



**BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**

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RELEASE OF INFORMATION
RE: MARTIN ALAN WEISS, BPR #012295
CONTACT: WILLIAM C. MOODY
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

March 26, 2019

SHELBY COUNTY LAWYER DISBARRED

On March 26, 2019, Martin Alan Weiss was disbarred by Order of the Tennessee Supreme Court. As conditions of his reinstatement, Mr. Weiss must make restitution in the amount of \$57,769.00. He must obtain an evaluation by the Tennessee Lawyers Assistance Program (TLAP) and enter into a monitoring agreement, if appropriate. Mr. Weiss must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

On November 15, 2018, a Petition for Discipline was filed against Mr. Weiss alleging that he misappropriated funds from eighteen personal injury settlements. When distributing the money upon settling these clients' cases, Mr. Weiss withheld an amount sufficient to pay what each client owed to the clinic where they had been treated. Rather than paying the money that had been withheld to the clinic, Mr. Weiss kept the money for his personal use.

Mr. Weiss entered into a conditional guilty plea admitting that his actions violated Rules of Professional Conduct 1.2(a), Scope of Representation; 1.4, Communication; 1.5(c), Fees; 1.15(a) and (d), Safekeeping Property and Funds; 8.1(b), Bar Admission and Disciplinary Matters; and 8.4(a) and (c), Misconduct.

On July 25, 2018, Mr. Weiss was temporarily suspended by the Tennessee Supreme Court for posing a threat of substantial harm to the public. As Mr. Weiss is now disbarred, the temporary suspension is dissolved.

Mr. Weiss must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30, regarding the obligations and responsibilities of disbarred attorneys.

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE



IN RE: MARTIN ALAN WEISS, BPR #012295
An Attorney Licensed to Practice Law in Tennessee
(Shelby County)

No. M2019-00497-SC-BAR-BP
BOPR No. 2018-2934-9-WM

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Martin Alan Weiss on November 15, 2018; upon the Answer to Petition for Discipline filed by Mr. Weiss on February 5, 2019; upon entry of a Conditional Guilty Plea filed by Mr. Weiss on February 28, 2019; upon an Order Recommending Approval of Conditional Guilty Plea entered on March 6, 2019; upon service of the Order Recommending Approval of Conditional Guilty Plea on Mr. Weiss by the Executive Secretary for the Board on March 6, 2019; upon consideration and approval by the Board on March 8, 2019; and upon the entire record in this cause.

From all of which the Court approves the Order of the Hearing Panel and adopts the Hearing Panel's Order Recommending Approval of Conditional Guilty Plea as the Court's Order.

On July 25, 2018, Mr. Weiss was temporarily suspended by this Court pursuant to Tenn. Sup. Ct. R. 9, § 12.3 (Case No. M2018-01347-SC-BAR-BP). To date, Mr. Weiss has not requested, nor been granted reinstatement.

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT THAT:

(1) Martin Alan Weiss is disbarred from the practice of law, pursuant to Tenn. Sup. Ct. R. 9, § 12.1.

(2) Pursuant to Tenn. Sup. Ct. R. 9, § 12.7, and as a condition precedent to any reinstatement, Mr. Weiss shall make restitution to FLEXWORX in the amount of \$57,769.00 and shall furnish to the Board of Professional Responsibility proof of restitution. In the event restitution is made by the Tennessee Lawyer's Fund for Client Protection (TLFCP), Mr. Weiss shall reimburse TLFCP in the same amount.

(3) Pursuant to Tenn. Sup. Ct. R. 9, § 12.8, and as a condition precedent to any reinstatement, Mr. Weiss shall contact the Tennessee Lawyers Assistance Program (“TLAP”) for evaluation. If TLAP determines that a monitoring agreement is appropriate, Mr. Weiss shall comply with the terms and conditions of the TLAP monitoring agreement.

(4) Prior to seeking reinstatement, Mr. Weiss must have met all CLE requirements; have remitted all outstanding registration fees and outstanding professional privilege taxes, including those due from the date of this disbarment until the date of reinstatement; and have remitted all court costs and Board costs in this matter.

(5) Additionally, Mr. Weiss shall comply in all aspects with Tenn. Sup. Ct. R. 9, §§ 28 and 30.4, regarding the obligations and responsibilities of disbarred attorneys and the procedure for reinstatement.

(6) Further, the Order of Temporary Suspension entered on July 25, 2018 in Case No. M2018-01347-SC-BAR-BP is hereby dissolved.

(7) Pursuant to Tenn. Sup. Ct. R. 9, § 28.1, this Order shall be effective upon entry.

(8) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3(d), Mr. Weiss shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$618.65 within ninety (90) days of the entry of this Order, and shall pay to the Clerk of this Court the costs incurred herein within ninety (90) days of the entry of this Order, for all of which execution may issue if necessary.

(9) The Board of Professional Responsibility shall cause notice of this discipline to be published as required by Tenn. Sup. Ct. R. 9, § 28.11.

PER CURIAM