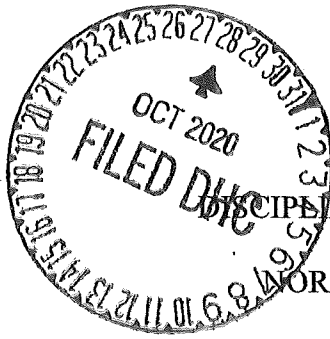


STATE OF NORTH CAROLINA  
WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
18 DHC 42\_SC

THE NORTH CAROLINA STATE BAR,  
Plaintiff  
v.  
MEREDITH P. EZZELL, Attorney,  
Defendant

CONSENT ORDER  
TO EXTEND STAY OF SUSPENSION

This matter came on for consideration in response to the Order to Appear and Show Cause issued in this matter upon Plaintiff's Motion for Order to Show Cause. Plaintiff, the North Carolina State Bar, was represented by Alex G. Nicely. Defendant, Meredith P. Ezzell, represented herself. Defendant waives a formal hearing in this matter and both parties stipulate and consent to the findings of fact, conclusions of law, and disposition outlined below. By consenting to entry of this Order, Defendant waives any right to appeal this Order or to challenge in any way the sufficiency of the findings.

Based upon the pleadings and the consent of the parties, the Hearing Panel hereby finds by the greater weight of the evidence the following

FINDINGS OF FACT

1. On February 28, 2019, the DHC entered a Consent Order of Discipline ("Order of Discipline") finding that Defendant violated the Rules of Professional conduct by 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.
2. The Order of Discipline 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.
3. By its terms, the Order of Discipline was effective thirty days after it was served upon Defendant. Defendant was served with the Order of Discipline on March 5, 2019.
4. The Order of Discipline provided that in order to remain eligible for a stay of the suspension Defendant was required, among other things, to:
  - (a) No later than thirty days from service of the Order of Discipline, arrange for an active member of the North Carolina State Bar who practices law

in the county in which Defendant primarily practices and who has been approved in advance by the State Bar Office of Counsel to serve as Defendant's practice monitor, and to have supplied the Office of Counsel with a letter from the monitoring attorney confirming his or her agreement to perform the duties listed in the Order of Discipline;

- (b) Meet with an approved practice monitor on a monthly basis to discuss at least one case in detail in each area of law that Defendant is practicing and ensure that the monitor submits written quarterly reports of said meetings and discussions to the Office of Counsel, due on October 15, January 15, April 15, and July 15 for the duration of the stay of the suspension;
- (c) Provide full and complete responses to all letters of notice and requests for information from the North Carolina State Bar within thirty days of receipt of the communication or by the deadline stated in the communication, whichever is sooner; and
- (d) Refund \$1,427.00 to Defendant's client, J.R, within one year of the date the Order of Discipline was entered by the Hearing Panel.

5. Defendant failed to arrange, within thirty days of service of the Order of Discipline, for a North Carolina attorney approved in advance by the State Bar Office of Counsel to serve as her practice monitor.

6. Defendant failed to supply to the Office of Counsel, within thirty days of service of the Order of Discipline, a letter from the monitoring attorney confirming his or her agreement to perform the duties listed in the Order of Discipline.

7. On May 16, 2019, Defendant emailed Deputy Counsel regarding Tabitha Bingham and Oliver Carter, two North Carolina attorneys whom Defendant was considering as practice monitors.

8. On May 17, 2019, Deputy Counsel informed Defendant that the Office of Counsel approved of either Tabitha Bingham or Oliver Carter serving as Defendant's practice monitor.

9. On May 23, 2019, Tabitha Bingham provided a letter to the Office of Counsel agreeing to serve as Defendant's practice monitor.

10. Defendant failed to ensure that her practice monitor submitted a quarterly report to the Office of Counsel by July 15, 2019.

11. Defendant failed to provide the Office of Counsel with evidence demonstrating that she met with a practice monitor between the months of April 2019 and June 2019.

12. In a September 11, 2019 email to the Office of Counsel, Defendant stated: "Tabitha and I have had some difficulties getting together since early July due to our schedules . . . and have determined that it would be better for me to get an attorney that is familiar with my specialized area of practice."

13. In a September 12, 2019 reply email, Deputy Counsel reminded Defendant that she is solely responsible for ensuring that a practice monitor meets with her monthly and submits quarterly reports to the Office of Counsel. Deputy Counsel notified Defendant that the State Bar had yet to receive a quarterly report from her practice monitor.

14. On October 11, 2019, Oliver Carter provided a letter to the Office of Counsel confirming his willingness to serve as Defendant's practice monitor.

15. On October 15, 2019, Mr. Carter provided a quarterly report to the Office of Counsel detailing an October 14, 2019 meeting with Defendant.

16. Defendant failed to provide the Office of Counsel with evidence demonstrating that she met with a practice monitor between the months of July 2019 and September 2019.

17. On January 15, 2020, Mr. Carter provided a quarterly report to the Office of Counsel describing meetings on October 15, 2019, November 25, 2019 and January 7, 2020.

18. Defendant has not provided the Office of Counsel with evidence demonstrating that she met with a practice monitor in December 2019.

19. Defendant failed to refund \$1,427.00 to J.R. by February 28, 2020, the deadline imposed by the Order of Discipline.

20. On April 15, 2020, Mr. Carter notified the Office of Counsel via email that he and Defendant had not met since their January 2020 meeting. Mr. Carter also notified the Office of Counsel that he would no longer be able to serve as Defendant's practice monitor.

21. Defendant failed to ensure that her practice monitor submitted a quarterly report to the Office of Counsel by April 15, 2020.

22. Defendant failed to provide the Office of Counsel with evidence demonstrating that she met with a practice monitor in February 2020 and March 2020.

23. In an April 20, 2020 email from Deputy Counsel, Defendant was reminded that it was her responsibility to find another attorney to serve as her practice monitor moving forward and to comply with all other conditions of the Order of Discipline, including the monthly meeting requirement.

24. In a May 7, 2020 email, Deputy Counsel asked Defendant if she found a new attorney to serve as her practice monitor and reminded Defendant about her obligation to refund \$1,427.00 to J.R. Deputy Counsel also asked Defendant to provide proof of any refund or, in the alternative, to provide an explanation of why she failed to refund her client's money.

25. Defendant did not respond to Deputy Counsel's May 7, 2020 email within thirty days as required by the Order of Discipline.

26. On June 10, 2020, Deputy Counsel emailed Defendant concerning her failure to provide proof of compliance for the conditions listed in paragraphs 4(a) through 4(d) above and asked that Defendant provide proof of her compliance with those conditions by June 26, 2020.

27. Defendant failed to provide proof of compliance by June 26, 2020.

28. In a July 6, 2020 email, Deputy Counsel provided Defendant with an updated mailing address for J.R. and asked that Defendant provide proof of mailing of J.R.'s refund check.

29. Defendant failed to respond to Deputy Counsel's July 6, 2020 email within thirty days and failed to provide proof of mailing J.R.'s refund check.

30. Defendant failed to ensure that her practice monitor submitted a quarterly report to the Office of Counsel by July 15, 2020.

31. Defendant failed to provide the Office of Counsel with evidence demonstrating that she met with a practice monitor between the months of April 2020 and June 2020.

32. On August 10, 2020, after Plaintiff filed its Motion for Order to Show Cause, Defendant mailed a refund check in the amount of \$1,427.00 to J.R. and provided the Office of Counsel with proof of the same.

33. On August 12, 2020, the Office of Counsel received an email from attorney Richard Cook indicating a willingness to serve as Defendant's practice monitor. That same day, Mr. Cook was approved by the Office of Counsel to serve as Defendant's new practice monitor.

34. On August 20, 2020, Mr. Cook contacted the Office of Counsel to report that he had completed his first monthly meeting with Defendant.

Based upon the foregoing Findings of Fact and with the consent of the parties, 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, Meredith P. Ezzell, and over the subject matter of this proceeding.

2. Defendant failed to comply with the following conditions of the stay of her suspension:

- a. No later than thirty days from service of the Order of Discipline, arrange for an active member of the North Carolina State Bar who practices law in the county in which Defendant primarily practices and who has been approved in advance by the State Bar Office of Counsel to serve as Defendant's practice monitor, and to have supplied the Office of Counsel with a letter from the monitoring attorney confirming his or her agreement to perform the duties listed in the Order of Discipline;
- b. Meet with an approved practice monitor on a monthly basis to discuss at least one case in detail in each area of law that Defendant is practicing and ensure that the monitor submits written quarterly reports of said meetings and discussions to the Office of Counsel, due on October 15, January 15, April 15, and July 15 for the duration of the stay of the suspension;

- c. Provide full and complete responses to all letters of notice and requests for information from the North Carolina State Bar within thirty days of receipt of the communication or by the deadline stated in the communication, whichever is sooner; and
- d. Refund \$1,427.00 to Defendant's client, J.R, within one year of the date the Order of Discipline was entered by the Hearing Panel.

Based upon the foregoing Findings of Fact, Conclusions of Law and the consent of both parties, the Hearing Panel enters the following

#### ORDER

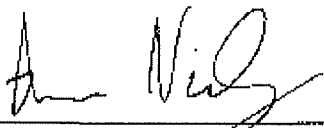
1. The stay of Defendant's three-year suspension is hereby extended for an additional eighteen (18) months until August 31, 2023.
2. The conditions of the stay as outlined in the Order of Discipline apply throughout the extended stay until August 31, 2023.
3. Unless Defendant's obligations under this Order or the Order of Discipline of Discipline are modified, Defendant's obligations under these orders will end August 31, 2023 provided there are no pending motions or show cause proceedings alleging lack of compliance with conditions of the stay of suspension. If a motion or show cause proceeding alleging lack of compliance with the conditions of the stay of the suspension is pending when the period of stay would otherwise have terminated, the Disciplinary Hearing Commission retains jurisdiction and the ability to lift the stay of the suspension and activate the three year suspension in whole or in part if it finds that any of the conditions of the stay have not been met. The stay of the suspension and Defendant's obligation to comply with the conditions of the stay will continue until resolution of any such pending motion or show cause proceeding.
4. If Defendant fails to comply with one or more of the conditions set out in the Order of Discipline or in this Order, then the stay of suspension may be lifted in accordance with 27 N.C. Admin. Code 1B.0118.
5. If the stay of the suspension is lifted and the suspension is activated for any reason, the Disciplinary Hearing Commission may enter an order imposing such conditions as it deems proper for reinstatement of Defendant's license at the end of the suspension. Additionally, Defendant must establish by clear, cogent, and convincing evidence prior to being reinstated to the practice of law after any period of active suspension those items listed in paragraph 5(a) through (p) of the Order of Discipline.
6. The Disciplinary Hearing Commission will retain jurisdiction of this matter pursuant to 27 N.C. Admin. Code 1B.0118 until all conditions of the Order of Discipline and this Order are satisfied.

Signed with consent of the majority of panel members, this the 28 day of  
October, 2020.

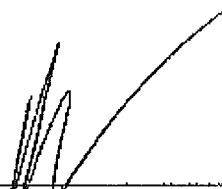


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Allison C. Tomberlin, Chair  
Disciplinary Hearing Panel

CONSENTED TO BY:



\_\_\_\_\_  
Alex G. Nicely, Deputy Counsel  
Attorney for Plaintiff  
The North Carolina State Bar



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Meredith P. Ezzell, Attorney