

IN THE SUPREME COURT OF PENNSYLVANIA

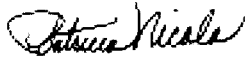
OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2672 Disciplinary Docket No. 3
	:	
Petitioner	:	No 192 DB 2019
	:	
v.	:	Attorney Registration No. 83720
	:	
DAVID M. GILLILAND,	:	(Westmoreland County)
	:	
Respondent	:	

ORDER

PER CURIAM

AND NOW, this 24th day of March, 2020, upon consideration of the Verified Statement of Resignation, David M. Gilliland is disbarred on consent from the Bar of this Commonwealth, see Pa.R.D.E. 215, and he shall comply with the provisions of Pa.R.D.E. 217. Respondent shall pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 03/24/2020

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF
THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2672 Disciplinary Docket
: No. 3
Petitioner :
: No. 192 DB 2019
v. :
DAVID M. GILLILAND, : Attorney Registration No. 83720
: (Westmoreland County)
Respondent :

RESIGNATION
UNDER Pa.R.D.E. 215

David M. Gilliland, hereby tenders his unconditional resignation from the practice of law in the Commonwealth of Pennsylvania in conformity with Pa.R.D.E. 215 ("Enforcement Rules") and further states as follows:

1. He is a formerly admitted attorney in the Commonwealth of Pennsylvania, having been admitted to the bar on October 18, 1999. His attorney registration number is 83720.
2. Pursuant to an Order of the Supreme Court of Pennsylvania dated March 1, 2012, effective March 31, 2012, he was suspended from the practice of law for three years. He has never sought reinstatement, and remains suspended.
3. He desires to submit his resignation as a member of said bar.
4. His resignation is freely and voluntarily rendered; he is not being subjected to coercion or duress and he is fully aware of the implications of submitting this resignation.

FILED
03/11/2020
The Disciplinary Board of the
Supreme Court of Pennsylvania

5. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has not retained, consulted with, nor acted upon the advice of counsel in connection with his decision to execute the within resignation.

6. He is aware that there is presently pending an investigation into allegations that he has been guilty of misconduct, the nature of which allegations have been made known to him by a Statement of Facts, a true and correct copy of which is attached hereto, made a part hereof and marked Exhibit "A".

7. He acknowledges that the material facts upon which the complaint is predicated contained in Exhibit "A" are true.

8. He submits the within resignation because he knows that he could not successfully defend himself against the charges of professional misconduct set forth in the attached exhibit.

9. He is fully aware that the submission of this Resignation Statement is irrevocable and that he can only apply for reinstatement to the practice of law pursuant to the provisions of Enforcement Rule 218(b) and (c).

10. He is aware that pursuant to Enforcement Rule 215(c), the fact that he has tendered his resignation, shall become a matter of public record immediately upon delivery of the resignation statement to Disciplinary Counsel or the Disciplinary Board.

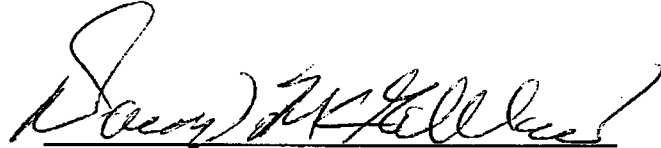
11. Upon entry of the order disbaring him on consent, he will promptly comply with the notice, withdrawal, resignation, trust account, and cease-and-desist provisions of Enforcement Rule 217 (a), (b), (c) and (d).

12. After entry of the order disbaring him on consent, he will file a verified statement of compliance as required by Enforcement Rule 217(e) (1).

13. He is aware that the waiting period for eligibility to apply for reinstatement to the practice of law under Enforcement Rule 218(b) shall not begin until he files the verified statement of compliance required by Enforcement Rule 217(e)(1), and if the order of disbarment contains a provision that makes the disbarment retroactive to an earlier date, then the waiting period will be deemed to have begun on that earlier date.

It is understood that the statements made herein are subject to the penalties of 18 Pa.C.S.A., Section 4904 (relating to unsworn falsification to authorities).

Signed this 9 day of March, 2020.


David M. Gilliland

WITNESS: 

BEFORE THE DISCIPLINARY BOARD OF
THE SUPREME COURT OF PENNSYLVANIA

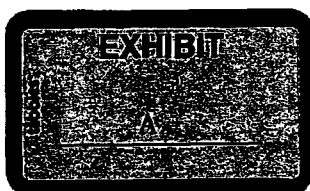
OFFICE OF DISCIPLINARY COUNSEL, : No. 2672 Disciplinary Docket
: No. 3
Petitioner :
: No. 192 DB 2019
v. :
: DAVID M. GILLILAND, : Attorney Registration No. 83720
: Respondent : (Westmoreland County)

STATEMENT OF FACTS

1. Petitioner, whose principal office is situated at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, PA, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement, with the power and duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Rules.

2. Respondent, David M. Gilliland, Esquire, was born in 1947, admitted to practice law in the Commonwealth of Pennsylvania in 1999, and his office is located at 191 Edgemont Road, Ligonier (Westmoreland County), PA 15658. His current status is "Suspended."

3. By Supreme Court Order dated March 1, 2012, effective March 30, 2012, Respondent was suspended from the practice of law in Pennsylvania for three years and, having never sought reinstatement thereto, remains so suspended.



4. On January 20, 2006, Millicent E. Walliser executed a Will, drafted by Respondent, in which she, among other things, designated Respondent as a 26 and 2/3% residuary beneficiary of her estate.

5. Respondent was in no way "related" to Ms. Walliser, as defined in Rule of Professional Conduct 1.8(c).

6. On October 25, 2015, Gertrude Jeffers, a 5% residuary legatee of Ms. Walliser, died, and her interest lapsed.

7. Ms. Jeffers death resulted in the increase of Respondent's residuary share to 28 and 1/3%.

8. On January 14, 2018, Ms. Walliser died.

9. On July 10, 2018, Letters Testamentary were issued to Respondent, as personal representative of Ms. Walliser's estate.

10. Respondent took no further action of record to administer Ms. Walliser's estate.

11. During her life, pursuant to a Power of Attorney executed by her, Respondent was Ms. Walliser's agent.

12. During Ms. Walliser's life, and after her death, Respondent misappropriated from Ms. Walliser and/or her estate approximately \$175,000 for his personal use.

13. On March 7, 2019, a Criminal Information was filed in the Court of Common Pleas of Allegheny County at CP-02-CR-0001629-2019, in which Respondent was charged with one count each of:

(a) Theft by Unlawful Taking, in violation of 18 Pa.C.S.A. §3921, a felony of the second degree, punishable by incarceration for a maximum of ten years;

(b) Access Device Fraud, in violation of 18 Pa.C.S.A. §4106, a felony of the third degree, punishable by incarceration for a maximum of seven years; and,

(c) Misapplication of Entrusted Property and Property of Governmental or Financial Institutions, in violation of 18 Pa.C.S.A. §§ 4113(a) and (c), a misdemeanor of the second degree, punishable by incarceration for a maximum of two years.

A copy of the Criminal Information is attached hereto as Exhibit A-1.

14. All of the charges against Respondent were related to his misappropriation of funds from Ms. Walliser or her estate.

15. On September 18, 2019, Respondent entered a plea of guilty to the charges filed against him.

16. On January 18, 2020, Respondent was sentenced to be incarcerated in the Allegheny County Jail for three to six months, to be followed by five years' probation, and was ordered to pay restitution of \$175,172.35.

FILED

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Commonwealth of Pennsylvania

vs

David Gilliland

DEPT. OF COURT RECORDS
CRIMINAL DIVISION
ALLEGHENY COUNTY PA

Docket No. CP-02-CR-0001629-2019

Offense Date 5/29/2013

O.T.N. No. G8223950

Filed Date 10/30/2018

S.I.D. No. [REDACTED]

Pre-Trial Date

Race White

Rule 600 Date 10/30/2019

Sex Male

F/A Date 3/26/2019

SS # [REDACTED]

Judge

D.O.B. [REDACTED]

Reporter

Minute Clerk

A.D.A.

CERTIFIED FROM THE RECORD

Michael McHewer

DIRECTOR, DEPT. OF COURT RECORDS

BY *[Signature]* Clerk

Count 1: 183921A: THEFT BY UNLAWFUL TAKING - MOVABLE PROPERTY

Count 2: 184106A1: ACCESS DEVICE FRAUD

Count 3: 184113A: MISAPPLICATION OF ENTRUSTED PROPERTY AND PROPERTY OF GOVERNMENT OR FINANCIAL INSTITUTIONS

AND NOW 9/18/19

Courtroom 316

Mariani, Judge

J. Pittman Trial A.D.A.

L. Pinnow Def. Attorney

B. Jones Ct. Reporter

The Defendant present in open court with Counsel, pleads guilty to the preferred charges in the within information.

x [Signature]
Record verified by: CB

AND NOW, 9/18/19
SENTENCE DEFERRED PENDING
PRE - SENTENCE REPORT.

Δ on Bond
Sentence Date: 11/21/19

By the Court
Anthony Mariani

And now, _____, the
following sentence is imposed.
See order filed.



Commonwealth of Pennsylvania

vs

David Gilliland

Criminal Action No. CP-02-CR-0001629-2019

The District Attorney of ALLEGHENY County, by this information charges that on (or about) Wednesday, the 29th day of May, 2013 through Tuesday, the 8th day of May, 2018 in the said county of ALLEGHENY, David Gilliland hereinafter called actor, did commit the crime or crimes indicated herein, that is:

Count: 1 THEFT BY UNLAWFUL TAKING - MOVABLE Felony 2
PROPERTY

The actor unlawfully took or exercised unlawful control over movable property, namely, United States currency approximating \$175,172.35, with a value of at least \$100,000 but less than \$500,000, from Millicent Wallister and/or the Estate of Millicent Wallister, with the intent to deprive the owner thereof, in violation of Section 3921(a)(5) and Section 3903(a) of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa. C.S. §3921(a) and §3903(a)(5), as amended.

Count: 2 ACCESS DEVICE FRAUD Felony 3

The actor used an access device to obtain or in an attempt to obtain property or services with knowledge that the access device was counterfeit, altered or incomplete or the access device was issued to another person who had not authorized its use, or the access device had been revoked or canceled, or for any other reason the actor's use of the access device was unauthorized by the issuer or the device holder and the value involved was \$500 or more, in violation of Sections 4106(a)(1) and (c)(1)(i) of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa. C.S. §§4106(a)(1) and (c)(1)(i), as amended.

Count: 3 MISAPPLICATION OF ENTRUSTED PROPERTY Misdemeanor 2
AND PROPERTY OF GOVERNMENT OR
FINANCIAL INSTITUTIONS

The actor applied or disposed of property valued at more than \$50, namely, United States currency approximating \$175,173.35, that had been entrusted to the actor as a fiduciary, or property of the government or of a financial institution, in a manner which said actor knew was unlawful and involved substantial risk of loss or detriment to the owner of the property or to a person for whose benefit the property was entrusted, in violation of Sections 4113(a) and (b) of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa. C.S. §§ 4113(a) and (b), as amended.

access device had been revoked
device was unauthorized by the
violation of Sections
1972, 18 Pa. C.S.

Commonwealth of Pennsylvania
vs
David Gilliland

All of which is against the Act of Assembly and the peace and dignity of the Commonwealth of Pennsylvania.

Attorney for the Commonwealth

AGF David Gilliland

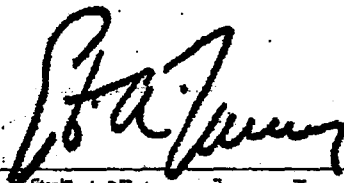
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CERTIFICATE OF COMPLIANCE

I hereby certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.



Stephen A. Zappala, Jr.
District Attorney

3/7/19

Date

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Samuel F. Napoli

Signature: 

Name: Samuel F. Napoli

Attorney No. (if applicable): 35303