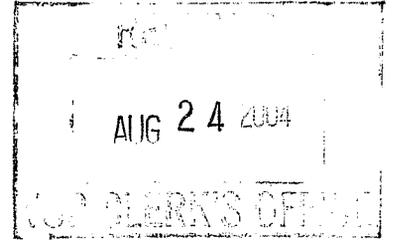


VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF RANDY ALAN WEISS, ESQUIRE
VSB Docket No: 04-052-2066



ORDER AND OPINION

This matter came before the Virginia State Bar Disciplinary Board on August 12, 2004, upon an Agreement to Imposition of Reciprocal Discipline, as a result of a Rule to Show Cause and Order of Suspension and Hearing entered on July 29, 2004. A duly convened panel of the Virginia State Bar Disciplinary Board consisting of Thaddeus T. Crump, lay member, William M. Moffet, Esquire, James Leroy Banks, Jr., Esquire, Ann N. Kathan, Esquire, and Robert L. Freed, Esquire, 1st Vice Chair presiding, heard the matter. Noel D. Sengel, Senior Assistant Bar Counsel, appeared as Counsel to the Virginia State Bar ("VSB"), and Abbe David Lowell, Esquire appeared as counsel for the Respondent. The court reporter for the proceeding was Donna T. Chandler, court reporter, Chandler and Halasz, P.O. Box 9349, Richmond, Virginia 23227, (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

Having considered the Agreement to the Imposition of Reciprocal Discipline, the Board finds by clear and convincing evidence as follows:

STIPULATIONS OF FACTS

1. At all times relevant hereto, the Respondent, Randy Alan Weiss, Esquire (hereinafter Respondent) has been an attorney licensed to practice law in the Commonwealth of Virginia.

2. In May of 1997, the Respondent voluntarily notified his law firm and the District of Columbia Bar Counsel that he had diverted funds from his law firm. The law firm and the Bar were unaware of the Respondent's diversion of funds when he notified them of his actions. The Respondent admitted that, in a number of transactions he handled on behalf of his law firm between April of 1993 and May of 1997, he diverted portions of the title insurance fees that were due to the law firm to his own personal account. The Respondent converted a total of \$676,465.99. Shortly after revealing his conduct to the firm, the Respondent repaid the converted funds to his firm.

3. The Respondent did not retain the 17.2% of the fees which he would have been entitled to as a partner in the firm had he paid the money into the firm initially. The Respondent also paid for the costs of the audit and the fees of the firm's outside counsel. He was instrumental in the firm's development and adoption of a two-signature practice for checks. He sought counseling and independent psychiatric analysis related to the charges of misconduct. Dr. Thomas Goldman and Dr. Richard Ratner agreed that the Respondent was unlikely to repeat his misconduct.

4. The Respondent's license to practice law before the United States Court of Appeals for the District of Columbia Circuit was suspended commencing May 20, 2004 for three years, with one year suspended, for illegally taking funds from his law firm.

STIPULATIONS OF MISCONDUCT

The aforementioned conduct on the part of the Respondent constitutes a violation of the following Disciplinary Rules:

DR 1-102. Misconduct.

- (A) A lawyer shall not:
- (3) Commit a crime or other deliberately wrongful act that reflects adversely on the lawyer's fitness to practice law.
 - (4) Engage in conduct involving dishonesty, fraud, deceit, or misrepresentation which reflects adversely on a lawyer's fitness to practice law.

Upon consideration of the Agreement to Imposition of Reciprocal Discipline before this panel of the Disciplinary Board, it is hereby ORDERED that, pursuant to Part 6, § IV, ¶ 13(I)(6) of the *Rules of Virginia Supreme Court* the license of Respondent, Randy Alan Weiss, Esquire, to practice law in the Commonwealth of Virginia shall be, and is hereby, suspended for a period of three years with one year suspended, and for so long as the District of Columbia probation is in effect, commencing July 29, 2004, the date of the original Virginia Rule to Show Cause and Order of Suspension and Hearing.

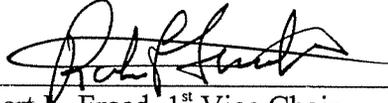
IT IS FURTHER ORDERED that, as directed in the Board's July 29, 2004 Order in this matter, a copy of which was served on the Respondent by certified mail, the Respondent must comply with the requirements of Part 6, § IV, ¶ 13(M) of the *Rules of Virginia Supreme Court*. The time for compliance with said requirements runs from July 29, 2004, the effective date of the Rule to Show Cause and Order of Suspension and hearing. All issues concerning the adequacy of the notice and arrangements required by that Order shall be determined by the Board.

It is FURTHER ORDERED that the Clerk of the Disciplinary System shall send an attested and true copy of this order and opinion to Respondent, Randy Alan Weiss, Esquire, by certified mail, return receipt requested, at 8830 Sleepy Hollow Lane, Potomac, MD 20854, by regular mail to the Respondent's Counsel, Abbe David Lowell, Respondent's Counsel, Chadborne & Parke, LLP, 1200 Newhampshire Avenue, NW, Washington, DC 20036, and to

Noel D. Sengel, Senior Assistant Bar Counsel, 100 North Pitt St., Suite 310, Alexandria, VA
22314.

The Clerk of the Disciplinary System shall assess costs pursuant to Part 6, § IV, ¶
13(B)(8) of the *Rules of Virginia Supreme Court*.

SO ORDERED, this 20th day of August, 2004.



By: Robert L. Freed, 1st Vice Chair
Virginia State Bar Disciplinary Board