

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF
RANDALL SOUSA, ESQUIRE

VSB DOCKET NO. 20-052-116377

INTERIM SUSPENSION ORDER

This Matter came before the Board upon the Virginia State Bar's Notice of Noncompliance and Request for Interim Suspension filed on October 18, 2019; based upon Respondent Randall Sousa's failure to respond to the Subpoena *duces tecum* served on him in accordance with Paragraph 13-7(A)(4) and Paragraph 13-8(A)(5) of the *Rules of the Supreme Court of Virginia*; and the papers previously filed herein.

It appearing to the Board that on September 12, 2019, Section Two of the Fifth District of the Virginia State Bar issued a Subpoena *duces tecum* to Respondent Randall Sousa. The Subpoena *duces tecum* was served at Respondent Randall Sousa's last address of record with the Virginia State Bar in accordance with Paragraph 13-12(C) and was signed for on September 16, 2019 by Holden Forbes.

It further appearing to the Board that as of the October 3, 2019 due date contained in the Subpoena *duces tecum*, Respondent Randall Sousa had neither responded to the Subpoena nor provided written objections to doing so.

It further appearing to the Board in response to the Virginia State Bar's letter advising Respondent Randall Sousa that no response was received, on October 16, 2019, Respondent Randall Sousa provided his first written communication to the Virginia State Bar stating that the "communication between attorneys and client be privileged [sic]." He further asserted that the records of the case were public record, although he did not explain his failure to provide them.

He also stated that “[d]ocuments collected as part of the discovery process are not mine to give.”

It further appearing to the Board that Respondent Randall Sousa’s letter does not constitute compliance with the Subpoena *duces tecum*.

Upon consideration whereof, pursuant to Part Six, § IV, Paragraph 13-6(G)(3) of the *Rules of the Supreme Court of Virginia*, it is ORDERED that Respondent Randall Sousa’s license to practice law in the Commonwealth of Virginia be and hereby is suspended effective November 6, 2019. The suspension shall remain in effect until the Virginia State Bar Disciplinary Board determines that Respondent Randall Sousa has fully complied with the subpoena *duces tecum* issued on September 12, 2019.

It is further ORDERED that Respondent Randall Sousa must comply with the requirements of Part Six, § IV, Paragraph 13-29 of the *Rules of the Supreme Court of Virginia*. Respondent Randall Sousa shall forthwith give notice by certified mail, return receipt requested, of the suspension or revocation of his license to practice law in the Commonwealth of Virginia, to all clients for whom he is currently handling matters and to all opposing attorneys and presiding judges in pending litigation. Respondent Randall Sousa shall also make appropriate arrangements for the disposition of matters then in his care in conformity with the wishes of his client. Respondent Randall Sousa shall give such notice within 14 days of the effective date of the sanction, and make such arrangements as are required herein within 45 days of the effective date of the suspension. Respondent Randall Sousa shall also furnish proof to the Bar within 60 days of the effective day of the suspension that such notices have been timely given and such arrangements made for the disposition of matters.

It is further ORDERED that if Respondent Randall Sousa is not handling any client

matters on the effective date of the suspension, he shall submit an affidavit to that effect to the Clerk of the Disciplinary System at the Virginia State Bar. All issues concerning the adequacy of the notice and arrangements required by Paragraph 13-29 shall be determined by the Virginia State Bar Disciplinary Board.


It is further ORDERED that all notices specified in Paragraph 13-29 must be given even if Respondent Randall Sousa is reinstated within 14 days of the Suspension.

It is further ORDERED that an attested copy of this Order be mailed by Certified Mail to Respondent Randall Sousa at his address of record with the Virginia State Bar, at The Law Offices of Randall Sousa, P.C., 3007 Williams Drive, Fairfax, VA 22031, and a copy hand-delivered to Elizabeth K. Shoenfeld, Senior Assistant Bar Counsel, Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, Virginia 23219-0026.

ENTERED THIS 6TH DAY OF NOVEMBER, 2019.

VIRGINIA STATE BAR DISCIPLINARY BOARD

**Sandra L.
Havrilak**

 Digitally signed by Sandra L. Havrilak
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SANDRA L. HAVRILAK, CHAIR