

STATE OF NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
12 DHC 7

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

JODI A. ERNEST, Attorney,

Defendant

ORDER OF DISBARMENT

THIS MATTER coming before the undersigned Chair of the Disciplinary Hearing Commission pursuant to 27 N.C. Admin. Code 1B § .0117(d) upon an Affidavit of Surrender of Law License executed by Jodi A. Ernest ("Defendant" or "Ernest") dated 28 August 2012 and filed with the Chair of the Disciplinary Hearing Commission on 28 August 2012.

Based upon the pleadings and the record, the undersigned makes 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 promulgated thereunder.

2. Defendant, Jodi A. Ernest, was licensed to practice law in North Carolina on 23 March 1996 and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the rules, regulations and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

3. The North Carolina State Bar filed a formal complaint against Defendant on 19 January 2012. The complaint and other matters referred by the Grievance Committee include allegations of dishonesty, client neglect and failure to properly maintain and deliver entrusted funds. The conduct set out in the complaint and other matters constitute a violation of Rule 1.15-2(a) and (m), Rule 1.3 and 8.4(c) of the Rules of Professional Conduct and as such constitutes grounds for discipline pursuant to N.C. Gen. Stat. 84-28(b)(2).

4. Defendant has indicated her consent to disbarment by tendering and filing an affidavit of surrender with the Chair of the Disciplinary Hearing Commission. The affidavit meets all requirements set forth in 27 N.C. Admin. Code 1B § .0117(a) (1), (2), (3), (4) and (d).

Based upon the foregoing Findings of Fact the undersigned makes the following

CONCLUSIONS OF LAW

1. 27 N.C. Admin. Code 1B § .0108 provides that the Chair has the power and duty to enter orders disbarring members by consent.

2. Pursuant to 27 N.C. Admin. Code 1B § .0117(d) , if an affidavit of surrender filed by a defendant against whom a formal complaint has been filed meets the requirements set out in § .0117(a)(1), (2), (3) and (4), the Chair of the Disciplinary Hearing Commission will accept the surrender and issue an order of disbarment.

3. Defendant's affidavit meets all requirements set forth in 27 N.C. Admin. Code 1B § .0117(a)(1), (2), (3), (4) and (d) and the facts upon which the affidavit is predicated warrant Defendant's disbarment.

Based upon the foregoing Findings of Fact and Conclusions of Law, the undersigned Chair of the Disciplinary Hearing Commission enters the following

ORDER


1. The surrender of the license of Jodi A. Ernest is hereby accepted.

2. Jodi A. Ernest is DISBARRED from the practice of law in North Carolina effective upon the entry of this order with the Secretary of the North Carolina State Bar.

3. Jodie A. Ernest shall comply with the provisions of 27 N.C. Admin. Code 1B § .0124 of the State Bar Discipline and Disability Rules and shall surrender her license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by 27 N.C. Admin. Code 1B § .0124 of the State Bar Discipline and Disability Rules. The effective date of this disbarment order is September 30, 2012.

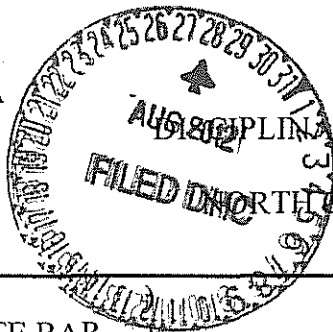
4. Applicable administrative fees and the costs of this action are taxed against the Defendant.

This the 31 day of August, 2012.



Sharon Alexander, Chair
Disciplinary Hearing Commission

STATE OF NORTH CAROLINA



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
12 DHC 7

THE NORTH CAROLINA STATE BAR,

Petitioner

v.

JODI A. ERNEST, Attorney,

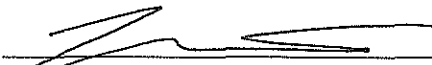
Respondent.

AFFIDAVIT OF
SURRENDER OF LAW LICENSE

Jodi A. Ernest, being first duly sworn, deposes and says as follows:

1. I desire to resign as an attorney and hereby tender my license to practice law in North Carolina.
2. My resignation is freely and voluntarily rendered. It is not the result of coercion or duress. I am fully aware of the implication of submitting my resignation.
3. I am aware that there is a formal complaint pending against me before the Disciplinary Hearing Commission and I am aware that the Grievance Committee has found probable cause in three additional matters and directed counsel to prepare and file a complaint as to those matters. I am aware that the complaint and additional matters include allegations of dishonesty, client neglect, and failure to promptly deliver entrusted funds.
4. I acknowledge that the material facts upon which the investigations are predicated are true.
5. I am submitting my resignation because I know that I cannot successfully defend against the charges of misconduct in the complaint and the additional matters recently referred to the DHC by the Grievance Committee.

This the 28th day of August, 2012.


Jodi A. Ernest

I, Jennifer M. Slattery Notary Public of the County of Wake, State of North Carolina, certify that Jodi A. Ernest personally appeared before me this day, was sworn, attested that the foregoing Affidavit of Surrender of Law License is true and accurate of her own personal knowledge, and executed the foregoing Affidavit.

This the 28th day of August, 2012.
Notary Public

My commission expires: May 7, 2013

