

**IN RE: RICHARD S. WEISS**

**NO. BD-2011-004**

**S.J.C. Judgment Denying Reinstatement entered by Justice Cordy on June 8, 2015.<sup>1</sup>**

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<sup>1</sup> 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 WEISS

MEMORANDUM OF DECISION

This petition for reinstatement to the bar comes before me on appeal from the Board of Bar Overseer's (board) vote to deny the same. In denying the petition, the board adopted the Hearing Panel's unanimous findings and recommendations that Richard Weiss not be reinstated because of several shortcomings. Those shortcomings included: failing to attain a "sufficient understanding of the basis for his [previous] discipline to support rehabilitation, and to avoid repeating the misconduct"; his "inability to recollect much about his prior disciplinary history and patterns of denial concerning the disciplinary history he did remember"; and the insufficient maintenance of his learning of the law.

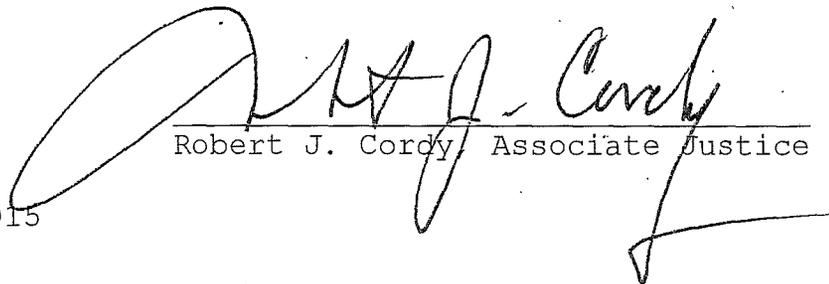
A petitioner for reinstatement to the bar bears the burden of proving that he possesses "the moral qualification, competency, and learning in the law required for admission to

the practice law in this Commonwealth, and that his or her presumption of the practice of law will not be detrimental to the integrity and standing of the bar, the administration of justice, or to the public interest." S.J.C. Rule 4:01, § 18 (5), as appearing in 453 Mass. 131 (2009); Matter of Daniels, 442 Mass. 1037, 1038 (2004). In considering an appeal from the denial of reinstatement, I am mindful that "the board's recommendation is entitled to substantial deference." Id., and "shall be upheld if supported by substantial evidence." S.J.C. Rule 4:01, § 18 (5). As long as there is substantial evidence to support its findings, we will ordinarily not disturb them even if we would come to a different conclusion if considering the matter de novo." Matter of Segal, 430 Mass. 359, 364 (1999).

Within these parameters and after a careful review of the record before the board and its Hearing Committee, I am of the view that the board's denial of reinstatement is supported by substantial evidence. That is not to say that this is an easy case. I agree with the Hearing Committee's findings with respect to the sincerity of the petitioner's desire to return to the practice of law, and do not agree with Bar Counsel's apparent demeaning of the petitioner's post-suspension activities. Further, although we have said that the conduct which led to an attorney's suspension is relevant (among other

factors) to ascertaining the petitioner's moral qualifications to resume practice and whether that resumption will be detrimental to the integrity and standing of the bar, I share the petitioner's concern that Bar Counsel is to some extent using the reinstatement process here to extract further punishment for past acknowledged and sanctioned misconduct.

These reservations are offset by the Hearing Committee's (and the Board's) careful consideration of the matter. Consequently, the petition for reinstatement is denied.



Robert J. Cordy Associate Justice

Entered: June 8 , 2015