

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 3023 Disciplinary Docket No. 3
: :
Petitioner : :
: : No. 79 DB 2023
v. : :
: :
THOMAS EDWARD WEIERS, JR. : Attorney Registration No. 43715
: :
Respondent : :
: (Allegheny County)

ORDER

PER CURIAM

AND NOW, this 23rd day of January, 2024, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board, the Joint Petition in Support of Discipline on Consent is granted, and Thomas Edward Weiers, Jr., is suspended on consent from the Bar of this Commonwealth for a period of one year. Respondent shall comply with the provisions of Pa.R.D.E. 217 and pay costs to the Disciplinary Board. See Pa.R.D.E. 208(g).

A True Copy Nicole Traini
As Of 01/23/2024

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :

Petitioner :

: No. 79 DB 2023

v. :

THOMAS EDWARD WEIERS, JR., :

: Attorney Registration No. 43715

Respondent : (Allegheny County)

JOINT PETITION IN SUPPORT OF DISCIPLINE
ON CONSENT UNDER RULE 215(d), Pa.R.D.E.

Petitioner, Office of Disciplinary Counsel, by Thomas J. Farrell, Chief Disciplinary Counsel, and Susan N. Dobbins, Disciplinary Counsel, and Respondent, Thomas Edward Weiers, Jr., Esquire, and Craig E. Simpson, Respondent's Counsel, file this Joint Petition In Support Of Discipline On Consent Under Rule 215(d), Pa.R.D.E. and respectfully represent as follows:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P. O. Box 62485, Harrisburg, Pennsylvania 17106-2485, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereafter "Pa.R.D.E."), with the power and the duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of

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**The Disciplinary Board of the
Supreme Court of Pennsylvania**

Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Rules.

2. Respondent, Thomas Edward Weiers, Jr., was born in 1960. He was admitted to practice law in the Commonwealth of Pennsylvania on October 30, 1985. Respondent's attorney registration mailing address is 2000 Georgetowne Drive, Ste. 100, Sewickley, PA 15143.

3. Respondent is presently on active status.

4. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

SPECIFIC FACTUAL ADMISSIONS

Administrative Suspension

5. By Preliminary Annual CLE Report dated October 4, 2019, the Pennsylvania Continuing Legal Education Board (PACLE) informed Respondent, among other things, that:

(a) The PACLE records indicated that Respondent had not yet complied with the continuing legal education (CLE) requirement due by December 31, 2019; and

(b) This Preliminary Report was provided to inform Respondent of his status with the PACLE requirement as of September 25, 2019.

6. By Annual CLE Report dated February 21, 2020, PACLE informed Respondent, among other things, that:

(a) The PACLE records indicated that Respondent was non-compliant with the CLE requirement due by December 31, 2019;

(b) Due to non-compliance with the CLE requirement and in accordance with the Rules for CLE in Pennsylvania, a \$100 late fee had been assessed; and

(c) Failure to complete Respondent's CLE requirement and pay any outstanding late fees within sixty (60) days from the date of the notice would result in the assessment of a second \$100 late fee and Respondent's name being included on a non-compliant report to the Supreme Court of Pennsylvania.

7. The Report dated February 21, 2020 was sent to Respondent's home address of 440 Bellaire Rd, Bradfordwoods, PA 15015.

8. This address of 440 Bellaire Rd, Bradfordwoods, PA 15015 was Respondent's preferred mailing address in Attorney Registration at that time.

9. By letter dated August 26, 2020, with the subject line of "URGENT NOTICE – Second Late Fee for Non-Compliance with CLE Requirement", PACLE informed Respondent, among other things, that:

(a) This letter served as a second notification of non-compliance with the CLE requirement originally due on December 31, 2019;

(b) In accordance with the Rules for CLE in Pennsylvania, a second \$100 late fee had been assessed for continued non-compliance;

(c) Failure to complete Respondent's CLE requirement and pay any outstanding late fees by 4 p.m. on September 25, 2020 would result in Respondent's name being included on a non-compliant report to the Supreme Court of Pennsylvania; and

(d) Upon receipt of this report, the Supreme Court would initiate an Order to administratively suspend Respondent's license to practice law in the Commonwealth of Pennsylvania and a third \$100 late fee would be assessed.

10. The letter dated August 26, 2020 was sent to 2000 Georgetowne Drive, Suite 100, Sewickley, PA 15143.

11. The address of 2000 Georgetowne Drive, Suite 100, Sewickley, PA 15143 was Respondent's preferred mailing address in Attorney Registration at that time.

12. By letter dated October 21, 2020, Suzanne E. Price, Attorney Registrar for the Disciplinary Board of the Supreme Court of Pennsylvania informed Respondent, among other things, that:

(a) By Order dated October 21, 2020, the Supreme Court of Pennsylvania directed that Respondent would be Administratively Suspended for failure to satisfy his obligations pursuant to the Pennsylvania Rules for Continuing Legal Education;

(b) A copy of the Order and page containing Respondent's name was enclosed;

(c) The effective date of the administrative suspension was November 20, 2020;

(d) To avoid administrative suspension, Respondent needed to satisfy his outstanding obligation to PACLE;

(e) A letter prepared by PACLE was enclosed, providing information regarding compliance; and

(f) If Respondent was administratively suspended, he would be required to comply with the Pennsylvania Rules for Continuing Legal Education, Pennsylvania Rule of Disciplinary Enforcement 217, and Disciplinary Board Rules §§91.91 - 91.99.

13. The letter dated October 21, 2020 was sent to Respondent at his attorney registration mailing address of 2000 Georgetowne Drive, Suite 100, Sewickley, PA 15143.

14. By Order of the Supreme Court of Pennsylvania dated October 21, 2020, Respondent was Administratively Suspended pursuant to Pa.

R.C.L.E. 111(b) from practicing law in the Commonwealth of Pennsylvania, which was effective 30 days after the date of the Order, pursuant to Pa.R.D.E. 217.

15. Respondent had often been late in the past in meeting his CLE requirements, but always got his CLE completed within the grace period. In 2019, he was once again late on getting his CLE completed but was scheduled to take a full day's worth of CLE in March 2020 through LCL (with which he participates), which would have satisfied his CLE requirements at that time. However, the pandemic hit, and that day of CLE was cancelled due to the statewide shutdown.

16. Respondent continued to obtain CLE credits over the next two years and believed that he had at least satisfied his 2019 CLE requirement. As he received the notices from the CLE Board and the Attorney Registration Office, he set them aside, believing he was simply accumulating mounting late fees and interest, and did not want to see what he assumed was an astronomical sum.

17. Notwithstanding the foregoing explanation, Respondent acknowledges that he had an affirmative duty to always be aware of his license status.

18. Thereafter, Respondent did not complete his Pennsylvania Continuing Legal Education requirements or comply with the notice and reporting requirements of Rule 217, Pennsylvania Rules of Disciplinary Enforcement.

19. Respondent was Administratively Suspended from the practice of law in Pennsylvania and was unable to practice law in Pennsylvania from November 20, 2020 until April 12, 2023, when his law license was reinstated.

Handlow

20. On November 14, 2019, Wells Fargo Bank N.A. filed a Complaint in Mortgage Foreclosure in the Court of Common Pleas of Allegheny County, Pennsylvania against Robert and Laura Handlow (the Handlows) at docket number MG-19-001226.

21. On August 24, 2020, Respondent entered his appearance on behalf of the Handlows in the mortgage foreclosure action.

22. By Order of Court dated October 20, 2020, the Honorable John McVay, Jr., directed that since the defendants (the Handlows) failed to appear for the Conciliation Conference, plaintiff, Wells Fargo Bank N.A., was

authorized to obtain a judgment by default pursuant to PaRCP No. 237 and to otherwise proceed with action as provided by Rules of Court.

23. On November 11, 2020, Respondent filed an Answer and New Matter on behalf of the Handlows.

24. By Order of Court dated October 21, 2020, which was effective November 20, 2020, the Supreme Court of Pennsylvania administratively suspended Respondent from practicing law in the Commonwealth of Pennsylvania for his failure to satisfy his obligations pursuant to the Pennsylvania Rules for Continuing Legal Education.

25. On November 30, 2020, Wells Fargo Bank N.A. filed a Reply to New Matter in regard to the action against the Handlows.

26. Respondent was sent a copy of the Reply to New Matter.

27. Respondent did not at that time inform the Handlows that he had been administratively suspended from the practice of law in Pennsylvania and that he could no longer represent them.

28. Respondent did not notify the Court of his administrative suspension or withdraw of record as the Handlows' counsel of record.

29. Respondent did not at that time inform counsel for Wells Fargo Bank N.A. that he had been administratively suspended from the practice of law in Pennsylvania.

30. On September 2, 2022, Wells Fargo Bank N.A. filed a Motion for Summary Judgment against the Handlows.

31. Respondent was sent a copy of the Motion for Summary Judgment.

32. On various occasions between August 16, 2021 and October 11, 2022, Respondent and counsel on behalf of Wells Fargo Bank N.A. communicated by phone and email regarding the Handlows' mortgage matter.

33. Respondent, at no time, informed counsel for Wells Fargo Bank N.A. that he was administratively suspended and could no longer represent the Handlows.

34. On October 13, 2022, Respondent filed a Stipulation to Extend Time to File Responsive Pleading to Summary Judgment Motion on behalf of the Handlows.

35. Respondent practiced law while on administrative suspension in his handling of the Handlows' matter.

Makarov

36. On June 17, 2019, David Holko filed an appeal of the magistrate's decision in his civil action against Makarov Construction, LLC, Elvira Makarov and Andrei Makarov (the Makarovs) in the Court of Common Pleas of Allegheny County, Pennsylvania at docket number AR-19-002993, as well as a civil complaint.

37. On June 27, 2019, the Makarovs filed an answer to the complaint in the civil action.

38. On October 2, 2019, the arbitrators entered an award in the amount of \$5,000.00 on behalf of Mr. Holko and against Makarov Construction, LLC.

39. On October 21, 2019, the Makarovs filed a Notice of Arbitration Appeal on behalf Makarov Construction, LLC and on November 2, 2020, the case was scheduled for trial call on March 12, 2021.

40. Thereafter, the trial was continued until November 10, 2021.

41. Effective November 20, 2020, Respondent was administratively suspended from practicing law in the Commonwealth of Pennsylvania.

42. On October 12, 2021, an Order was issued continuing the trial until March of 2022.

43. Thereafter:

(a) The trial was scheduled for March 2, 2022; and

(b) A pre-trial conference was scheduled for February 22, 2022.

44. On February 24, 2022, while administratively suspended from the practice of law in Pennsylvania, Respondent filed a Praecipe for Appearance on behalf of the Makarovs.

45. Respondent did not at that time inform the Makarovs that he was on administrative suspension and could not practice law in Pennsylvania.

46. Respondent did not at that time inform Mr. Holko that he was on administrative suspension and could not represent the Makarovs.

47. On March 24, 2022, the Court:

(a) Issued a Non-Jury Verdict in favor of Mr. Holko and against Makarov Construction, LLC in the amount of \$1,847.00; and

(b) Found in favor of the Makarovs against Mr. Holko.

Associated Builders and Contractors of Western Pennsylvania

48. On May 1, 2020, Respondent, on behalf of the Associated Builders and Contractors of Western Pennsylvania, along with the other Plaintiffs, filed a Complaint in Civil Action against various Defendants including Community College of Allegheny County, Quintin B. Bullock, and Pittsburgh Regional Building Trades Council in the U.S. District Court, Western District of Pennsylvania (Pittsburgh) at civil docket number 20-cv-00649.

49. Effective November 20, 2020, Respondent was administratively suspended from practicing law in the Commonwealth of Pennsylvania.

50. Respondent did not at that time or thereafter inform:

(a) His client, Associated Builders and Contractors of Western Pennsylvania, that he had been administratively suspended and was no longer able to represent them;

(b) The other counsel involved in the civil action that he had been administratively suspended and was no longer able to represent his client; and

(c) The Court that he had been administratively suspended from the practice of law in Pennsylvania.

51. By Order dated March 30, 2022, Mark R. Hornak, Chief United States District Judge:

(a) Indicated that this Court being advised that Respondent, a Member of the Bar of this Court since November 22, 1985, had been Administratively Suspended from the Bar of the Commonwealth of Pennsylvania by Order of the Supreme Court of Pennsylvania dated October 21, 2020, effective 30 days thereafter from the date of that Order; and

(b) Issued an Order to Show Cause to Respondent why a reciprocal order of Administrative Suspension should not be entered by the United States District Court for the Western District of Pennsylvania, returnable within 30 days from the date of the Order.

52. On April 29, 2022, the United States District Court entered judgment indicating that, the Court having dismissed Plaintiffs' first, second, and third claims for relief with prejudice, and their fourth Claims for Relief without prejudice to their ability to bring those claims in state court, it was ordered that final judgment was entered against Plaintiffs pursuant to Rule 58 of the Federal Rules of Civil Procedure.

53. By Order dated May 4, 2022, Judge Hornak:

(a) Noted that on March 30, 2022, the Court had issued an Order to Show Cause why a reciprocal order should not issue Administratively Suspending Respondent;

(b) Indicated that responses to the Order to Show Cause were due 30 days from the date of the Order to Show Cause;

(c) Also indicated that the Court had received no response from Respondent to the Order to Show Cause;

(d) Ordered that Respondent was Administratively Suspended from the practice of law in the United States District Court for the Western District of Pennsylvania, effective immediately;

(e) Respondent would no longer be authorized to practice before this Court until Order of Reinstatement was entered;

(f) Further ordered that the Clerk of Courts suspend Respondent's CM/ECF User Accounts, and identify Respondent as being suspended in the Courts' attorney admission records; and

(g) Directed that any Attorney who seeks reinstatement to practice before this Court must file a Petition for Reinstatement with the Clerk of Court.

54. On May 30, 2022, a Notice of Appeal of Judgment entered on April 29, 2022 was filed by counsel for the various Plaintiffs, including Respondent on behalf of his client, Associated Builders and Contractors of Western Pennsylvania.

55. Respondent did not at that time inform the various attorneys representing the Plaintiffs and Defendants in the matter or his client that he had been administratively suspended.

56. On June 2, 2022, a Notice of Appeal was filed by Respondent and the counsel for the other Plaintiffs with the United States Court of Appeals for the Third Circuit at case number 22-2030.

57. Respondent did not withdraw as counsel of record in the federal appellate case.

White/Hetrick

58. On or about June 29, 2021, William White and Benjamin Hetrick purchased a property from Loretta Ziegler at 11346 Kirila Lake Drive, Conneaut Lake, PA 16316.

59. On or about July 5, 2022, Messrs. White and Hetrick experienced a significant water leakage stemming from the bathroom.

60. By letter dated August 19, 2022, Benjamin J. Steinberg, Esquire, on behalf of Messrs. White and Hetrick, informed Ms. Ziegler, among other things, through her real estate agent, Maureen Fullerton, that:

(a) There was water damage that occurred on or about July 5, 2022 to the property that they purchased from her;

(b) In order to avoid the expense of mediation, arbitration and/or litigation, and prior to initiation thereof, Messrs. White

and Hetrick were willing to resolve this dispute for the sum of twenty-thousand dollars (\$20,000.00), which represented the amount they had to expend to repair the leak and damages caused therefrom;

(c) She must respond to the demand within ten (10) days from receipt of the correspondence or the offer would expire;

(d) If she wished to discuss this matter further, please do not hesitate to call his office; and

(e) If she had retained legal counsel regarding the matter, he asked that she forward the letter to her counsel as soon as possible.

61. By email dated September 6, 2022, Respondent informed Attorney Steinberg, among other things, that:

(a) Respondent represented Loretta Zeigler and he was in receipt of the letter dated August 19, 2022;

(b) Respondent noted that this letter differed significantly from the original claim sent directly by Messrs. White and

Hetrick, which claimed a sewer line backup caused or exasperated Mr. White's asthmatic condition;

(c) The claim was responded to by Bill Schlichtkrull and would not be repeated here;

(d) Mrs. Zeigler declined to pay any amount to Messrs. White and Hetrick; and

(e) He should feel free to contact Respondent with any questions concerning Mrs. Zeigler's position.

62. Respondent's email indicated it was from Thomas E. Weiers, Jr., Esq, listed an email address of tom.weiersesq@gmail.com and a website address of <https://www.tomweiersesq.com>. The email further referenced that the email contained information from the "law firm of Thomas E. Weiers, Jr."

63. Respondent was administratively suspended by the Pennsylvania Supreme Court effective November 20, 2020.

64. Despite being administratively suspended, Respondent still maintained a website for Thomas E. Weiers, Jr., Esquire at <https://www.tomweiersesq.com>.

65. On or about September 7, 2022, Attorney Steinberg called Respondent about the email that Respondent had sent to him on behalf of Ms. Zeigler.

66. Respondent confirmed his representation of Ms. Zeigler in Respondent's telephone conversation with Attorney Steinberg.

67. Respondent did not inform Attorney Steinberg that he had been administratively suspended and was not able to represent Ms. Zeigler.

68. During his conversation with Respondent, Attorney Steinberg told Respondent that Respondent was on administrative suspension, that he was no longer able to talk with Respondent about Ms. Zeigler's matter, and that he had an ethical obligation under the Pennsylvania Rules of Professional Conduct to report to the Disciplinary Board that Respondent was practicing law while administratively suspended.

69. Respondent did not inform Ms. Zeigler when she retained him that Respondent had been administratively suspended and that he was not able to represent her.

SPECIFIC RULE VIOLATIONS

70. By his conduct, as set forth in paragraphs 5 through 69, Respondent admits that he violated the following Rules of Professional Conduct and Rules of Disciplinary Enforcement:

(a) Rule of Professional Conduct 5.5(a) - A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so;

(b) Rule of Professional Conduct 5.5(b)(1) – A lawyer who is not admitted to practice in this jurisdiction shall not except as authorized by these Rules, Pa.B.A.R. 302 or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law;

(c) Rule of Professional Conduct 5.5(b)(2) – A lawyer who is not admitted to practice in this jurisdiction shall not hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction;

(d) Rule of Professional Conduct 8.4(c) – It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

(e) Rule of Professional Conduct 8.4(d) – It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice;

(f) Pennsylvania Rule of Disciplinary Enforcement 217(a) – A formerly admitted attorney shall promptly notify, or cause to be promptly notified, all clients being represented in pending matters, other than litigation or administrative proceedings, of the disbarment, suspension, administrative suspension or transfer to inactive status and the consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status and shall advise said clients to seek legal advice elsewhere. The notice required by this subdivision (a) may be delivered by the most efficient method possible as long as the chosen method is successful and provides proof of receipt. At the time of the filing of the

verified statement of compliance required by subdivision (e)(1) of this Rule, the formerly admitted attorney shall file copies of the notices required by this subdivision and proofs of receipt with the Board and shall serve a conforming copy on Disciplinary Counsel. See D.Bd. Rules § 91.91(b) (relating to filing of copies of notices).

(g) Pennsylvania Rule of Disciplinary Enforcement 217(b) – A formerly admitted attorney shall promptly notify, or cause to be promptly notified, all clients who are involved in pending litigation or administrative proceedings, and the attorney or attorneys for each adverse party in such matter or proceeding, of the disbarment, suspension, administrative suspension or transfer to inactive status and consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status. The notice to be given to the client shall advise the prompt substitution of another attorney or attorneys in place of the formerly admitted attorney. In the event the client does not obtain substitute counsel before the effective date of the disbarment,

suspension, administrative suspension or transfer to inactive status, it shall be the responsibility of the formerly admitted attorney to move in the court or agency in which the proceeding is pending for leave to withdraw. The notice to be given to the attorney or attorneys for an adverse party shall state the place of residence of the client of the formerly admitted attorney. The notice required by this subdivision (b) may be delivered by the most efficient method possible as long as the chosen method is successful and provides proof of receipt. See Note after subdivision (a), supra. At the time of the filing of the verified statement of compliance required by subdivision (e)(1) of this Rule, the formerly admitted attorney shall file copies of the notices required by this subdivision and proofs of receipt with the Board and shall serve a conforming copy on Disciplinary Counsel. See D.Bd. Rules § 91.92(b) (relating to filing of copies of notices).

(h) Pennsylvania Rule of Disciplinary Enforcement 217(c)(2) – A formerly admitted attorney shall promptly notify, or cause to be promptly notified, of the disbarment, suspension, administrative suspension or transfer to inactive

status all other persons with whom the formerly admitted attorney may at any time expect to have professional contacts under circumstances where there is a reasonable probability that they may infer that he or she continues as an attorney in good standing;

(i) Pennsylvania Rule of Disciplinary Enforcement 217(c)(3) – A formerly admitted attorney shall promptly notify, or cause to be promptly notified, of the disbarment, suspension, administrative suspension or transfer to inactive status any other tribunal, court, agency or jurisdiction in which the attorney is admitted to practice.

(j) Pennsylvania Rule of Disciplinary Enforcement 217(d)(1) – Orders imposing suspension, disbarment, administrative suspension or transfer to inactive status shall be effective 30 days after entry. The formerly admitted attorney, after entry of the disbarment, suspension, administrative suspension or transfer to inactive status order, shall not accept any new retainer or engage as attorney for another in any new case or legal matter of any nature.

However, during the period from the entry date of the order and its effective date the formerly admitted attorney may wind up and complete, on behalf of any client, all matters which were pending on the entry date;

(k) Pennsylvania Rule of Disciplinary Enforcement 217(d)(2) – In addition to the steps that a formerly admitted attorney must promptly take under other provisions of this Rule to disengage from the practice of law, a formerly admitted attorney shall promptly cease and desist from using all forms of communication that expressly or implicitly convey eligibility to practice law in the state courts of Pennsylvania, including but not limited to professional titles, letterhead, business cards, signage, websites, and references to admission to the Pennsylvania Bar;

(l) Pennsylvania Rule of Disciplinary Enforcement 217(e)(1) – Within ten days after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status order, the formerly admitted attorney shall file with the Board a verified statement and

serve a copy on Disciplinary Counsel, averring, *inter alia*, that the provisions of the order and these rules have been fully complied with; and

(m) Pennsylvania Rule of Disciplinary Enforcement 217(j)(4) – A formerly admitted attorney is specifically prohibited from engaging in any of the following activities: (ii) performing any law-related services from an office that is not staffed by a supervising attorney on a full time basis; (iii) performing any law-related services for any client who in the past was represented by the formerly admitted attorney; (iv) representing himself or herself as a lawyer or person of similar status; (v) having any contact with clients either in person, by telephone, or in writing, except as provided in paragraph Rule 217(j)(3); and (vi) rendering legal consultation or advice to a client.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

71. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a suspension

of one year. Attached hereto as Exhibit A is Respondent's executed Affidavit, as required by Rule 215(d), Pa.R.D.E., stating that he consents to the recommended discipline and includes the mandatory acknowledgements contained in Rule 215(d)(i)-(iv), Pa.R.D.E.

72. The mitigating factors in this case include:

(a) Respondent has admitted his misconduct;

(b) Since admitting his misconduct, Respondent, through his counsel, has cooperated with Disciplinary Counsel in the prosecution of this matter;

(c) Respondent has no prior discipline of record;

(d) Respondent consents to a suspension of one year; and

(e) Respondent through the filing of this joint petition expresses great regret and accepts full responsibility for his misconduct.

73. In support of Petitioner's and Respondent's joint recommendation, it is submitted that although there is no per se rule for discipline for attorneys who have engaged in the unauthorized practice of

law, the proposed discipline of one year is within the range of discipline imposed in such cases.

(a) There have been numerous cases of attorneys practicing law while on administrative suspension or otherwise engaging in the unauthorized practice of law and who received a Public Reprimand. These cases include **ODC v. Thomas Cusack III**, 243 DB 2018 (06/07/19), **ODC v. Evan Hughes**, 40 DB 2018 (03/26/18), **ODC v. Brian Quinn**, 111 DB 2016 (08/03/16), **ODC v. Mark Houldin**, 204 DB 2018 (07/25/19), **ODC v. Andrew Rosenbloom**, 214 DB 2015 (04/05/17), **ODC v. Zachary Cregar**, 95 DB 2016 (11/15/16), and **ODC v. Roger Ashodian**, 178 DB 2016 (11/18/16). In another case, **ODC v. Joseph Francis**, 166 DB 2018 (1/22/19), the attorney received a two-year *stayed* suspension, with two years' probation.

(b) Other cases of attorneys practicing while on administrative suspension have resulted in disciplinary suspensions.

(i) In *Office of Disciplinary Counsel v. Andrew S. Hurwitz*, 170 DB 2021 (02/25/2022), Hurwitz received a six-month suspension on consent where he, while administratively suspended, engaged in unauthorized practice and held himself out as a licensed attorney. Mitigation in the case included remorse, cooperation with Office of Disciplinary Counsel, acknowledgment of wrongdoing, and no record of discipline.

(ii) In *Office of Disciplinary Counsel v. William Connor*, 34 DB 2021 (04/27/2021), Connor was suspended on consent for one year, stayed with probation. Mitigation in the case included *Braun* mitigation, as well as Connor's cooperation with Office of Disciplinary Counsel, his remorse, and his self-reporting of the misconduct. Additionally, Connor had no record of discipline in over 38 years of practice. In the within case, Respondent is a seasoned practitioner as well with no record of discipline. However, the *Connor* case can be distinguished in that Connor self-reported his misconduct and provided strong *Braun* mitigation. Respondent does not have *Braun* mitigation to warrant a stayed suspension and did not self-report; rather,

his misconduct was reported by opposing counsel on one of the cases for which Respondent was engaged.

(iii) In *Office of Disciplinary Counsel v. Martin S. Weisberg*, 53 DB 2015 (06/04/15), Weisberg received a one-year suspension on consent. Weisberg's unauthorized practice of law consisted of reviewing and signing pleadings prepared by junior attorneys and participating in a single conference call on a Pennsylvania case. As in the within matter, Weisberg cooperated with Office of Disciplinary Counsel and agreed to the suspension of his license for one year. Like Respondent, Weisberg had practiced for many years with no history of discipline.

74. Respondent acknowledges that, under the facts of this case, his conduct more closely aligns with the cases that resulted in a suspension than the cases that resulted in a public reprimand or a *stayed* suspension.

75. Because of Respondent's many years of practice with no history of discipline, it is respectfully suggested that despite the serious nature of the misconduct, there is very little likelihood it will be repeated. Therefore, there is no reason to require Respondent to go through the reinstatement

process by imposing discipline greater than a one-year suspension. Consequently, considering all of the factors articulated herein, it is recommended that Respondent receive a one-year suspension for his violation of Rules of Professional Conduct 5.5(a), 5.5(b)(1), 5.5(b)(2), 8.4(c) and 8.4(d), and for his violation of Rule 217(a), 217(b), 217(c)(2), 217(c)(3), 217(d)(1), 217(d)(2), 217(e)(1), and 217(j)(4), Pa.R.D.E. A suspension of this duration appropriately reflects the gravity of the misconduct in which Respondent engaged in the unauthorized practice of law.

WHEREFORE, Petitioner and Respondent respectfully request that:

(a) Pursuant to Rule 215(e) and 215(g), Pa.R.D.E., a three-member Panel of the Disciplinary Board review and approve the above Joint Petition in Support of Discipline on Consent and file a recommendation with the Supreme Court of Pennsylvania that Respondent receive a suspension of one year; and

(b) Pursuant to Rule 215(i) Pa.R.D.E., a three-member Panel of the Disciplinary Board enter an order for Respondent to pay the necessary expenses incurred in the investigation and prosecution of this matter, and that all expenses be paid by Respondent within thirty (30) days after the notice of taxed expenses is sent to Respondent.

Respectfully and jointly submitted,

OFFICE OF DISCIPLINARY COUNSEL

THOMAS J. FARRELL
CHIEF DISCIPLINARY COUNSEL

By 

Susan N. Dobbins
Disciplinary Counsel

By 

Thomas Edward Weiers, Esquire
Respondent

By 

Craig E. Simpson, Esquire
Counsel for Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,:

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v.

THOMAS EDWARD WEIERS, JR.,

: Attorney Registration No. 43715

Respondent

: (Allegheny County)

VERIFICATION

The statements contained in the foregoing Joint Petition in Support of Discipline on Consent Under Rule 215(d), Pa.R.D.E. are true and correct to the best of my knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

12/01/2023

Date

Susan N. Dobbins

Susan N. Dobbins
Disciplinary Counsel

11/29/2023

Date

Thomas Edward Weiers, Jr.

Thomas Edward Weiers, Jr.
Respondent

11-29-23

Date

Craig E. Simpson

Craig E. Simpson, Esquire
Counsel for Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,:

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: Attorney Registration No. 43715

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: (Allegheny County)

AFFIDAVIT UNDER RULE 215(d), Pa.R.D.E.

Respondent, Thomas Edward Weiers, Jr., hereby states that he consents to a suspension of one year, as jointly recommended by Petitioner, Office of Disciplinary Counsel, and Respondent, in the Joint Petition in Support Of Discipline On Consent, and further states that:

1. He is an attorney admitted in the Commonwealth of Pennsylvania, having been admitted to the bar on October 30, 1985.
2. He desires to submit a Joint Petition in Support of Discipline on Consent Pursuant to Rule 215(d), Pa.R.D.E.

3. His consent is freely and voluntarily rendered; he is not being subjected to coercion or duress; and he is fully aware of the implications of submitting this affidavit.

4. He is aware that there is a pending proceeding involving allegations that he has been guilty of misconduct, as set forth in the Joint Petition in Support of Discipline on consent Pursuant to Rule 215(d), Pa.R.D.E., to which this affidavit is attached.

5. He acknowledges that the material facts set forth in the Joint Petition are true.

6. He consents because he knows that if the matter pending against him is prosecuted, he could not successfully defend against the charges.

7. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has retained, consulted or acted upon the advice of counsel in connection with his decision to execute the within Joint Petition.

It is understood that the statements made herein are subject to the penalties of 18 Pa.C.S.A. § 4904 (relating to unsworn falsification to authorities).



Thomas Edward Weiers, Jr.
Respondent

Sworn to and subscribed
before me this 29th day of November, 2023.

Charlene M. Mottiqua
Notary Public

Commonwealth of Pennsylvania - Notary Seal
Charlene M. Mottiqua, Notary Public
Allegheny County
My commission expires December 28, 2023
Commission number 1295351
Member, Pennsylvania Association of Notaries

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,:

Petitioner :

: No. 79 DB 2023

v.

THOMAS EDWARD WEIERS, JR.,

: Attorney Registration No. 43715

Respondent

: (Allegheny County)


CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing documents upon all parties of record in this proceeding in accordance with the requirements of 204 Pa.C.S. §89.22 (relating to service by a participant).

By email as follows:

Craig E. Simpson, Esquire
1500 Ardmore Boulevard, Suite 207
Pittsburgh, PA 15221
(cesimpson7@comcast.net)
(Counsel for Respondent)

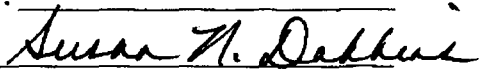
Dated: 12/01/2023


Susan N. Dobbins, Reg. No. 52108
Disciplinary Counsel
Office of Disciplinary Counsel
District IV Office
Suite 1300, Frick Building
437 Grant Street
Pittsburgh, PA 15219
(412) 565-3173

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Susan N. Dobbins

Signature: 

Name: Susan N. Dobbins

Attorney No. (if applicable): 52108