

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
09G1276 & 09G1350

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IN THE MATTER OF )  
 )  
Creighton W. Sossomon, ) CENSURE  
ATTORNEY AT LAW )  
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On April 15, 2010, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by the North Carolina State Bar and P. G.

Pursuant to section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Committee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Committee found probable cause. Probable cause is defined in the rules as "reasonable cause to believe that a member of the North Carolina State Bar is guilty of misconduct justifying disciplinary action."

The rules provide that after a finding of probable cause, the Grievance Committee may determine that the filing of a complaint and a hearing before the Disciplinary Hearing Commission are not required and the Grievance Committee may issue various levels of discipline depending upon the misconduct, the actual or potential injury caused, and any aggravating or mitigating factors. The Grievance Committee may issue an admonition, a reprimand, or a censure.

A censure is a written form of discipline more serious than a reprimand, issued in cases in which an attorney has violated one or more provisions of the Rules of Professional Conduct and has caused significant harm or potential significant harm to a client, the administration of justice, the profession or a member of the public, but the misconduct does not require suspension of the attorney's license.

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

You represented P.G. in defending a civil action in Macon County. In May 2007, P.G. entered into a settlement agreement which provided that he would pay the plaintiff \$8,500.00, and in exchange the case would be dismissed without a judgment entered against P.G. P.G., who lives out of state, sent the \$8,500.00 settlement check to you. One month later, when P.G. noticed the check had not cleared his account, he attempted to contact you. In response to numerous phone calls over the ensuing four months, P.G. was told only that you "had the check and were taking care of it."

You delayed approximately three months in tendering P.G.'s check and the signed settlement agreement to opposing counsel. Your failure to deliver these documents, coupled with your subsequent failure to work with P.G. to resolve this matter, constituted a lack of diligence in violation of Rule 1.3.

When plaintiff's counsel did not receive the executed agreement and check from you, he filed a motion to enforce settlement. In September 2007, judgment was entered against P.G., and in October 2007, plaintiff's counsel served you with a request to produce in aid of execution. You did not inform P.G. of the motion, judgment against him, or request to produce, thereby failing to adequately communicate with your client in violation of Rule 1.4(a) and (b).

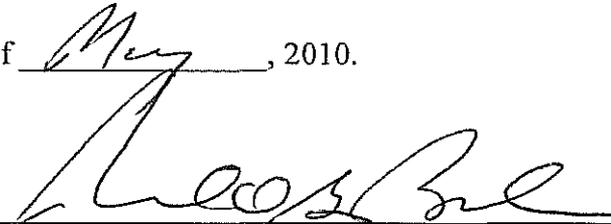
You eventually paid the judgment against P.G. by delivering P.G.'s check to plaintiff's counsel in September 2007, and by personally paying the additional costs and fees in November 2007. By personally paying these additional costs and fees, you provided financial assistance to a client in connection with litigation, in violation of Rule 1.8(e).

On 18 August 2009, you were served with an order of administrative suspension from the State Bar for failure to comply with CLE requirements. The order stated "*your license to practice law will be suspended effective 30 days after service of this order.*" During the ensuing 30 days, you did not take any action to remedy your non-compliance. On 29 September 2009, you appeared in court on behalf of a client and argued in support of a motion for preliminary injunction. You also continued to negotiate on behalf of that client through at least early November 2009. By appearing in court and negotiating resolution of a case while your license was suspended, you engaged in the unauthorized practice of law in violation of Rule 5.5(a).

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

In accordance with the policy adopted January 24, 2008 by the Council of the North Carolina State Bar regarding the taxing of the administrative and investigative costs to any attorney issued a censure by the Grievance Committee, the costs of this action in the amount of \$100.00 are hereby taxed to you.

Done and ordered, this 17 day of May, 2010.

  
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Ronald G. Baker, Sr., Chair  
Grievance Committee  
The North Carolina State Bar