

IN THE SUPREME COURT OF PENNSYLVANIA

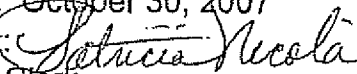
In the Matter of	:	No. 298 Disciplinary Docket No. 3
	:	
	:	No. 156 DB 1996
WILLIAM D. HOBSON	:	
	:	Attorney Registration No. 34574
	:	
PETITION FOR REINSTATEMENT	:	(Chester County)

ORDER

PER CURIAM:

AND NOW, this 30th day of October, 2007, upon consideration of the Report and Recommendations of the Disciplinary Board dated July 17, 2007, the Petition for Reinstatement is granted.

Pursuant to Rule 218(e), Pa.R.D.E., petitioner is directed to pay the expenses incurred by the Board in the investigation and processing of the Petition for Reinstatement.

A True Copy Patricia Nicola
As of: October 30, 2007
Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

In the Matter of	:	No. 298, Disciplinary Docket
	:	No. 3
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WILLIAM D. HOBSON	:	No. 156 DB 1996
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	:	Attorney Registration No. 34574
PETITION FOR REINSTATEMENT	:	
	:	(Chester County)

REPORT AND RECOMMENDATIONS OF
THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES
OF THE SUPREME COURT OF PENNSYLVANIA:

Pursuant to Rule 218(c)(5) of the Pennsylvania Rules of Disciplinary Enforcement, The Disciplinary Board of the Supreme Court of Pennsylvania submits its findings and recommendations to your Honorable Court with respect to the above captioned Petition for Reinstatement.

I. HISTORY OF PROCEEDINGS

William D. Hobson filed a Petition for Reinstatement to the bar of Pennsylvania on May 22, 2006. Petitioner seeks reinstatement to the bar following his disbarment on consent by Order of the Supreme Court of Pennsylvania dated January 22, 1997. The nature of Petitioner's misconduct was his improper handling of client funds,

which resulted in his plea of guilty to seven counts of theft by deception in the Court of Common Pleas of Chester County. Office of Disciplinary Counsel filed a Response to Petition for Reinstatement and stated its intention not to oppose reinstatement.

A reinstatement hearing was held on October 13, 2006 before a District II Hearing Committee comprised of Chair Cynthia L. Bernstiel and Members James C. Brennan, Esquire, and Stephen B. Barrett, Esquire. Petitioner was represented by David M. Hobson, Esquire. Petitioner presented the testimony of seven witnesses and testified on his own behalf.

The Hearing Committee filed a Report on February 27, 2007. The majority of the Committee recommended that reinstatement be granted. The dissenting member recommended that reinstatement be denied.

No Briefs on Exceptions were filed by the parties.

This matter was adjudicated by the Disciplinary Board at the meeting on May 10, 2007.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner is William Devine Hobson. He was born in 1955 and was admitted to the practice of law in Pennsylvania in 1981. His current business address is 1701 Market Street, 10th Fl., Philadelphia PA 19103.

2. On January 22, 1997, the Supreme Court ordered that Petitioner be disbarred on consent based upon his improper handling of client escrow funds.

3. On March 4, 1998, Petitioner entered an open plea of guilty to seven counts of theft by deception before the Honorable Thomas Gavin of the Court of Common Pleas of Chester County, Pennsylvania.

4. Petitioner was placed on 15 years of non-reporting probation, full restitution of funds to former law clients within five years, continued medication and medical care for depression and continued participation in Alcoholics Anonymous.

5. Full restitution has been made to Petitioner's former clients.

6. On July 17, 2006, Judge Gavin granted Petitioner's Motion to Seek Early Termination of Non-Reporting Probation.

7. Petitioner has been sober since November 16, 1996.

8. Petitioner has remained under the medical care of physicians and psychologists and continues to receive the appropriate medication for depression.

9. Petitioner has been in Alcoholics Anonymous and Lawyers Concerned for Lawyers since 1996.

10. Petitioner presented evidence of his history of mental illness and substance abuse, as well as his efforts to treat such illnesses.

11. Dr. Brian Bullock is Petitioner's personal physician. He testified that Petitioner was diagnosed with depression in 1993 and manic depressive disorder (also

known as bipolar disorder) in 1996. This disorder involved periods during which Petitioner experienced depression and then symptoms of unintended euphoria.

12. Patients with depression often self-medicate with alcohol to treat the effects of the depression. Petitioner related to Dr. Bullock that he was using alcohol in 1996.

13. Petitioner takes Depakote to treat the bipolar disorder. According to Dr. Bullock Petitioner tolerates the Depakote very well. Dr. Bullock checks Petitioner's blood work with regularity to monitor the levels of Depakote.

14. Dr. Bullock has observed remarkable improvement in Petitioner's bipolar condition over the past ten years. It is his opinion that Petitioner takes his health care seriously and will continue the task of correcting his personal life.

15. Dr. David Terjanian is a clinical psychologist and an expert in addictive diseases. He began providing family and marital counseling to Petitioner in the fall of 2001.

15. The initial counseling was related to the stress and family pressures created by Petitioner's misconduct, court conviction and disbarment.

16. During the initial sessions with Dr. Terjanian, Petitioner disclosed his past drinking behaviors and thought processes during his period of misconduct.

17. Dr. John Thomas provided a psychiatric evaluation of Petitioner in October 2001 and he is the current psychiatrist providing care to Petitioner in conjunction with the clinical care provided by Dr. Terjanian.

18. Dr. Thomas diagnosed Petitioner with Bipolar Disorder I and Alcoholism in Remission.

19. Dr. Terjanian opined that the misconduct leading to Petitioner's disbarment and criminal conviction was causally linked to his alcohol addiction and bipolar disorder.

20. Dr. Terjanian opined that "[Ppetitioner] has followed the appropriate integrated medical care plan with medication intervention, psychotherapy and active participation in AA and the 12-Step program to remain in a stable mood state and sober." (Exhibit U-2)

21. In 2003 Dr. Terjanian shifted the psychotherapy care of Petitioner to relapse prevention because at that time Petitioner had over five years sobriety and had been active in the medical management of his bipolar disorder.

22. Dr. Terjanian continues to provide psychological counseling to Petitioner during bimonthly sessions and Petitioner intends to continue receiving counseling.

23. Dr. Terjanian opined that Petitioner would not be a threat to the public if he is reinstated to the practice of law.

24. Dr. Terjanian believes that based upon his past care and observations and the continued participation of Petitioner in the relapse prevention programs such as AA, LCL and Petitioner's continued medical care plan, he will be able to handle the stress associated with the practice of law.

25. Petitioner testified on his own behalf.

26. Petitioner has a history of alcohol abuse and a family history of alcoholism. Petitioner admits that he is an alcoholic.

27. Petitioner takes full responsibility for his past misconduct, breaches of trust and crimes that he committed.

28. After ten years of sobriety, medical care and medication for depression, counseling with psychiatrists and psychologists, AA and LCL, Petitioner has come to understand his past mood swings and avoid the cycle of depression and alcoholism.

29. Petitioner held many jobs during his period of disbarment in order to help support his wife and six children. These jobs included paralegal work, office cleaning, newspaper delivery, and construction labor.

30. His present employment is at Morgan Lewis where he is a practice support assistant.

31. Petitioner has faced and overcome many challenges to his sobriety but he is resolute that he will remain sober.

32. Petitioner expressed sincere remorse and does not use his past depression and alcoholism as an excuse for his misconduct.

33. Petitioner offered numerous witnesses as to his character and competence as well as his efforts and successes at sobriety.

34. James Vernile, Esquire, is a Philadelphia lawyer with 25 years in Alcoholics Anonymous and sits on the Board of Lawyers Concerned for Lawyers.

35. Mr. Vernile has known Petitioner since 1998, when he agreed to act as a sobriety monitor. He provided credible testimony that Petitioner is compliant with all aspects of his sobriety.

36. Mr. Vernile is aware of Petitioner's misconduct and believes that he has accepted full responsibility for his actions.

37. Mr. Vernile believes that Petitioner would be an excellent role model for a new member of AA.

38. John Day, Esquire, is a Philadelphia lawyer with 12 years in AA and is a member of the Philadelphia LCL Tuesday AA Lawyers meeting.

39. Mr. Day has known Petitioner since 1994 and is aware of Petitioner's past misconduct. Mr. Day opined that Petitioner was humble, contrite and truly remorseful for his misconduct.

40. Mr. Day is convinced that Petitioner has the integrity and knowledge of the law to practice and would be an asset to the bar.

41. Jack Ryder has been Petitioner's AA sponsor since 2001. He testified that Petitioner has been an active participant and speaker at AA meetings where he has shared his past misconduct with others.

42. Mr. Ryder maintains regular contact with Petitioner and sees him at two to three meetings per week. He believes that Petitioner's sobriety is the most important thing in his life.

43. Joseph Fullem, Esquire, was Petitioner's first AA sponsor and continues to attend LCL and AA meetings with Petitioner. In a letter to the Hearing Committee he vouched for Petitioner's good moral qualifications and competency and believes that Petitioner's return to the practice of law would not be detrimental to the integrity and standing of the bar nor subversive of the public interest.

43. Deborah Rigsby has known Petitioner since high school and has been a neighbor and fellow parish member of St. Patrick's church in Malvern with the Hobson's for the past 15 years.

44. Ms. Rigsby became aware of Petitioner's troubles after Petitioner confided to her and her husband about both his criminal misconduct and his alcoholism.

45. Ms. Rigsby and her husband wrote a letter on Petitioner's behalf to Judge Gavin prior to the March 1998 sentencing date and described Petitioner as a man that can be counted on.

46. William Fagan has known Petitioner for nine or ten years through their children's involvement in sports and school.

47. Mr. Fagan believes that Petitioner made mistakes but has tried to move forward and keep his family going. Mr. Fagan believes that Petitioner is an honest person and he supports Petitioner's return to the practice of law.

48. Bernadette M. Plefka is a Senior Litigation Paralegal at Cozen O'Connor and was the immediate supervisor of Petitioner from January to June 2003. Ms. Plefka described Petitioner as an exemplary team member.

49. John Dodds, Esquire, is Petitioner's supervisor at Morgan Lewis. He writes that he would never have engaged Petitioner if he had a question about his character. Mr. Dodds supports Petitioner's return to the bar.

50. Petitioner has taken 51 credit hours of substantive Continuing Legal Education and 17.5 hours of ethics credits within the year preceding the filing of his Petition for Reinstatement.

III. CONCLUSIONS OF LAW

1. Petitioner has met his burden of demonstrating that the conduct for which he was disbarred is not so egregious as to preclude his reinstatement at this point in time. Office of Disciplinary Counsel v. Keller, 506 A.2s 872 (Pa. 1986).

2. Petitioner's acts of misconduct were not so offensive to the integrity of the bar and subversive of public interest that no amount of time or rehabilitation could cure the injustice that Petitioner's reinstatement would cause.

3. A sufficient length of time has passed since Petitioner's acts of misconduct occurred during which Petitioner has engaged in a qualitative period of rehabilitation such that his readmission request is timely.

4. Petitioner has met his burden to prove, by clear and convincing evidence, that he has the moral qualifications, competency and learning in the law necessary to

resume the practice of law in the Commonwealth of Pennsylvania, and his resumption of practice will not be detrimental to the integrity of the bar nor subversive of the interests of the public. Pa.R.D.E. 218(c)(3)(i).

IV. DISCUSSION

This matter is before the Disciplinary Board on a Petition for Reinstatement from disbarment. Petitioner was disbarred on consent by Order of the Supreme Court of Pennsylvania dated January 22, 1997. After the passage of ten years, Petitioner believes he is ready to resume the practice of law and has presented evidence in support of his qualifications.

Petitioner's request for reinstatement following disbarment is initially governed by the standard set forth by the Supreme Court in Office of Disciplinary Counsel v. Keller, 506 A.2d 872 (Pa. 1986). As a threshold matter, the Board must determine whether Petitioner has demonstrated that his breach of trust was not so egregious so as to preclude him from reinstatement.

Petitioner admitted to commingling and converting the funds of his client Alice Harris in the amount of at least \$11, 631.91. He admitted to commingling and converting the funds of his client Deborah Liccardi in the amount of at least \$35,498.09. Further, Petitioner was convicted in the Court of Common Pleas of Chester County of seven counts of theft by deception in violation of 18 Pa.C.S.A. § 3922. Petitioner was placed on 15 years of non-reporting probation and full restitution of funds to former law clients within five years.

He was ordered to continue his medication and medical care for depression and his participation in Alcoholics Anonymous. Petitioner made full restitution and has continued his medical care and involvement in Alcoholics Anonymous, as described more fully below. Petitioner sought and was granted early termination of probation in 2006.

While certainly serious in nature, this misconduct is not so egregious as to preclude consideration of Petitioner's request for reinstatement. The Board may look to several cases that describe acts of misconduct equally reprehensible, or more so. In Matter of Perrone, 777 A.2d 413 (Pa. 2001), Mr. Perrone's conviction of theft by deception, tampering with public records, securing execution of documents by deception, and unsworn falsifications to authorities was not so egregious as to prohibit consideration of the reinstatement petition. In the case of In re Verlin, 731 A.2d 600 (Pa. 1999), Mr. Verlin's conviction of criminal conspiracy, perjury, false swearing and theft by deception was not so egregious as to prohibit consideration of the reinstatement petition.

Having concluded that Petitioner's misconduct is not so egregious as to preclude reinstatement, the Board must determine whether Petitioner has met his burden of proving by clear and convincing evidence that his resumption of the practice of law at this time would not have a detrimental impact on the integrity and standing of the bar, the administration of justice, or the public interest and that he has the moral qualifications, competency and learning in the law required for admission to practice law in Pennsylvania

Pa.R.D.E. 218(c)(3)(I). In order to make this determination, the Board must consider the amount of time that has passed since Petitioner was disbarred as well as his efforts at rehabilitation. In re Verlin, 731 A.2d 600 (Pa. 1999).

Petitioner has been without a license to practice law for approximately ten years. Evaluation of Petitioner's disbarment period suggests that it was a time of successful qualitative rehabilitation, sufficient to dissipate the taint of his misconduct. The issues Petitioner had to address during the time frame of disbarment were his depression, bipolar disorder, and alcoholism. These are serious illnesses requiring constant attention and management. The evidence is clear and convincing that Petitioner recognized his problems and made every effort to treat these disorders.

Most compelling is the testimony of those close to Petitioner. The testimony of Dr. Brian Bullock and Dr. David Terjanian outline Petitioner's underlying medical problems and his attempts to recover from them over the past ten or more years. Petitioner has been under the medical care of psychiatrists and psychologists, as well as his personal physician, for many years. It was his personal physician, Dr. Bullock, who first suspected that Petitioner suffered from depression in 1993. The diagnosis of bi-polar disorder was not made until 1996. Petitioner tried different drugs to combat the disorder; he currently takes Depakote, which he tolerates very well. Both doctors provided their expert medical opinion as to Petitioner's excellent prognosis for the future, provided he follows the appropriate integrated medical care plan and active participation in Alcoholics Anonymous. In recognition of Petitioner's progress, in 2003 Dr. Terjanian shifted the

psychotherapy care of Petitioner to relapse prevention, as Petitioner had over five years sobriety and had been active in the management of his bipolar disorder.

The testimony of Petitioner's supporters from Alcoholics Anonymous is meaningful in judging the sincerity of Petitioner's efforts to rehabilitate his life. Petitioner has been sober since 1996 and continues to actively participate in Alcoholics Anonymous and Lawyers Concerned for Lawyers. He has shared his story of alcoholism and misconduct with other lawyers in recovery. Additionally, two of Petitioner's neighbors gave their observations of his activities in daily life and his ability to fully participate in their community.

Petitioner's own testimony offers insight into his struggle to control his mental illness and conquer his alcoholism. Petitioner acknowledged that the medical treatment and Alcoholics Anonymous taught him to deal with reality on his own terms, instead of escaping through alcohol. Petitioner described his disbarment period as a humbling but reformative experience. He expressed sincere remorse for his misconduct; he stated that he will not forget the suffering he caused his former clients as they trusted him and he stole from them. He continues to regret the wrong that he did and admits that he caused his clients, colleagues and family great pain.

Following his disbarment, Petitioner worked a variety of jobs, both legal and non-legal, to support his wife and six children. These jobs often overlapped each other. These jobs included warehouseman, office cleaning and janitor, newspaper delivery, banquet server, construction labor, and quality control inspector. He worked several

paralegal jobs and currently works for Morgan Lewis as a practice support assistant. His supervisor, John Dodds, Esquire, wrote a letter in support of Petitioner's reinstatement. If reinstated, Petitioner plans to work in Philadelphia for a medium-sized law firm.

The evidence of record supports the conclusion that Petitioner met the requirements of Pa.R.D.E. 218(c)(3)(i). The Board is satisfied that Petitioner's moral qualifications have been established by clear and convincing evidence that shows his rehabilitation, acceptance of responsibility for his actions, and willingness to acknowledge his past wrongful misconduct to others. Petitioner's character witnesses vouched for his good reputation in the community and support his reinstatement to the bar. Petitioner has satisfactorily proven that he fulfilled the Continuing Legal Education requirements necessary for reinstatement and has demonstrated learning in the law through his work as a paralegal with various law firms and lawyers.

The majority of the Hearing Committee recommends that Petitioner be reinstated to the practice of law. The dissenting member wrote a thoughtful dissent setting forth his reservations. While he applauds Petitioner's rehabilitation efforts, he is concerned that Petitioner would not be able to cope with and manage the pressure of a practicing attorney. Currently Petitioner works as paralegal in a highly structured environment. Once outside this environment, the dissenting member questions Petitioner's ability to succeed. The Board appreciates this point of view, yet we are impressed by Petitioner's lengthy sobriety and management of his mental illness over a number of years without faltering. He has handled the stresses of family life and varied employment while disbarred without

losing pace with his recovery. It is clear that he is very dedicated to his recovery and there is nothing of record to suggest otherwise. There is no guarantee for continued sobriety; however, the record strongly supports the finding that Petitioner will continue in his recovery effort with the same dedication as in the past.

The totality of the evidence presented leads the Board to conclude that Petitioner met his burden of proving that he is qualified for reinstatement and he would not be a detriment to the public if reinstated.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Petitioner, William D. Hobson, be reinstated to the practice of law.

The Board further recommends that, pursuant to Rule 218(e), Pa.R.D.E., Petitioner be directed to pay the necessary expenses incurred in the investigation and processing of the Petition for Reinstatement.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: 

William A. Pietragallo, Board Member

Date: July 17, 2007