

STATE OF NORTH CAROLINA
WAKE COUNTY



BEFORE
THE DISCIPLINARY HEARING COMMISSION
OF
THE NORTH CAROLINA STATE BAR
23 DHC 14

THE NORTH CAROLINA STATE BAR,
Plaintiff

v.

MEREDITH P. EZZELL, Attorney,
Defendant

CONSENT ORDER
OF
DISCIPLINE

This matter came before the undersigned Chair of the Disciplinary Hearing Commission composed of James A. Davis, Chair, and members, Irving L. Joyner and Kimberly W. Strach. Alex G. Nicely and Jessica M. Arnold represented Plaintiff, the North Carolina State Bar. Defendant, Meredith P. Ezzell, represented herself *pro se*. Defendant waives a formal hearing in this matter. The parties stipulate and agree to the findings of fact and conclusions of law recited in this Order, and consent to the discipline imposed by this Order. By consenting to the entry of this Order, Defendant knowingly, freely, and voluntarily waives her right to appeal this consent order or to challenge in any way the sufficiency of the findings and conclusions herein.

Based on the pleadings and the stipulated facts, 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 (“Plaintiff” or “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, Meredith P. Ezzell (“Defendant”), was admitted to the North Carolina State Bar in 1996, 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 Rules of Professional Conduct.

3. On February 28, 2019, the Disciplinary Hearing Commission (“DHC”) entered a Consent Order of Discipline in *State Bar v. Meredith P. Ezzell*, file number 18 DHC 42. The Consent order of Discipline in file 18 DHC 42 suspended Defendant's license to practice law for three years and stayed the suspension for three years on the condition that Defendant comply with the conditions specified in the Order.

4. On October 28, 2020, the DHC entered a Consent Order to Extend Stay of Suspension in file number 18 DHC 42_ SC, finding that Defendant failed to comply with several conditions of the Order of Discipline in file number 18 DHC 42. The DHC extended the stay of Defendant's three-year suspension for an additional eighteen months until August 31, 2023.

5. On September 9, 2022, the DHC entered a Consent Order to Activate Suspension in file number 18 DHC 42_ SC2, again finding that Defendant failed to comply with several conditions of the Order of Discipline in file number 18 DHC 42.

6. Defendant was actively engaged in the practice of law in Wilmington, New Hanover County, North Carolina until October 19, 2022, the effective date of Defendant's suspension.

Representation of Client R.L.

7. In 2014, R.L. retained Defendant for representation in a Chapter 13 bankruptcy matter.

8. Pursuant to her Chapter 13 bankruptcy plan, R.L. made monthly payments of \$480.00 for a period of five years.

9. On June 20, 2019, the bankruptcy Trustee notified Defendant that R.L.'s bankruptcy plan was nearing completion and directed Defendant to serve R.L. with a form entitled "Chapter 13 Certifications Regarding Domestic Support Obligations, Discharges in Prior Cases, and Section 522(q)" (hereinafter "Discharge Certification Form"). The Trustee also notified Defendant that the Discharge Certification Form was due by July 11, 2019, and that a failure to file the form could result in R.L.'s case being closed without entry of a discharge.

10. On June 22, 2019, Defendant told R.L. that her bankruptcy plan had been completed and that she would "be mailing out a letter next week regarding the discharge and final matters."

11. Defendant failed to timely serve R.L. with the Discharge Certification Form.

12. Defendant failed to timely file the Discharge Certification Form on R.L.'s behalf.

13. As a result of Defendant's failures, R.L.'s bankruptcy case was closed without discharge on August 27, 2019.

14. Defendant did not inform R.L. that she failed to timely file the Discharge Certification Form.

15. Defendant did not inform R.L. that her bankruptcy case had been closed without discharge.

16. On or about September 6, 2019, R.L. received a notice that her bankruptcy case had been closed without discharge. That same day, R.L. emailed Defendant inquiring why her bankruptcy case had been closed without discharge.

17. On September 9, 2019, Defendant responded to R.L. stating she would send the Discharge Certification Form to R.L. "in the next couple of days" and that Defendant was under the mistaken impression the case would not be closed by the Court for at least 90 days from the Trustee's final report. Defendant admitted she made a mistake and assured R.L. that she would fix the mistake by filing a motion to reopen the case to allow her to file the Discharge Certification Form. Defendant also told R.L. that Defendant would bear the costs of reopening the case.

18. On October 21, 2019, R.L. emailed Defendant again asking for a status update on the discharge of her bankruptcy. R.L. explained that she had received debt collection notices from creditors that were listed in the bankruptcy action. R.L. stressed that she was very worried that she had not heard from Defendant and asked Defendant to respond as soon as possible.

19. On October 21, 2019, Defendant responded to R.L.'s email. Defendant apologized for being "so out of touch" with R.L. and claimed that she would "finalize sending out" R.L.'s Discharge Certification Form as soon as she got "back up and running." Defendant stated that she would "take steps to have [R.L.'s] case reopened to file the certificate and then [R.L.'s] discharge will be entered."

20. On January 29, 2020, Defendant sent R.L. another email claiming that she still intended to file a motion to reopen R.L.'s case and that she would send R.L. the Discharge Certification Form.

21. Defendant never sent R.L. the Discharge Certification Form.

22. Defendant never moved to reopen R.L.'s case.

23. R.L.'s case is still closed without being discharged.

Failure to Respond to the State Bar

24. The State Bar opened a grievance file against Defendant based in part upon the conduct described in paragraphs 7 through 23 above, file number 20G0838.

25. On August 3, 2021, the State Bar sent Defendant a Letter of Notice in file 20G0838 via certified mail to her address of record with the State Bar.

26. In the Letter of Notice, Defendant was asked to provide the State Bar with various documents, including copies of any fee agreements with R.L., a breakdown of legal services rendered to R.L., copies of any written communications with R.L., and copies of any documents that Defendant filed on R.L.'s behalf in her Chapter 13 bankruptcy matter.

27. Defendant was properly served with the Letter of Notice in file 20G0838 on August 5, 2021.

28. Defendant failed to respond to the Letter of Notice in file 20G0838 and failed to produce any of the documentation requested by the State Bar in its Letter of Notice.

Representation of Client P.B.

29. In October 2015, Defendant filed for a Chapter 13 bankruptcy on behalf of client

30. On October 21, 2020, the bankruptcy Trustee notified Defendant that P.B.'s bankruptcy plan was nearing completion and directed Defendant to serve P.B. with a Discharge Certification Form. The Trustee also notified Defendant that the Discharge Certification Form was due by November 12, 2020, and that a failure to file the form could result in P.B.'s case being closed without entry of a discharge.

31. In November 2020, P.B. contacted Defendant and asked her to strip the lien from his second mortgage. Defendant collected an additional \$500.00 from P.B. to perform this service.

32. Defendant also advised P.B. that he needed to complete the Discharge Certification Form for his bankruptcy to be discharged.

33. On November 18, 2020, P.B. provided Defendant with an executed Discharge Certification Form.

34. Defendant failed to file the Discharge Certification Form on P.B.'s behalf.

35. As a result of Defendant's failures, P.B.'s bankruptcy case was closed without discharge on January 27, 2021.

36. Defendant did not inform P.B. that his bankruptcy case had been closed without discharge.

37. P.B. received notice from the Bankruptcy Court that his case had been closed without discharge due to the Court not receiving his Discharge Certification Form.

38. P.B. contacted Defendant and asked why his bankruptcy case had been closed without discharge.

39. Defendant blamed the issue on a "problem with her filing software."

40. Between March and July 2021, P.B. repeatedly attempted to contact Defendant about the status of his case.

41. Defendant failed to promptly respond to several of P.B.'s inquiries about the status of his case.

42. On the few occasions that P.B. was able to speak with Defendant, she told him that she was in the process of reopening his bankruptcy case to complete the bankruptcy discharge.

43. Defendant did not file a motion to reopen P.B.'s bankruptcy case on her client's behalf.

44. On August 16, 2021, P.B. filed a *pro se* motion with the Bankruptcy Court to reopen his bankruptcy case. On that same day, P.B. filed the Discharge Certification Form on his own behalf.

45. On August 19, 2021, the Court granted P.B.'s motion to reopen his bankruptcy case and entered an order of discharge.

46. The lien from P.B.'s second mortgage was not stripped at the close of the bankruptcy case.

47. Defendant referred P.B. to a colleague to strip the lien from his second mortgage.

48. P.B. met with Defendant's colleague and learned that the lien was not eligible to be stripped.

49. Defendant told P.B. that she agreed with her colleague's assessment.

50. P.B. has since received notice that he needs to set up payments for \$38,922.73 in arrears on his second mortgage or he could potentially face foreclosure.

Failure to Respond to the State Bar

51. The State Bar opened a grievance file against Defendant based in part upon the conduct described in paragraphs 29 through 50 above, file number 22G0317.

52. Defendant was served with a Letter of Notice in file 22G0317 on June 1, 2022.

53. Defendant failed to submit a response within fifteen days of service.

54. On July 6, 2022, the State Bar sent Defendant an email reminding her that her response was past due.

55. Defendant failed to respond to the Letter of Notice in file 20G0317.

Representation of Client P.R.

56. In April 2016, P.R. retained Defendant for representation in a Chapter 13 bankruptcy matter.

57. On April 16, 2016, Defendant filed for Chapter 13 bankruptcy on P.R.'s behalf.

58. After filing P.R.'s bankruptcy petition, Defendant failed to reasonably communicate with P.R. about her case.

59. P.R. repeatedly attempted to contact Defendant for advice and to request status updates about her case, but Defendant failed to respond to most of P.R.'s telephone calls, emails and letters.

60. In early 2020, desperate to speak with Defendant after being unable to reach her, P.R. went to Defendant's law office at 4427 Junction Park Drive in Wilmington, North Carolina, only to learn that the property was being used as an acupuncture office.

61. Defendant failed to notify P.R. that she was no longer operating her law practice out of the 4427 Junction Park Drive location.

62. P.R. also went to the address listed on Defendant's website, 4004 Oleander Drive in Wilmington, North Carolina, on several occasions, but P.R. was never able to reach Respondent at this location.

63. Defendant failed to provide P.R. with her updated contact information.

64. In or around July 2021, P.R. was notified that she had completed all of the payments under her Chapter 13 plan, but that a discharge would not be entered unless she filed a Discharge Certification Form by August 31, 2021.

65. P.R. repeatedly called Defendant by telephone to discuss the Discharge Certification Form, but Defendant failed to return her calls.

66. On August 19, 2021, after receiving no response from Defendant, P.R. filed the Discharge Certification Form on her own behalf.

67. On that same day, the Court entered an order of discharge in P.R.'s bankruptcy case.

Failure to Respond to the State Bar

68. The State Bar opened a grievance file against Defendant based in part upon the conduct described in paragraphs 56 through 67 above, file number 20G0185.

69. Defendant was served with a Letter of Notice in file 20G0185 on November 17, 2020.

70. Defendant failed to submit a response to the Letter of Notice in file 20G0185 within fifteen days of service.

71. On February 1, 2021, the State Bar emailed a letter to Defendant reminding her that her response to the Letter of Notice in file 20G0185 was past due.

72. On February 3, 2021, Defendant emailed State Bar Deputy Counsel claiming that she had lost all emails in her inbox due to an ISP issue and had no record of receiving the 20G0185 Letter of Notice in November. Defendant further stated: "If you could forward me the Letters of Notice, I will do my best to respond no later than February 8, 2021." That same day, Deputy Counsel emailed Defendant another copy of the Letter of Notice in file 20G0185.

73. On February 8, 2021, Defendant emailed the Deputy Counsel an Acceptance of Service for the Letter of Notice in file 20G0185 and stated: "I am working on my responses and will forward them as soon as possible."

74. On March 9, 2021, the State Bar emailed Defendant another letter, again reminding her that her response to the Letter of Notice in file 20G0185 was past due.

75. On March 24, 2021, the State Bar emailed Defendant and requested a response.

76. On May 28, 2021, Defendant sent Deputy Counsel an email stating she had "suffered from a series of spontaneous corneal abrasions" in her eye, which caused a disruption in her ability to work on the computer. Defendant admitted that she had neglected to respond to the Letter of Notice but claimed she would do so by June 1, 2021.

77. To date, Defendant still has not submitted a response to the Letter of Notice in 20G0185.

Employee Income Tax Withholding

78. During all or part of the second quarter of 2019, Defendant operated a law firm in New Hanover County, North Carolina and employed and compensated one or more employees who provided services for the benefit of Defendant's law firm.

79. As the managing attorney of her law firm, Defendant had authority over the funds in bank accounts maintained by the firm and made decisions concerning how and when those funds would be spent.

80. Defendant was a "responsible person" as defined by federal and state tax law in that she had the power and responsibility to pay the federal tax obligations of her law firm.

81. When Defendant paid employees of her law firm, she was required pursuant to 26 U.S.C. § 3402(a)(1) to deduct and collect funds from her employees' wages to pay her employees' federal income taxes.

82. Defendant was required by law to timely pay over to the U.S. Department of the Treasury (the "Treasury") federal income taxes withheld from her employees' paychecks.

83. During all or part of the second quarter of 2019, Defendant willfully failed to collect, truthfully account for, and/or timely pay over to the Treasury amounts due for federal employment taxes for her law firm's employees.

84. When Defendant paid employees of her law firm, she was required pursuant to N.C. Gen. Stat. § 105-163.2 to deduct and withhold funds from her employees' wages to pay the employees' state income taxes.

85. Defendant was required by law to pay the North Carolina Department of Revenue (the "NCDOR") state income taxes withheld from the wages of her employees.

86. During all or part of the second quarter of 2019, Defendant willfully failed to collect, truthfully account for, and/or timely pay over to the NCDOR amounts due for state income taxes for her law firm's employees.

FICA Taxes

87. When Defendant paid employees of her law firm, she was required pursuant to 26 U.S.C. § 3102(a) to deduct and collect funds from her employees' wages to pay her employees' Social Security and Medicare taxes (collectively, "FICA taxes").

88. Defendant was required to truthfully and timely account for the FICA taxes collected from her employees' wages by filing Employer's Quarterly Federal Tax Returns.

89. Defendant was required to pay over to the Treasury the FICA taxes withheld from her employee's wages.

90. During all or part of the second quarter of 2019, Defendant willfully failed to timely collect, truthfully account for, and/or timely pay the Treasury amounts due for FICA taxes for her law firm's employees.

Personal Income Tax (Federal)

91. During calendar years 2016, 2017, 2018 and 2019, Defendant's income exceeded the minimum threshold above which an individual is required to file federal income tax returns. For these years, Defendant was aware of the deadlines for filing federal tax returns and paying any tax liability.

92. Defendant failed to file, within the times required by law, federal income tax returns showing her tax liability for tax years 2017 and 2018.

93. Defendant failed to pay, within the times required by law, her federal income tax liability for tax years 2016, 2017, 2018 and 2019.

Personal Income Tax (State)

94. During calendar years 2017, 2018 and 2019, Defendant's income exceeded the minimum threshold above which an individual is required to file state income tax returns. For these years, Defendant was aware of the deadlines for filing state tax returns and paying any tax liability.

95. Defendant failed to file, within the times required by law, state income tax returns showing her tax liability for tax years 2017 and 2018.

96. Defendant failed to pay, within the times required by law, her state income tax liability for tax years 2017, 2018 and 2019.

Tax Offenses

97. Willful failure by an employer or other responsible person to collect, truthfully account for, or pay over an employee's FICA or federal income taxes is a felonious criminal offense pursuant to 26 U.S.C. § 7202.

98. Defendant violated 26 U.S.C. § 7202 by:

- a. Failing to truthfully and timely account for federal income taxes and FICA taxes from the wages of her law firm employees during all or part of the second quarter of 2019;

- b. Failing to timely collect federal income taxes and FICA taxes from the wages of her law firm employees during all or part of the second quarter of 2019; and
 - c. Failing to timely pay the Treasury amounts due for federal income taxes and FICA taxes for her law firm's employees during all or part of the second quarter of 2019.
99. Willful failure to file and pay personal federal income taxes within the time required by law is a misdemeanor criminal offense pursuant to 26 U.S.C. § 7203.
100. Defendant violated 26 U.S.C. § 7203 by:
- a. Failing to timely file personal federal income tax returns showing her tax liability for tax years 2017 and 2018; and
 - b. Failing to timely pay personal federal income taxes owed for tax years 2016, 2017, 2018 and 2019.
101. Willful failure to collect, truthfully account for, or pay over any tax imposed by the NCDOR is a criminal offense pursuant to N.C. Gen. Stat. & 105-236(a)(8) and a Class 1 misdemeanor.
102. Defendant violated N.C. Gen. Stat. § 105-236(a)(8) by:
- a. Failing to withhold state income taxes from the wages of her law firm employees during all or part of the second quarter of 2019;
 - b. Failing to truthfully and timely account for state income taxes from the wages of her law firm employees during all or part of the second quarter of 2019; and
 - c. Failing to pay the NCDOR amounts due for state income taxes for her law firm's employees.
103. Willful failure to file and pay personal North Carolina income taxes within the time required by law is a criminal offense pursuant to N.C. Gen. Stat. § 105-236(a)(9) and a Class 1 misdemeanor.
104. Defendant violated N.C. Gen. Stat §105-236(a)(9) by:
- a. Failing to timely file personal state income tax returns showing her tax liability for the tax years 2017 and 2018; and
 - b. Failing to timely pay personal state income taxes for tax years 2017, 2018 and 2019.

Failure to Respond to the State Bar

105. The State Bar opened a grievance file against Defendant based in part upon the conduct described in paragraphs 78 through 104 above, file number 20G0215.
106. On November 17, 2020, Defendant agreed to accept service of the Letter of Notice in file 20G0215 via email.
107. Defendant was served with the Letter of Notice in file 20G0215 on November 17, 2020.

108. Defendant failed to submit a response within fifteen days of service.

109. On February 1, 2021, the State Bar emailed a letter to Defendant stating her response to the Letter of Notice in 20G0215 was past due.

110. On February 3, 2021, Defendant emailed Deputy Counsel claiming that she had lost all emails in her inbox due to an ISP issue and had no record of receiving the 20G0215 Letter of Notice in November. Defendant further stated: "If you could forward me the Letters of Notice, I will do my best to respond no later than February 8, 2021." That same day, Deputy Counsel emailed Defendant another copy of the Letter of Notice in file 20G0215.

111. On February 8, 2021, Defendant emailed Deputy Counsel an Acceptance of Service of the Letter of Notice in file 20G0215 and stated: "I am working on my responses and will forward them as soon as possible."

112. On February 9, 2021, the State Bar sent Defendant an email requesting additional documentation in connection with file 20G0215.

113. On February 18, 2021, Defendant submitted a response to the Letter of Notice in file 20G0215. When submitting her response, Defendant failed to provide some of the documentation requested in the State Bar's February 9, 2021 email.

114. On April 1, 2021, the State Bar sent Defendant an email requesting additional documentation in connection with file 20G0215.

115. Defendant failed to respond to the State Bar's April 1, 2021 email and failed to provide any of the documentation requested therein.

Based upon the foregoing Findings of Fact and with the consent of the parties, the Hearing Panel makes the following:

CONCLUSIONS OF LAW

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

2. Defendant's conduct, as set out in the stipulated Findings of Fact above, constitutes grounds for discipline as follows:

A. Pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that Defendant violated the Rules of Professional Conduct in effect at the time of the conduct as follows:

- (1) By failing to serve R.L. with the Discharge Certification Form and failing to file the Discharge Certification Form on R.L.'s behalf, Defendant failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3;
- (2) By failing to inform R.L. that the Discharge Certification Form was due by July 11, 2019, failing to inform R.L. that Defendant had not timely filed the Discharge Certification Form on R.L.'s behalf, and failing to inform R.L. that her bankruptcy case had been closed without discharge, Defendant failed to keep her client reasonably informed about the status of the matter in violation of Rule 1.4(a)(3);

- (3) By failing to reopen R.L.'s case to have R.L.'s debts properly discharged after repeatedly telling R.L. she would do so, Defendant engaged in conduct involving dishonesty or misrepresentation in violation of Rule 8.4(c), engaged in conduct that is prejudicial to the administration of justice in violation of Rule 8.4(d), and intentionally prejudiced or damaged her client during the course of the professional relationship in violation of Rule 8.4(g);
- (4) By failing to respond to the Letter of Notice in file 20G0838 and failing to produce any of the documentation requested by the State Bar in its Letter of Notice in file 20G0838, 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) By failing to file the Discharge Certification Form on P.B.'s behalf, Defendant failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3;
- (6) By failing to inform P.B. that his bankruptcy case had been closed without discharge, Defendant failed to keep her client reasonably informed about the status of the matter in violation of Rule 1.4(a)(3);
- (7) By failing to promptly respond to P.B.'s inquiries about the status of his case, Defendant failed to promptly comply with reasonable requests for information in violation of Rule 1.4(a)(4);
- (8) By failing to reopen P.B.'s case to have P.B.'s debts properly discharged after telling P.B. she would do so, Defendant engaged in conduct involving dishonesty or misrepresentation in violation of Rule 8.4(c), and engaged in conduct that is prejudicial to the administration of justice in violation of Rule 8.4(d);
- (9) By charging and collecting a \$500.00 legal fee from P.B. to strip the lien from his second mortgage, failing to perform the work for which she was paid, and failing to refund the unearned portion of P.B.'s paid fee, Defendant charged and collected a clearly excessive fee in violation of Rule 1.5(a) and failed to protect her client's interests upon termination of the representation in violation of Rule 1.16(d);
- (10) By failing to respond to the Letter of Notice in 22G0317, 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);
- (11) By failing to file the Discharge Certification Form on P.R.'s behalf, Defendant failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3;
- (12) By failing to notify P.R. that Defendant was no longer operating her law practice out of 4427 Junction Park Drive in Wilmington, North Carolina, and by closing her law office at 4427 Junction Park Drive in

Wilmington, North Carolina without supplying P.R. with her updated contact information, Defendant failed to reasonably consult with her client about the means by which the client's objectives were to be accomplished in violation of Rule 1.4(a)(2) and failed to keep her client reasonably informed about the status of the matter in violation of Rule 1.4(a)(3);

- (13) By failing to respond to P.R.'s reasonable requests for advice and status updates about her case, Defendant failed to promptly comply with reasonable requests for information in violation of Rule 1.4(a)(4);
 - (14) By failing to respond to the Letter of Notice in file 20G0185, 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);
 - (15) By failing to timely collect federal income taxes and FICA taxes from the wages of her law firm employees during all or part of the second quarter of 2019, failing to timely pay the Treasury amounts due for federal income taxes and FICA taxes for her law firm's employees during all or part of the second quarter of 2019, failing to timely file personal federal income tax returns showing her tax liability for tax years 2017 and 2018, failing to timely pay personal federal income taxes owed for tax years 2016, 2017, 2018 and 2019, failing to withhold state income taxes from the wages of her law firm employees during all or part of the second quarter of 2019, failing to pay the NCDOR amounts due for state income taxes for her law firm's employees, failing to timely file personal state income tax returns showing her tax liability for the tax years 2017 and 2018, and failing to timely pay personal state income taxes for tax years 2017, 2018 and 2019, Defendant committed criminal acts reflecting adversely on her honesty, trustworthiness and fitness as a lawyer in violation of Rule 8.4(b); and
 - (16) By failing to timely respond to the Letter of Notice in file 20G0215 and failing to provide full and complete responses to the State Bar's February 9, 2021 and April 1, 2021 emails, Defendant knowingly failed to respond to lawful demands for information from a disciplinary authority in connection with disciplinary matters in violation of Rule 8.1(b).
- B. Pursuant to N.C. Gen. Stat. § 84-28(b)(3) in that Defendant failed to answer formal inquires of the State Bar in disciplinary matters regarding grievance file numbers 20G0185, 20G0215, 20G0838, and 22G0317.

Based upon the Findings of Fact, Conclusions of Law, and with the consent of the parties, the Hearing Panel also finds by clear, cogent, and convincing evidence the following:

ADDITIONAL FINDINGS REGARDING DISCIPLINE

1. The findings of fact and conclusions of law above are reincorporated as if set forth herein.
2. Defendant's conduct caused significant and foreseeable harm to her clients, who were vulnerable because they were unfamiliar with the legal process and relied upon Defendant to protect their rights. Defendant's lack of diligence and failure to adequately communicate with her clients caused significant delays in her clients' cases and impaired her clients' abilities to accomplish the goals of the representation. Defendant's failure to refund the unearned portion of her clients' paid fees resulted in significant harm to her clients, as those funds could not be used by the clients.
3. By failing to return unearned fees to her clients, by failing to follow through on multiple promises made to her clients, and by failing to reasonably communicate with her clients, Defendant elevated her own interests above those of her clients.
4. By failing to complete the representation for which she was hired, Defendant's conduct negatively impacted her clients' perception of the legal profession as a whole.
5. Defendant's failure to timely and fully respond to State Bar inquiries created the potential for significant harm to the legal profession, to the public and to the administration of justice. Such conduct indicates a disregard for the regulatory authority of the State Bar and impedes the legal profession's ability to self-regulate its members.
6. By failing to comply with both federal and state tax laws, Defendant engaged conduct reflecting on her lack of trustworthiness or integrity.
7. Defendant was licensed in North Carolina in 1996 and has substantial experience in the practice of law. At the time of Defendant's conduct, she knew or should have known that her actions would cause significant harm to her clients and would create the potential for significant harm to the legal profession, the public and the administration of justice.
8. By engaging in multiple instances of client neglect, failing to communicate with her clients and failing to timely respond to State Bar inquiries, Defendant has displayed a pattern of misconduct.
9. On February 28, 2019, the DHC entered a Consent Order of Discipline in 18 DHC 42 suspending Defendant from the practice of law for three years for failing to diligently represent her clients, failing to adequately communicate with her clients, charging fees for services not performed, failing to refund unearned fees, allowing her nonlawyer paralegal to provide legal services, failing to perform trust account reconciliations, failing to review bank statements and cancelled checks, failing to complete and sign transaction reviews, and engaging in conduct prejudicial to the administration of justice. The Consent Order of Discipline was stayed for three years contingent upon meeting the conditions set forth therein and became effective on April 5, 2019.
10. On October 28, 2020, the DHC entered a Consent Order to Extend Stay of Suspension in file number 18 DHC 42_SC, finding that Defendant failed to comply with several conditions of the Order of Discipline. The DHC extended the stay of Defendant's three-year suspension for an additional eighteen months until August 31, 2023.

11. On September 9, 2022, the DHC entered a Consent Order to Activate Suspension in file number 18 DHC 42_SC2, finding that Defendant failed to comply with several conditions of the stay of her suspension. The DHC lifted the stay of the suspension and activated the previously imposed suspension.

Based upon the Findings of Fact, Conclusions of Law, Additional Findings Regarding Discipline, and with the consent of the parties, the Hearing Panel enters the following:

CONCLUSIONS REGARDING DISCIPLINE

1. The Hearing Panel has considered all of the factors enumerated in 27 N.C. Admin. Code 1B.0116(f)(1) and concludes that the following factors that warrant suspension or disbarment are present:

- a) Factor (B) – intent of the Defendant to commit acts where the harm or potential harm is foreseeable;
- b) Factor (C) – circumstances reflecting on the Defendant’s lack of trustworthiness or integrity;
- c) Factor (D) – elevation of Defendant’s own interests above that of the client;
- d) Factor (E) – negative impact of Defendant’s actions on the client’s or public’s perception of the profession;
- e) Factor (G) – impairment of the client’s ability to achieve the goals of the representation;
- f) Factor (I) – acts of dishonesty, misrepresentation, deceit, or fabrication; and
- g) Factor (J) – multiple instances of failure to participate in the legal profession’s self-regulation process.

2. The Hearing Panel has considered all of the factors enumerated in 27 N.C. Admin. Code 1B.0116(f)(2) and concludes that while the factor of acts of dishonesty, misrepresentation, deceit or fabrication is present, it does not warrant disbarment in this instance.

3. The Hearing Panel has considered all of the factors enumerated in 27 N.C. Admin. Code 1B.0116(f)(3) and concludes the following factors are applicable in this matter:

- a) Factor (A) – prior disciplinary offenses;
- b) Factor (F) – a pattern of misconduct;
- c) Factor (G) – multiple offenses;
- d) Factor (K) – cooperative attitude toward the proceedings;
- e) Factor (R) – vulnerability of the victims; and
- f) Factor (S) – degree of experience in the practice of law.

4. The Hearing Panel considered all of the different forms of discipline available to it, including admonition, reprimand, censure, suspension and disbarment, in considering the appropriate discipline to impose in this case.

5. In light of Defendant's disciplinary history, the significant harm to her clients, and the potential for significant harm to her clients, to the profession, to the public and to the administration of justice, the Hearing Panel concludes that no discipline short of suspension of Defendant's license would adequately acknowledge the seriousness of the offenses Defendant committed and send the proper message to attorneys and the public regarding the conduct expected of members of the Bar in this State

Based upon the foregoing Findings of Fact, Conclusions of Law, Additional Findings Regarding Discipline and Conclusions Regarding Discipline, and with the consent of the parties, the Hearing Panel enters the following:

ORDER OF DISCIPLINE

1. Defendant, Meredith P. Ezzell, is hereby suspended from the practice of law for four years, effective immediately upon service of this Order upon Defendant. The suspension in this case shall run concurrently with the terms of the suspension imposed by the Consent Order of Discipline in 18 DHC 42, the Consent Order to Extend Stay in 18 DHC 42_SC, and the Consent Order to Activate Suspension in 18 DHC 42_SC2.

2. Within ten 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 their files can communicate with Defendant and obtain such files, and Defendant shall promptly return all files to clients upon request.

3. Defendant shall promptly refund any unearned or excessive fees due to clients in accordance with Rules 1.5 and 1.16 of the Rules of Professional Conduct.

4. Within sixty days of the effective date of this Order, Defendant shall refund \$500.00 to her client P.B.

5. Defendant is taxed with the costs and administrative fees of this action as assessed by the Secretary. Defendant shall pay the costs and administrative fees within sixty days of service of the statement of costs and administrative fees upon her.

6. Defendant shall keep the State Bar Membership Department and the Office of Counsel advised of her current business and personal physical addresses, telephone numbers and e-mail addresses. Defendant's business address provided to the Membership Department and the Office of Counsel must be a street address, not a P.O. box or P.O. drawer. Defendant shall notify the Membership Department and the Office of Counsel of any changes made to her business and personal physical addresses, telephone numbers and/or e-mail addresses within ten days of such change.

7. Defendant shall timely comply with any assessments, charges or surcharges the State Bar is authorized to collect from her, including annual membership fees, all judicial district dues and assessments, and Client Security Fund assessments.

8. Defendant shall respond to all communications from any representative of the State Bar within thirty days of receipt of the communication or by the deadline stated in the communication, whichever is sooner.

9. Defendant shall participate in good faith in the State Bar's fee dispute resolution process for any petition that is pending at the time of entry of this Order or for which she received notice after the effective date of this Order.

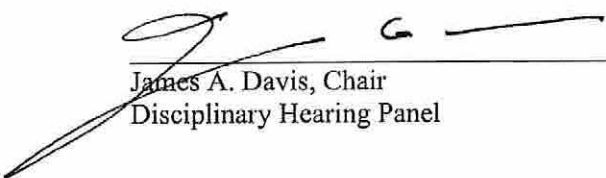
10. Defendant shall timely comply with all State Bar continuing legal education ("CLE") requirements and pay all fees and costs assessed by the applicable deadlines.

11. Defendant shall not violate any of the Rules of Professional Conduct, the laws of the United States, or the laws of any state or local government, other than minor traffic violations, during the period of the suspension.

12. At the expiration of the four-year suspension imposed by this Order, Defendant may petition for reinstatement to active practice by filing a verified petition with the Secretary of the State Bar. Defendant may file a petition for reinstatement up to 30 days prior to the end of the suspension in this matter, but she shall not be reinstated prior to the end of the four-year suspension period. In addition to complying with the general provisions for reinstatement listed in 27 N.C. Admin. Code 1B.0129(b), to be eligible for reinstatement Defendant must demonstrate by clear, cogent and convincing evidence that during the period of suspension she complied with each of the conditions listed in paragraphs 3 through 11 listed under the "Order of Discipline" section of this Order.

13. The Disciplinary Hearing Commission will retain jurisdiction of this matter throughout the suspension and until all of the conditions referenced in paragraphs 3 through 12 listed above in the "Order of Discipline" section of this Order are satisfied.

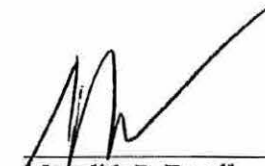
Signed by the Disciplinary Hearing Panel Chair with approval of a majority of the Disciplinary Hearing Panel, this the 12th day of March 2024.


James A. Davis, Chair
Disciplinary Hearing Panel

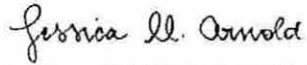
AGREED AND CONSENTED TO BY:



Alex G. Nicely
Attorney for Plaintiff



Meredith P. Ezzell
Defendant



Jessica M. Arnold
Attorney for Plaintiff