Dispute Resolution Program for any petition received after the effective date of this order;
  - l. That Defendant did not violate the Rules of Professional Conduct or any state or federal laws other than minor traffic violations during the period of suspension; and,
  - m. That Defendant did not engage in the unauthorized practice of law during the period of suspension.
9. If Defendant successfully petitions for a stay, the remainder of the suspension of Defendant's law license shall be stayed as long as Defendant complies and continues to comply with the following conditions:
- a. If Defendant attested in connection with her petition for stay that she did not intend to handle entrusted funds or open or operate a trust account during the period of stayed suspension, Defendant will, at least annually, provide a signed notarized affidavit attesting that she did not open or operate a trust account or handle entrusted funds during the preceding year of the period of stay. This affidavit will be due on 1 July each year during the period of stay;
  - b. If Defendant maintains a trust account during the period of stayed suspension, she shall retain a certified public accountant approved by the Office of Counsel who shall provide semi-annual written reports to the State Bar confirming that, at all times during the period of each written report, Defendant maintained in her trust account all client funds or other entrusted funds she was required to maintain in trust and that Defendant has at all times relevant to each such report been in compliance with all requirements of the Rules of Professional Conduct regarding safekeeping property (currently codified in Rules 1.15-2 and 1.15-3). Defendant shall be solely responsible for the cost of compliance with this paragraph;
  - c. Defendant shall meet with her law practice monitor at least monthly. The practice monitor shall review all of Defendant's pending cases. Defendant shall ensure that her practice monitor submits quarterly written reports to the Office of Counsel confirming that the meetings are occurring, that the monitor has reviewed all of

Defendant's pending cases, and that Defendant is meeting deadlines, appearing in court when her clients' cases are on the calendar, adequately communicating with clients, and behaving in accordance with all professional standards. The reports are due January 15, April 15, July 15, and October 15 during the period of stayed suspension. If at any point during the stayed suspension Defendant's practice monitor cannot serve or is unwilling to serve, Defendant shall, within 30 days, arrange for an alternate practice monitor who meets the requirements set forth in paragraph 8(h) above;

- d. Defendant shall keep the North Carolina State Bar Membership Department advised of her current business and home addresses and notify the Bar of any change in address within 10 days of such change;
  - e. Defendant shall respond to all communications from the North Carolina State Bar by the deadline stated in the communication, or within 15 days of the date of the communication, whichever is sooner, and shall participate timely and in good faith in the State Bar's fee dispute resolution process for any petition received during the period of the stay;
  - f. Defendant shall timely comply with all North Carolina State Bar CLE requirements as set forth in 27 N.C.A.C. § 1B.0118 and pay all fees and costs assessed therefor by the applicable deadline. Defendant shall provide proof of the same to the Office of Counsel within 10 days of completing each CLE course; and
  - g. Defendant shall not violate the Rules of Professional Conduct or the laws of the United States or any state or local government during the period of the stay, other than minor traffic violations.
10. If Defendant fails to comply with any of the conditions of the stayed suspension provided in paragraphs 9(a)-(g) above, the stay of the suspension may be lifted as provided in 27 N.C.A.C. § 1B.0118 of the North Carolina State Bar Discipline and Disability Rules.
11. If Defendant does not seek a stay of the suspension of her law license, or if some part of the suspension is stayed and thereafter the stay is revoked, Defendant must comply with the conditions set out in paragraphs 8(a) through (g) and paragraphs 8(j) through (m) above and the provisions of 27 N.C.A.C. § 1B.0129 before seeking reinstatement of her license to practice law, and must provide in her petition for reinstatement clear, cogent, and convincing evidence showing her compliance therewith.
12. The Disciplinary Hearing Commission will retain jurisdiction of this matter pursuant to 27 N.C.A.C. §§ 1B.0118 and 1B.0129(b) throughout the period of the suspension, any stay thereof, and until all conditions set forth above are satisfied.

Signed by the Chair with the consent of the other Hearing Panel members, this the 25 day of September, 2025.



Jaye P. Meyer, Chair  
Disciplinary Hearing Panel