



**EDWARD I. WEINER**

**Public Reprimand No. 2015-4**

**Order (public reprimand) entered by the Board on May 27, 2015.**

**SUMMARY**<sup>1</sup>

The respondent received a public reprimand for the conduct described below.

Beginning in the summer of 2012, an ongoing client of the respondent retained him pursuant to a flat fee to prepare and submit an E-2 investor application to obtain visas for the client, his wife and two of his video production company employees. The client and his wife are French citizens. The client paid 75% of the flat fee. He requested that the visas be approved by August 10, 2014, when he was scheduled to travel to and begin preparatory work for production of a video game in Los Angeles.

In the spring of 2014, the respondent ceased working on the E-2 application because he was then overwhelmed with other business. However, he did not inform the client of his inability to give the matter priority. On divers times and occasions, upon inquiry, the respondent failed to adequately communicate that the matter was not being diligently pursued.

On July 18, 2014, the respondent informed the client that the applications had not been filed, apologized, waived the unpaid remainder of his flat fee and offered future services without fee to his client. The client accepted this arrangement and on July 25, 2014, the respondent submitted the completed E-2 application to the United States Embassy in Brussels for an expedited review. On September 10, 2014, the U.S. State Department interviewed the applicant in Brussels and just after the client met with State Department officials, the visas for the client and others were issued in Brussels.

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<sup>1</sup>Compiled by the Board of Bar Overseers based on the record of proceedings before the board.

As a result of the respondent's delay in filing the E-2 application, the client's plan to travel to Los Angeles and conduct business was delayed by a month, but the client did not allege any ultimate harm.

The respondent's failure to process the application diligently and his failure to adequately communicate the status of the representation, or lack of representation, to his client violated Mass. R. Prof. C. 1.1, 1.2(a), 1.3 and 1.4.

The respondent was admitted to the bar of the Commonwealth on December 17, 1998. In aggravation, in 2011, the respondent received an admonition for neglect and failing to adequately communicate with a client in an immigration matter and he received a caution in 2010, also for failing to adequately communicate with a client in an immigration matter.

This matter came before the board on a stipulation of facts and disciplinary violations and a joint recommendation for a public reprimand. The respondent agreed to an audit by the Law Office Management Assistance Program (LOMAP) and to abide by its recommendations. On May 11, 2015, the board accepted the parties' recommendation.