

# Department of Justice

United States Attorney Kathleen Mehlretter  
Western District of New York

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FOR IMMEDIATE RELEASE  
SEPTEMBER 1, 2009  
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**Attorney Richard J. Weiner agrees to settle civil charges that he violated anti-solicitation provision in aftermath of the Colgan Air Flight 3407 accident near Buffalo, New York**

BUFFALO, N.Y.- United States Attorney Kathleen M. Mehlretter announced that on August 28, 2009, Attorney Richard J. Weiner and the United States agreed to settle a civil action by the United States against Weiner for improperly soliciting families of victims of an air carrier accident that occurred in upstate New York last February. The settlement came following a Department of Transportation Inspector General (“DOTIG”) investigation requested by the National Transportation Safety Board.

The DOT IG investigation revealed that Weiner, a partner with the New Jersey law firm of Weiner, Carroll and Strauss, in violation of Federal statute, sent letters soliciting legal business to the families of the victims of the Colgan Air Flight 3407 accident that occurred near Buffalo, New York, on February 12, 2009. Pursuant to the settlement agreement, which was negotiated by the United States Attorney’s Office for the Western District of New York, the parties agreed that “Weiner engaged in conduct which violated 49 U.S.C. § 1136(g)(2) prohibiting solicitations by attorneys within forty-five (45) days after an air carrier accident[.]” Weiner paid the United States \$5,000. The settlement was reached in lieu of a civil action being brought by the U.S. Attorney in the District Court of the Western District of New York.

United States Attorney Kathleen M. Mehlretter stated, “Pursuant to the statute, attorneys are prohibited from soliciting families of air traffic fatalities prior to the time line set in the statute. It is important that this restriction be complied with by all practicing attorneys.”

The National Transportation Safety Board lauds the efforts of the United

States Attorney's Office for the Western District of New York and the Department of Transportation Office of Inspector General for their diligent pursuit of this matter and their assistance in enforcing the legal prohibition designed to protect victims of air disasters and their families.