

IN RE: RICHARD S. WEISS

NO. BD-2011-004

S.J.C. Judgment of Reinstatement denied entered by Justice Cordy on March 14, 2013.¹

Page Down to View Memorandum of Decision

¹ The complete Order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, 'SS.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
BD-2011-0004

IN THE MATTER OF RICHARD S. WEISS

MEMORANDUM OF DECISION

On April 20, 2012, Richard S. Weiss filed a petition for reinstatement from an order of suspension for a term of one year and a day entered by the Court effective May 20, 2011. Bar counsel opposed reinstatement. After an evidentiary hearing at which the petitioner represented himself, testified, and called seven witnesses (mostly former clients) to testify on his behalf, the Hearing Panel denied the petition. As reasons therefore, the Hearing Panel found that the petitioner failed to meet his burden under S.J.C. Rule 4:01, § 18, as appearing in 453 Mass. 1315 (2009), of proving that he had the moral qualifications for reentry to the practice of law and the competency and learning required for admission and practice. It also concluded that the "petitioner's reinstatement would have an adverse effect on the public, the bar and the administration of justice," in large measure because of the "petitioner's complete refusal to acknowledge the nature, extent and consequences of the misconduct resulting in his suspension, and his refusal to agree that he would now do things differently."

The Board of Bar Overseers adopted the Hearing Panel's recommendation and denied the petition for reinstatement on January 14, 2013. Represented by counsel, the petitioner appealed the Board's denial to the Single Justice. I conducted a hearing on February 20, 2013, and have subsequently reviewed the transcript of the proceedings before the Hearing Panel, as well as the filings of the parties.

I conclude that while it is apparent that the petitioner has a number of fine personal qualities that have endeared him to many of his former clients, he has not met the burden required of him for reinstatement. This is not to say that he might not be able to make the required showings, only that he has not done so at this juncture. While I agree with his counsel that the petitioner did himself no favor in representing himself at the reinstatement hearing, the findings and conclusions of the Hearing Panel are fully supported by the evidentiary record notwithstanding any concerns about the awkwardness of the presentation of the case.

The petition for reinstatement is denied. The petitioner may reapply for reinstatement on or after January 1, 2014.

So ordered.



Robert J. Cordy, Associate Justice

Date Entered: March 14, 2013