

3931

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
02G0652

IN THE MATTER OF)	
)	
William H. Sessoms, Jr.)	REPRIMAND
Attorney At Law)	
)	

On Wednesday, July 14, 2004 the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by Teresa F. Williamson.

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 to the respondent attorney.

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

The Grievance Committee was of the opinion that a censure is not required in this case and issues this reprimand to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this reprimand, and I am certain that you will understand fully the spirit in which this duty is performed.

On July 16, 2001 your office closed a loan for the complainant, Teresa F. Williamson. Although you were retained to close the loan, you were not present in your office to handle the matter. Instead, your secretary, Cindy Greer, closed the loan.

Ms. Williamson believed that she was obtaining a loan to purchase a home, and pay personal bills from the proceeds of the loan funds. However, Ms. Greer and a mortgage broker, Stanley Williams, appeared to have orchestrated the closing proceedings in a different way. It appears that Mr. Williams led the mortgage company to believe that the loan closing was a "re-finance/cash out" transaction, when in fact Ms. Williamson was purchasing the home from Mr. Williams. It further appears that Ms. Greer prepared a deed from Mr. Williams to Ms. Williamson dated July 5, 2001. That deed had zero revenue stamps and you recorded it on July 9, 2001. At the time you recorded the deed on July 9, 2001, there had been no closing transaction relative to that conveyance. Mr. Williams was then able to show the mortgage company that Ms. Williamson was the record owner of the property, and thus obtain a re-finance of her loan. It further appears that Ms. Williamson paid off a second deed of trust that was Mr. Williams' obligation from his purchase of the property. Upon information and belief, Mr. Williams agreed to pay Ms. Williamson's personal debts, and she signed a statement indicating that her personal debts would not be paid out of the closing. However, Ms. Williamson stated that numerous documents were presented and not explained to her by Ms. Greer or Mr. Williams at the closing and she was not sure what she signed on the closing day.

The Grievance Committee was deeply concerned that you failed to appear at the closing and advise your client, Ms. Williamson, about the closing transaction. The Grievance Committee found that your conduct violated Rule 1.3 of the Revised Rules of Professional Conduct. Furthermore, the Grievance Committee had grave concerns about your failure to supervise Ms. Greer, as she conducted the closing, without your knowledge. Your failure to properly supervise Ms. Greer was in violation of Rule 5.3(b) of the Revised Rules of Professional Conduct.

The Grievance Committee noted other troubling aspects of this transaction. Ms. Greer signed your name on the closing documents. You were not even aware of any problems with the closing until you were contacted by the North Carolina State Bar. Upon your own admission, you did not know when the closing took place. Lastly, you did not sign any of the disbursement checks. The Grievance Committee was very much troubled by the fact that you were totally "out of the loop", as it relates to the handling of Ms. Williamson's closing. The Grievance Committee appreciates your acknowledgment that you are "ultimately responsible as the closing attorney", as it relates to the many problems associated with that closing.

You are hereby reprimanded by the North Carolina State Bar for your professional misconduct. The Grievance Committee trusts that you will heed this reprimand, that it will be remembered by you, that it will be beneficial to you, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession.

In accordance with the policy adopted October 15, 1981 by the Council of the North Carolina State Bar regarding the taxing of the administrative and investigative costs to any attorney issued a reprimand by the Grievance Committee, the costs of this action in the amount of \$50.00 are hereby taxed to you.

charges that the court had appointed a local lawyer to represent Aguilar with his consent. The court allowed you to withdraw as counsel on December 12, 2002. Aguilar and his family members asked you to refund the unearned portion of the fee that you were paid but you refused to make any refund.

You hereby are reprimanded for violating the Revised Rules of Professional Conduct and causing potential harm to your former client, the administration of justice, and the profession of law. The attorney-client relationship ended approximately two months after you collected the fee and ended at a very early stage of the criminal process. At that point, the \$20,000 fee became clearly excessive in light of the services actually rendered, and you had a duty to refund the unearned portion of the fee. Your refusal to refund the unearned portion of the fee you collected from Aguilar and his family violated Rules 1.5 (a) of the Revised Rules of Professional Conduct. See, 2000 Formal Ethics Opinion 5 (July 2000). In making this ruling, the Grievance Committee has taken in account as mitigating factors your remorse and agreement to refund \$15,000 of the fee.

The Grievance Committee trusts that you will heed this reprimand, that it will be remembered by you, that it will be beneficial to you, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession.

In accordance with the policy adopted October 15, 1981 by the Council of the North Carolina State Bar regarding the taxing of the administrative and investigative costs to any attorney issued a reprimand by the Grievance Committee, the costs of this action in the amount of \$50.00 are hereby taxed to you.

Done and ordered, this ^{10th} ~~14th~~ day of ^{August} ~~July~~ 2004. *JBK*



John B. McMillan
Chair, Grievance Committee