

**JOHN C. SOUZA**  
**(Resignation in Lieu of Disciplinary Proceedings)**

On June 20, 2016, the Idaho Supreme Court entered an Order accepting the resignation in lieu of disciplinary proceedings of Pocatello attorney, John C. Souza. The Idaho Supreme Court's Order followed a stipulated resolution of a disciplinary proceeding that related to the following conduct.

Mr. Souza represented a client in three different matters, a criminal case, a civil forfeiture action and a parole revocation. In the civil forfeiture case, Mr. Souza received documents allegedly supporting that the cash was not subject to forfeiture, because those funds were payments from the client's former employer. Mr. Souza received and did not forward those documents to opposing counsel or otherwise disclose the documents as part of the defense of that case. Mr. Souza did not file a response to the summary judgment motion, failed to appear for the hearing on the summary judgment motion and failed to attend the hearing on the opposing party's motion for attorney's fees and costs. The Court entered Judgment against Respondent's client.

In the criminal case, Mr. Souza filed a Rule 35 motion on behalf of his client, and requested that his client be remanded to drug court. The Judge stated he would consider the possibility of drug court if the client was accepted and if the Parole Commission agreed. Mr. Souza asked the Judge to consider changing the sentence from 3 years fixed to 2 years fixed if the client was not accepted to drug court. The drug court denied the application, and Mr. Souza did not formally request changing the sentence. The Court denied the Rule 35 motion.

Mr. Souza failed to appear for his client's parole revocation hearing and failed to inform his client prior to the hearing that he would not appear. The client's parole was revoked.

Mr. Souza did pay the client's civil forfeiture Judgment, reimbursed the retainer fee and paid restitution totaling \$6,089.92. In addition, Bar Counsel considered as a mitigating factor that Mr. Souza suffers from significant health issues that may have contributed to the deficient representation of his client.

Mr. Souza admitted that he violated I.R.P.C. 1.2 [Failure to abide by client objectives], I.R.P.C. 1.3 [Failure to act with reasonable diligence and promptness], I.R.P.C. 1.4 [Failure to reasonably communicate with client] and I.R.P.C. 8.4(d) [Engaging in conduct prejudicial to the administration of justice].

The Idaho Supreme Court accepted Mr. Souza's resignation in lieu of disciplinary proceedings effective July 1, 2016. By the terms of the Order, Mr. Souza may not make application for admission to the Idaho State Bar sooner than five (5) years from the date of his resignation. If he does make such application for admission, he will be required to comply with all bar admission requirements in Section II of the Idaho Bar Commission Rules and shall have the burden of overcoming the rebuttable presumption of the "unfitness to practice law."

By the terms of the Idaho Supreme Court's Order, Mr. Souza's name was stricken from the records of the Idaho Supreme Court and his right to practice law before the courts in Idaho was terminated on July 1, 2016.

Inquiries about this matter may be directed to: Bar Counsel, Idaho State Bar, P.O. Box 895, Boise, Idaho 83701, (208) 334-4500.