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February 23, 2017

VIA CERTIFIED MAIL, R.R.R. & REGULAR MAIL

Martin S. Weisberg
Mattleman Weinroth & Miller, P.C.
401 Route 70 East, Suite 100
Cherry Hill, New Jersey 08034

Re: In the Matter of Martin S. Weisberg
Docket No. DRB 16-381
District Docket No. XIV-2015-0492E
LETTER OF ADMONITION

Dear Mr. Weisberg:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Following a review of the record, the Board determined to impose an admonition.

According to an October 27, 2016 stipulation between you and the Office of Attorney Ethics (OAE), on June 4, 2015, the Supreme Court of Pennsylvania suspended you by consent, for a period of one year, for failing to comply with that commonwealth's continuing legal education (CLE) requirements. The conduct underlying your suspension there is as follows.

On June 1, 2012, the Pennsylvania Continuing Education Board (PCEB) sent you written notification that you had not complied with Pennsylvania's CLE requirements, and imposed a deadline of August 31, 2012 for you to do so. The PCEB sent additional, October 26, 2012 and January 25, 2013 notices, imposed late fees, and ultimately provided you with a March 1, 2013 deadline to complete the CLE requirements and pay the fines or face administrative suspension for failure to comply with the CLE requirements. You

failed to do so and were administratively suspended, effective May 3, 2013.

Thereafter, you continued to practice law in Pennsylvania, serving as counsel of record in twenty-three cases. On April 2, 2014, you participated in a telephone conference in Bucks County with the Honorable James M. McMaster. Following that conference, by letter dated April 24, 2014, Judge McMaster informed you that you had been administratively suspended and advised you to take appropriate action. Therefore, on May 5, 2014, you withdrew from the case and found another attorney to take your place. You stipulated that, thereafter, you did not appear in any other matters during the administrative suspension and became compliant with Pennsylvania's CLE requirements. You were reinstated to active status in Pennsylvania, effective June 2, 2014.

You acknowledged that, by continuing to practice in Pennsylvania during your administrative suspension, you violated the regulations of the legal profession in that commonwealth. In so doing, you violated RPC 5.5(a)(1).

The discipline for practicing law in Pennsylvania while administratively suspended is the New Jersey equivalent of practicing law while ineligible. Without more, practicing law while ineligible generally is met with an admonition, if the attorney is unaware of the ineligibility. Where the attorney is aware of the ineligibility and practices law nevertheless, reprimands have been imposed, even when the misconduct is found alongside other ethics improprieties or prior discipline for conduct of the same sort.

The stipulation is silent about your knowledge of the administrative suspension when you improperly practiced law in Pennsylvania, and the record was silent about your receipt of the PCEB's notices to you. Thus, the Board could not determine, by clear and convincing evidence, that you practiced law in Pennsylvania with knowledge that you were administratively suspended there. For that reason, the Board determined to impose an admonition for your misconduct.

In mitigation, the Board considered that you have no prior discipline in New Jersey in thirty years at the bar.

Your conduct has adversely reflected not only upon you as an attorney but also upon all members of the bar. Accordingly, the Board has directed the issuance of this admonition to you. R. 1:20-15(f)(4).

I/M/O Martin S. Weisberg, DRB 16-381

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A permanent record of this occurrence has been filed with the Clerk of the Supreme Court and the Board's office. Should you become the subject of any further discipline, it will be taken into consideration.

The Board has also directed that the costs of the disciplinary proceedings be assessed against you. An invoice of costs will be forwarded under separate cover.

Very truly yours,



Ellen A. Brodsky
Chief Counsel

EAB/paa

c: Chief Justice Stuart Rabner
Associate Justices
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Disciplinary Review Board
Mark Neary, Clerk
Supreme Court of New Jersey
Gail G. Haney, Deputy Clerk
Supreme Court of New Jersey (w/ethics history)
Charles Centinaro, Director
Office of Attorney Ethics
HoeChin Kim, Deputy Ethics Counsel
Office of Attorney Ethics