

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1395 Disciplinary Docket No. 3
Petitioner :
 : No. 78 DB 2008
v. :
 : Attorney Registration No. 90204
EDWARD BENJAMIN WEISBEIN, :
Respondent : (Montgomery County)

ORDER

PER CURIAM

AND NOW, this 4th day of September, 2008, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated June 4, 2008, the Joint Petition in Support of Discipline on Consent is hereby granted pursuant to Rule 215(g), Pa.R.D.E., and it is

ORDERED that Edward Benjamin Weisbein is suspended on consent from the Bar of this Commonwealth for a period of two years and he shall comply with all the provisions of Rule 217, Pa.R.D.E.

A True Copy Patricia Nicola

As of: September 4, 2008

Attest:

Chief Clerk

Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

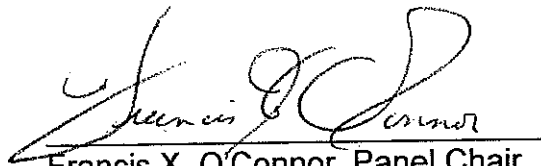
OFFICE OF DISCIPLINARY COUNSEL : No. 78 DB 2008
Petitioner :
v. : Attorney Registration No. 90204
EDWARD BENJAMIN WEISBEIN :
Respondent : (Montgomery County)

RECOMMENDATION OF THREE-MEMBER PANEL
OF THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

The Three-Member Panel of the Disciplinary Board of the Supreme Court of Pennsylvania, consisting of Board Members Francis X. O'Connor, William A. Pietragallo and Sal Cognetti, Jr., has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on May 19, 2008.

The Panel approves the Joint Petition consenting to a Two Year Suspension and recommends to the Supreme Court of Pennsylvania that the attached Petition be Granted.

The Panel further recommends that any necessary expenses incurred in the investigation and prosecution of this matter shall be paid by the respondent-attorney as a condition to the grant of the Petition.


Francis X. O'Connor, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: June 4, 2008

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 78 DB 2008
Petitioner :
 :
v. : Attorney Reg. No. 90204
 :
EDWARD BENJAMIN WEISBEIN, :
Respondent : (Montgomery County)

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

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel, and Alan J. Davis, Disciplinary Counsel, and Respondent, Edward Benjamin Weisbein, by Samuel C. Stretton, Esquire, file this Joint Petition In Support Of Discipline on Consent under Rule 215(d) Pa.R.D.E., and respectfully represent that:

1. Petitioner, whose principal office is situated at Suite 1400, 200 North Third Street, Harrisburg, Pennsylvania 17101, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereinafter "Pa.R.D.E."), with the power and duty to investigate all matters involving alleged misconduct of any attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of said Rules.

FILED

MAY 19 2008

Office of the Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

2. Respondent, Edward Benjamin Weisbein, was born on October 13, 1976, and was admitted to practice law in the Commonwealth on December 18, 2002. He maintains an office and residence at 96 Roy Lane, Huntingdon Valley, Montgomery County, Pennsylvania 19006.

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

SPECIFIC FACTUAL ADMISSIONS AND RULES OF
PROFESSIONAL CONDUCT VIOLATED - Dawn Turbyfill, et al
v. Hahnemann University Hospital

4. In June 2005, Dawn Turbyfill, Administratrix of the Estate of Victor Ramos, commenced a medical malpractice action against Hahnemann University Hospital and various physicians in the Court of Common Pleas of Philadelphia County, June Term, 2005, No. 1444.

5. Respondent represented the plaintiff in filing this action despite Respondent's knowledge that he had no reasonable basis to do so other than a conversation with Dr. Sean Lenahan who did not have the necessary expertise under the medical circumstances of the case.

6. In December 2005, pursuant to the Certificate of Merit requirements of Rule 1042.3, Pa.R.C.P., Respondent filed Certificates of Merit as to the defendant physicians in which Respondent personally certified that an "appropriate licensed

professional" had provided a "written statement" to Respondent that there was a basis to conclude that the care, skill or knowledge provided by the defendant physicians "fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm."

7. In fact, neither at the time Respondent commenced litigation, nor at the time Respondent filed the Certificates of Merit, did Respondent have any written opinions from any expert attesting to the alleged medical malpractice of any of the defendant physicians.

8. The false statements within Respondent's Certificates of Merit were either knowingly made by Respondent with knowledge of their falsity or made with reckless ignorance of the truth or falsity thereof.

9. Although Respondent had consulted with Dr. Sean Lenahan with reference to the medical treatment provided to the decedent, Respondent was aware that Dr. Lenahan did not have the required expertise to provide an opinion in support of Respondent's medical malpractice action.

10. In March 2007, the medical malpractice complaint was dismissed with prejudice because of Respondent's failure to respond to discovery requests, and motions for sanctions were subsequently filed.

11. After the medical malpractice case had been dismissed, Respondent provided defense counsel with three written statements from Dr. Lenahan to substantiate the Certificates of Merit Respondent had filed in December 2005, without notifying defense counsel that such statements were not prepared until in or about June 2007, and despite Respondent's knowledge that Dr. Lenahan lacked the requisite expertise to provide a medical opinion in support of the allegations of the complaint.

12. By Order dated March 3, 2008, as a result of a motion for sanctions filed because of Respondent's failure to comply with Pa.R.C.P. 1042.3, the Court found that Respondent had improperly certified that "an appropriate licensed professional had supplied a written statement in support of the allegations of the Complaint" and that Respondent had "caused emotional harm to the individual moving defendants who have been caused to report this lawsuit to their respective professional liability insurers and will continue to do so in the future."

13. As a result of those findings, the Court imposed sanctions against Respondent and Respondent's law firm, jointly and severally, in the total amount of \$15,000.00.

14. By his conduct as alleged in Paragraphs 4 through 13 above, Respondent has violated the following Rules of Professional Conduct:

- a. RPC 1.1, requiring a lawyer to provide competent representation to a client;
- b. RPC 1.3, requiring a lawyer to act with reasonable diligence and promptness in representing a client;
- c. RPC 3.1, prohibiting a lawyer from bringing a proceeding unless there is a basis in law and fact for doing so that is not frivolous;
- d. RPC 3.2, requiring a lawyer to make reasonable efforts to expedite litigation consistent with the interests of the client;
- e. RPC 3.3(a)(1), prohibiting a lawyer from knowingly making a false statement of material fact or law to a tribunal or failing to correct a false statement of material fact or law previously made to the tribunal by a lawyer;
- f. RPC 8.4(c), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit or misrepresentation; and
- g. RPC 8.4(d), prohibiting a lawyer from engaging in conduct that is prejudicial to the administration of justice.

SPECIFIC FACTUAL ADMISSIONS AND RULES OF PROFESSIONAL
CONDUCT VIOLATED - THE DANIEL HEATH MATTER

15. Daniel Heath is incarcerated in a state correctional institution in Dallas, Pennsylvania.

16. In October 2004, Mr. Heath filed a civil rights complaint in the United States District Court for the Middle District of Pennsylvania, at Civil Action No. 4:04-cv-02275, alleging, in part, that he had been provided with inadequate medical care while incarcerated.

17. By Respondent's letter dated August 3, 2006, Respondent acknowledged receipt of correspondence from Mr. Heath dated July 20, 2006, in which Mr. Heath was seeking legal representation regarding his civil rights action.

18. Respondent advised Mr. Heath in his letter that Respondent desired to meet with him and that his name should be added to Mr. Heath's visitor list.

19. Mr. Heath complied with Respondent's request, and Respondent met with Mr. Heath at the prison on September 7, 2006.

20. By letters dated September 15, 2006, and October 11, 2006, Mr. Heath acknowledged Respondent's meeting with him and asked for notification as to whether Respondent had decided to represent him in his civil rights action.

21. By letter dated November 2, 2006, Respondent wrote to Mr. Heath to "confirm that Zanicky and Weisbein, LLC, will be assisting

you with the prosecution of this civil rights action." Respondent further enclosed an agreement for Mr. Heath's execution which stated that Respondent's law firm "does hereby agree to represent Daniel Heath (hereinafter, the 'client') in the following civil/prisoner rights action: *Heath v. Shannon, et al*, filed to docket no. 4: CV-04-2275, in the Federal District Court for Eastern Pennsylvania."

22. On November 6, 2006, Mr. Heath entered his signature on the agreement above Respondent's, and returned that document to Respondent, pursuant to a U.S. Postal Service Certificate of Mailing.

23. From November 2006, until the present, Respondent failed to enter his appearance in Mr. Heath's federal civil rights action, and Respondent failed to take any action on Mr. Heath's behalf either to pursue litigation or to otherwise achieve an amicable resolution of the issues.

24. From November 2006, until the present, Respondent has failed to either contact Mr. Heath or to contact any of the defense counsel in the litigation.

25. From November 2006, until the present, Respondent has failed to respond to the correspondence of Mr. Heath, including letters to Respondent dated December 11, 2006, December 15, 2006, January 11, 2007, and April 9, 2007.

26. By his conduct as alleged in Paragraphs 15 through 25 above, Respondent has violated the following Rules of Professional Conduct:

- a. RPC 1.2(a), requiring a lawyer to abide by a client's decisions concerning the objectives of representation, to consult with a client about the means by which they are to proceed, and to take such action on behalf of the client as is impliedly authorized to carry out the representation;
- b. RPC 1.3, requiring a lawyer to act with reasonable diligence and promptness in representing a client;
- c. RPC 1.4(a)(1), requiring a lawyer to promptly inform the client of any decision or circumstance with respect to which the client's informed consent is required;
- d. RPC 1.4(a)(2), requiring a lawyer to reasonably consult with a client about the means by which the client's objectives are to be accomplished;
- e. RPC 1.4(a)(3), requiring a lawyer to keep a client reasonably informed about the status of a matter;
- f. RPC 1.4(a)(4), requiring a lawyer to promptly comply with reasonable requests for information;
- g. RPC 1.4(b), requiring a lawyer to explain a matter to the extent reasonably necessary to permit the

client to make informed decisions regarding the representation; and

- h. RPC 3.2, requiring a lawyer to make reasonable efforts to expedite litigation consistent with the interests of the client.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

27. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a suspension from the practice of law for a period of two years.

28. Respondent hereby consents to that discipline being imposed upon him by the Supreme Court of Pennsylvania. Attached to this petition is Respondent's executed affidavit required by Rule 215, Pa.R.D.E., stating that he consents to the recommended discipline and which includes the mandatory acknowledgements required by Rule 215 (d)(1) through (4), Pa.R.D.E.

29. In support of Petitioner's and Respondent's joint recommendation, it is respectfully submitted that the following mitigating circumstances are present:

- a. Respondent is remorseful, has admitted engaging in the aforesaid misconduct, and has admitted violating the Rules of Professional Conduct as set forth above;
- b. Respondent has cooperated with Petitioner by his consent to receive a suspension of two years;

- c. Respondent has no prior disciplinary history;
- d. Respondent contends that during the pertinent periods of misconduct, he was severely addicted to marijuana and cocaine and his judgment was grossly impaired. In July 2007, Respondent entered drug and alcohol treatment programs as an inpatient. Attached hereto as Exhibit "A" is a letter from the Archstone Recovery Center, dealing with Respondent's participation. Respondent also participated in "Rehab After Work," and attached hereto as Exhibit "B" is a letter confirming Respondent's attendance at that organization. Attached hereto as Exhibit "C" is a copy of Respondent's discharge instructions from the Mirmont Treatment Center, and attached and marked as Exhibit "D" is a Toxicology Report dealing with the sobriety of Respondent.
- e. Respondent contends that he has maintained his sobriety from drug addiction since July 19, 2007, and will continue to do so.
- f. Respondent believes that there is a substantial probability that Respondent would be able to establish at a disciplinary hearing that there is a causal connection between Respondent's prior drug addiction and his misconduct, and therefore that he

would be entitled to mitigation under *Office of Disciplinary Counsel v. Braun*, 553 A.2d 894 (Pa. 1989).

- g. Respondent has apologized to the Court in the Hahnemann University matter, and has been subjected to monetary sanctions in the amount of \$15,000 as a result of a filing of a motion for sanctions by defense counsel.

30. In Pennsylvania, there is no *per se* discipline for a particular type of misconduct, but instead each case is reviewed individually as established in the case of *Office of Disciplinary Counsel v. Lucarini*, 417 A.2d 186 (Pa. 1983).

31. The imposition of a two-year suspension is consistent with the range of sanctions imposed in other cases involving deceit or misrepresentation:

- a. In the case of *Office of Disciplinary Counsel v. Cary Hall*, 80 DB 2006 (2006), a Joint Petition in Support of Discipline on Consent for a suspension of eighteen months was approved for a respondent who attempted to file a timely appeal in an unemployment compensation matter by back-dating a fax and a letter of appeal and forwarding them to the Unemployment Compensation Service Center. Respondent also falsely advised opposing counsel that the appeal had been timely filed, and

subsequently lied under oath at a remanded hearing as to when he filed the appeal.

- b. In *Office of Disciplinary Counsel v. Anonymous*, 56 DB 1997 (1998), the Supreme Court of Pennsylvania rejected a recommendation of the Disciplinary Board for a suspension of one year and one day and instead imposed a suspension for a period of two years for a Respondent who deceitfully failed to disclose on his bar application that he had several arrests.
- c. In the Matter of *In Re Anonymous 1* DB 1998, 44 D. & C.4th 181 (1999), the Respondent engaged in dishonesty in having his client execute a false power of attorney which the lawyer then notarized. Because of mitigating circumstances, a private reprimand was imposed.

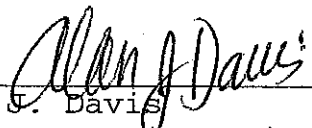
32. In acknowledging his misrepresentations and that he is deserving of a suspension for his actions, and in light of possible mitigation pursuant to *Office of Disciplinary Counsel v. Braun*, *supra*, Respondent has presented mitigating circumstances which distinguish his conduct from other cases representing situations of misrepresentations and which have resulted in longer suspensions such as *Office of Disciplinary Counsel v. Surrick*, 749 A.2d 441 (Pa. 2000) and *Office of Disciplinary Counsel v. Price*, 732 A.2d 599 (Pa. 1999).

WHEREFORE, Petitioner and Respondent respectfully request that, pursuant to Pennsylvania Rules of Disciplinary Enforcement 215(e) and 215(g), a three member panel of the Disciplinary Board review and approve the Joint Petition in Support of Discipline on Consent and file a recommendation with the Supreme Court of Pennsylvania that Respondent be suspended for a period of two years and that Respondent be ordered to pay all necessary expenses incurred in the investigation and prosecution in the matter as a condition to the grant of the Petition.

Respectfully submitted,
OFFICE OF DISCIPLINARY COUNSEL
PAUL J. KILLION,
Chief Disciplinary Counsel

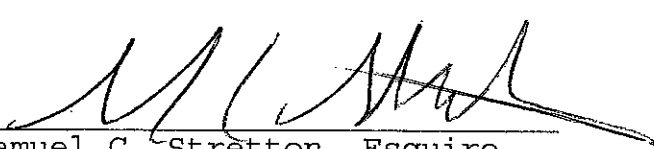
5/7/08
Date

BY:


Alan J. Davis
Attorney Registration No. 12332
Disciplinary Counsel
Suite 170
820 Adams Avenue
Trooper, PA 19403

5/13/08
Date

BY:


Samuel C. Stretton, Esquire
Counsel for Respondent
Attorney Registration No. 18491
301 S. High Street
P.O. Box 3231
West Chester, PA 19381

ARCHSTONE
RECOVERY CENTER, INC.

To: Edward Weisbein
96 Roy Lane.
Huntingdon Valley, PA 19006

Date: 1/8/08

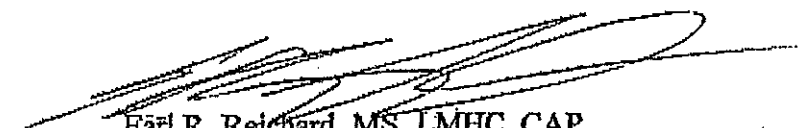
Re: Treatment

Dear Mr. Weisbien

As requested, you entered Archstone Recovery Center's PHP program on 8/10/07. You work hard on all treatment goals and made progress in all treatment areas. You were successfully discharged on 10/19/07 and referred to a local Intensive Out Patient Program in your area. Your prognosis at you time of discharge was good due to your effort and progress.

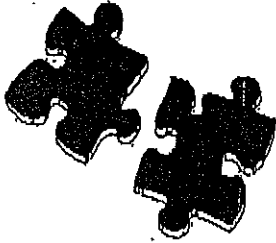
I am glad to hear things are going well for you. If I can be of any further service, please feel free to contact me at 561-968-3200.

Sincerely,



Earl R. Reichard, MS, LMHC, CAP
Licensed Mental Health Counselor
Board Certified Addictions Counselor

Exhibit A



Rehab After Work[™] & Rehab After School[™]

1-800-238-HELP

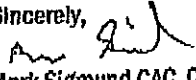
Rehab After Work
1440 Russell Road
Paoli PA, 19152
Phone (610)-644-6464 ext. 370
Fax (215)-342-4400

January 7, 2008

Dear Edward Welsbein,

This letter is for you to use as verification that you have completed the IOP at Rehab After Work. You have done a really good job, both staying clean and passing each UDS. You have attended RAW since October 23, 2007. Your aftercare plan includes attendance at 12 step recovery meetings, attendance at the Monday night and Friday evening outpatient groups. We hope that you continue working a program, and are able to return to work. Keep up the good work!

Sincerely,


Mark Sigmund CAC, CCDP

"Outpatient Drug and Alcohol Rehabilitation for Adults, Adolescents and Families"

Exton, PA
491 John Young Way
Suite 300
Exton, PA 19341

Havertown, PA
525 West Chester Pike
Suite 205
Havertown, PA 19083

Exhibit B

Philadelphia, PA
Northeast
8400 Bustleton Ave.
Suite 200
Phila., PA 19152

Lansdale, PA
1107 East Main St.
Lansdale, PA 19446



100 Yearsley Mill Road, Lima, PA 19063-5593
 (610) 744-1400 Fax (610) 744-1406

MEDICAL / NURSING / DISCHARGE INSTRUCTIONS / ORDERS

PATIENT NAME: Edward Weisbin

Primary Addiction Diagnosis: Cocaine & Marijuana Dependency

Psychiatric Diagnosis: SCHIZO PERSONALITY D Substance Resistant
Alcohol

Medical Diagnosis: Depis

Diet: <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Low Sodium <input type="checkbox"/> Low Cholesterol/Low fat <input type="checkbox"/> Diabetic Diet	Activities: <input checked="" type="checkbox"/> Activity as tolerated <input type="checkbox"/> Activity Restrictions <input type="checkbox"/> Other: _____
--	--

MEDICATIONS	DOSAGE & DIRECTIONS (in layman's terms)	Prescription given	Samples given
	<u>Alabif 5mg @ bedtime</u> <i>in the morning</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<u>Augmentin 1mg @ bedtime</u>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

DRUG ALLERGIES: PCN

- ❖ Medical Conditions: Stable
- ❖ Prognosis: Good Fair Poor

❖ Significant Lab/Diagnostic Study Finding:

<input checked="" type="checkbox"/> Elevated Blood Sugar	<input type="checkbox"/> Labs within limits
<input type="checkbox"/> Elevated Liver Function Studies	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Low Hemoglobin	

❖ Problems Requiring Further Management:

- Follow up with Primary Care Physician for routine medical care and health maintenance.
- Repeat Liver Function Test in 4-6 weeks.
- Recheck fasting blood sugar in 4 weeks.
- Recheck CBC in 4 weeks.
- Other: _____
- Routine GYN care/colon rectal screening with primary care provider.
- Follow up with specialist _____ regarding _____

Patient Signature _____ Date _____

No from Vickie Koster, CRNP to Anne Cameron, RN 1/8/07
 Physician/Certified Registered Nurse

Exhibit C

Imr/3.07



100 Yearsley Mill Road, Lima, PA 19063-5593
(610) 744-1400 Fax (610) 744-1406

* Take to your aftercare group
* Review @ your discharge EXIT interview

CONTINUING CARE PLAN

Name: Edward Weisbein Phone: 215-947-5921

Address on Discharge: 96 Roof Lane, Huntington Pa 19006

2/ days of treatment care

Adm. Date: 7/19/07 Discharge Date: 8/9/07 Type of D/C: complete involuntary
 transfer AWOL
sp. Circumstances AMA
Time of D/C Day Evening Night

Agency: Archstone Extended Care Program (3 days)
Address: 3175 South Congrad Ave., Suite 310, Palm Springs, FL 33461
Phone: (561) 968 3200 Date/time of Appointment: Follow

Other Information: Continue to commit to your recovery daily!
Mental Health Follow Up: Yes No

Agency: SAME AS ABOVE

Address: _____
Phone: () _____ Date/time of Appointment: _____

Other Appointment: STAY ON Medication protocol, AS per DR. D. Vincenzo
Remember, Both diagnosis are "TREATABLE" - TREAT daily

- 12-Step Meeting Commitment:
- I will attend ___ AA/NA meetings per week for the first six months.
 - I will obtain a sponsor/temporary sponsor within one month of discharge.
 - I will join a home group within one month of discharge.
- Other support groups/programs that I will attend are: _____

Treat daily

- Clinical issues to be addressed in Continuing Care: Create Support
- Relapse Prevention Sober Support
 - Family Problems Employment Problems
 - Housing Leisure Activities
- Focus on your recovery Back to Work
Enjoy you * Other STAY in the day

Readmission to Mirmont: Readmission into treatment will be evaluated on an individual basis. Contact The Admissions Office at: (610)-744-1400.

Follow-up Consent: I agree to participate in Mirmont's follow-up study. I understand that Mirmont will contact me by telephone regarding my progress in recovery.

Patient Signature: X Ed West Date: 8.8.07

Counselor signature: Margaret M. [Signature] Patient signature: X Ed West Date: 8.08.07

X Ed West have received a completed copy of my continuing care plan.

Please check other side

FINAL REPORT

Tuesday, February 12, 2008 10:00 PM

Patient Name: WEISBEIN, ED
Calloway Labs Accession Number: 1148468

CALLOWAY LABS

34 Commerce Way, Woburn, MA 01801
Harvey George, Ph.D. Laboratory Director

781-224-9899
(Fax: 781-224-2423)

Account Information

Account Name RAW Northeast
Account Number 11211
Recipient 11211 RAW Northeast
Address 8400 Bustleton Ave
Suite 200
Philadelphia, PA 19152
(610) 889-9939
Authorizing Party
Medications LEXAPRO

Sample Information

Lab Accession # 1148468
Age 31
Gender Male
Collect Date 2/8/2008 00:00
Receive Date 2/12/2008 10:34
Requisition # P1112270
External ID

Analysis Protocol Requested

SVT Urine Specimen Validity Testing
SAP4 Urine Substance Abuse Protocol 4

TEST NAME	Result (units)	Interpretation	Lower Limit	Upper Limit	MRO Interpretation
AMPHETAMINES					
Amphetamines screen	<150 ng/mL	Negative	300 ng/mL		
BARBITURATES					
Barbiturates screen	<50 ng/mL	Negative	200 ng/mL		
BENZODIAZEPINES					
Benzodiazepines screen	<50 ng/mL	Negative	200 ng/mL		
BUPRENORPHINE					
Buprenorphine screen	<10 ng/mL	Negative	10 ng/mL		
COCAINE					
Cocaine screen	<50 ng/mL	Negative	150 ng/mL		
ETHANOL					
Ethanol screen	<20 mg/dL	Negative	50 mg/dL		
METHADONE					
Methadone screen	<50 ng/mL	Negative	150 ng/mL		
OPIATES					
Opiates screen	<190 ng/mL	Negative	300 ng/mL		
Oxycodone screen	<80 ng/mL	Negative	100 ng/mL		
PCP					
Phencyclidine screen	<5 ng/mL	Negative	25 ng/mL		
PROPOXYPHENE					
Propoxyphene screen	<60 ng/mL	Negative	300 ng/mL		
THC					
THC screen	<10 ng/mL	Negative	25 ng/mL		

Urine Integrity Test	Result (units)	Interpretation	Lower Limit	Upper Limit
Creatinine screen	287.4 mg/dL	Normal	20 mg/dL	
THC/Creatinine Ratio	0.000			

Tuesday, February 12, 2008

Exhibit D

CALLOWAY LABS

FINAL REPORT

Tuesday, February 12, 2008 10:00 PM

Patient Name: WEISBEIN, ED
Calloway Labs Accession Number: 1148468

Urine Integrity Test	Result (units)	Interpretation	Lower Limit	Upper Limit
Specific Gravity screen	1.0320	Normal	1.003	1.04
Nitrite screen	<500 ug/mL	Normal		500 ug/mL
pH screen	5.4	Normal	4.5	8.2
Chromate screen	<50 ug/mL	Normal		50 ug/mL
Oxidant screen	<50 mg/dL	Normal		50 mg/dL
Aldehyde screen	<45 mmol	Normal		45 mmol

Sample Comments

* Medical Review Officer (MRO) interpretations are based upon the patient medications on file

MRO review by: UNIVERSITY SERVICES - 02/12/2008

0

Certification

Final laboratory review by: Kathleen Becker - 02/12/2008 12:45

All positive clinical drug screens must be considered as presumptive until confirmed by an alternate methodology such as GC/MS.

Confirmation testing is available upon request, if not already included in the testing protocols requested by your facility. All reports should be interpreted by a licensed clinician only.

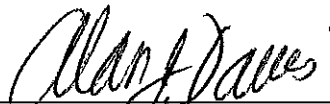
CALLWAYLABS

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 our knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

5/7/08

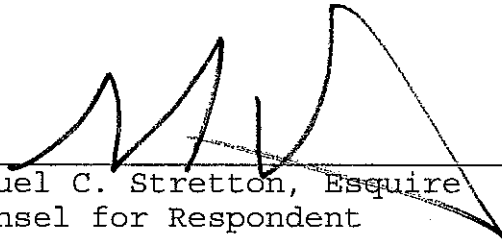
Date



Alan J. Davis,
Disciplinary Counsel

5/13/08

Date



Samuel C. Stretton, Esquire
Counsel for Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. DB 2008
Petitioner :
 :
v. : Attorney Reg. No. 90204
 :
EDWARD BENJAMIN WEISBEIN, :
Respondent : (Montgomery County)

AFFIDAVIT UNDER RULE 215 PA.R.D.E.

Respondent, Edward Benjamin Weisbein, hereby states that he consents to the imposition of a suspension from the practice of law for a period of two years, and further states that:

1. He is an attorney admitted to the Commonwealth of Pennsylvania, having been admitted to the bar on December 18, 2002.

2. He desires to submit a Joint Petition in Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d).

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

4. He has consulted with counsel, Samuel C. Stretton, Esquire, in connection with his decision to consent to discipline.

5. He is aware there is presently a proceeding involving allegations that he has been guilty of misconduct as set forth within the accompanying petition.

6. He acknowledges that the material facts within the petition are true.

7. He consents because he knows that if he continues to be prosecuted in the pending proceeding, he cannot successfully defend himself.

Ed B. Weisbein, esq.
Edward Benjamin Weisbein,
Respondent

Sworn to and Subscribed
before me this 12th day
of May, 2008.

Kelly L. Neill
Notary Public Kelly L. Neill

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Kelly L. Neill, Notary Public
Lower Moreland Twp., Montgomery County
My Commission Expires Mar. 28, 2009
Member, Pennsylvania Association of Notaries

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. DB 2008
Petitioner :
 :
v. :
 : Attorney Registration No. 90204
EDWARD BENJAMIN WEISBEIN :
Respondent : (Montgomery County)

CERTIFICATE OF SERVICE


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

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