

**IN THE SUPREME COURT OF PENNSYLVANIA**

In the Matter of	:	No. 1578 Disciplinary Docket No. 3
WILLIAM JAY GREGG	:	No. 210 DB 2009
	:	Attorney Registration No. 32711
PETITION FOR REINSTATEMENT	:	(Crawford County)
	:	

**ORDER**

**PER CURIAM**

**AND NOW**, this 2<sup>nd</sup> day of December, 2022, the Petition for Reinstatement is granted. Petitioner is ordered to pay the expenses incurred by the Board in the investigation and processing of the Petition for Reinstatement. See Pa.R.D.E. 218(f).

A True Copy Nicole Traini  
As Of 12/02/2022

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

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: :  
: No. 210 DB 2009  
WILLIAM JAY GREGG : :  
: Attorney Registration No. 32711  
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PETITION FOR REINSTATEMENT : (Crawford 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

On January 14, 2010, Petitioner, William Jay Gregg, executed a resignation statement pursuant to Pa.R.D.E. 215. By Order dated March 25, 2010, effective April 24, 2010, the Supreme Court of Pennsylvania accepted Petitioner's resignation and disbarred him on consent. On June 30, 2016, Petitioner filed a Petition for Reinstatement to the bar of Pennsylvania. After a reinstatement hearing and following a Report filed by the Board

recommending that reinstatement be denied, by Order dated February 5, 2018, the Court denied Petitioner's request for reinstatement. On July 12, 2021, Petitioner filed his second Petition for Reinstatement. Office of Disciplinary Counsel ("ODC") filed a Response on September 9, 2021, and stated its opposition to reinstatement.

Following a prehearing conference on March 7, 2022, a District IV Hearing Committee ("Committee") held a reinstatement hearing on April 19, 2022. Petitioner, who was represented by counsel, testified on his own behalf and presented three additional witnesses. Petitioner offered four exhibits, which were admitted into evidence. ODC entered eight exhibits into evidence. The parties jointly entered one exhibit into evidence.

On June 13, 2022, Petitioner filed a post-hearing brief to the Committee and requested that the Committee recommend to the Board that his Petition for Reinstatement be granted. On June 22, 2022, ODC filed a letter in lieu of brief advising it no longer opposed reinstatement.

By Report filed on September 15, 2022, the Committee concluded that Petitioner met his reinstatement burden and recommended that the Petition for Reinstatement be granted. The Board adjudicated this matter at the meeting on October 19, 2022.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner is William Jay Gregg, born in 1955 and admitted to practice law in the Commonwealth in 1980. Petitioner maintains a registered address in Conneaut Lake, Crawford County, Pennsylvania. Petitioner is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.
2. Following his admission to the bar, Petitioner maintained a general law practice in Conneaut Lake until 2010. N.T. 71-75.
3. On August 20, 2008, ODC sent a DB-7 Request for Statement of Position to Petitioner regarding three dishonored checks from Petitioner's IOLTA account. ODC-1, Exh. 1.
4. On September 30, 2009, ODC sent a supplemental letter of inquiry to Petitioner raising allegations of escrow account irregularities and false statements in connection with the contents of the accounts. ODC-1, Exh. 2.
5. On January 14, 2010, Petitioner voluntarily resigned from the practice of law, admitting violations of the Rules of Professional Conduct pertaining to mishandling his IOLTA accounts and engaging in dishonest conduct by making misleading statements to the Pennsylvania Lawyers Fund for Client Security relating to the funds in the IOLTA accounts. ODC-1.

6. There is no evidence that Petitioner's mishandling of funds involved misappropriation or resulted in client loss. N.T. 101, 104-105; ODC-5 p. 4.
7. By Order dated March 25, 2010, effective April 24, 2010, the Supreme Court accepted Petitioner's resignation and disbarred him on consent.
8. In conjunction with Petitioner's disbarment, the Board sent Petitioner information for disbarred lawyers pertaining to compliance with Pa.R.D.E. 217. Petitioner was placed on notice that he was required to close every IOLTA, trust, client and fiduciary account. ODC-5, p. 4.
9. Subsequent to disbarment, Petitioner failed to promptly close two IOLTA accounts. He closed one account in November 2010, approximately seven months after the effective date of the disbarment order, and closed the other account in January 2011, approximately nine months after the effective date of the disbarment order. ODC-5, p. 5.
10. The first IOLTA account had no activity between Petitioner's disbarment and the date it was closed. As to the second account, subsequent to his disbarment, Petitioner accepted monies from multiple former clients for deposit into the IOLTA and placed his personal funds into the account. ODC-5, p. 5.
11. Petitioner caused an overdraft in the second IOLTA account by making a mortgage payment, which led to a notice to the Pennsylvania Lawyers Fund for Client Security. N.T. 98-99.

12. On June 30, 2016, Petitioner filed a Petition for Reinstatement and Reinstatement Questionnaire. ODC-3.
13. In the Questionnaire, Petitioner failed to list a civil malpractice action, *Gramas v. Gregg*, that had been reduced in 2006 to a \$40,448.36 judgment in the Court of Common Pleas of Crawford County. ODC-5, p. 4.
14. At the first reinstatement hearing in March 2017, Petitioner testified that he did not disclose the judgment because he did not know about it, admitted on cross-examination that he never checked the courthouse records, and described the judgment as “a small matter.” ODC-5, p. 4, 5.
15. Although Petitioner further testified that he resolved the matter, he did not produce physical evidence at the first reinstatement hearing that the *Gramas* judgment had been satisfied. ODC-5, p 5.
16. The Board recommended that Petitioner’s first reinstatement be denied on the basis of his post-disbarment conduct involving his IOLTA account and the *Gramas* judgment, as well as his lack of genuine remorse. ODC-5.
17. On February 5, 2018, the Court denied Petitioner’s reinstatement. ODC-6.
18. On July 12, 2021, Petitioner filed a second Petition for Reinstatement and Reinstatement Questionnaire. J-1.

19. On September 9, 2021, ODC filed a Response in opposition to the Petition for Reinstatement and set forth concerns as to Petitioner's failure to disclose on his Questionnaire an unsatisfied professional malpractice judgment in Crawford County. ODC-7.
20. Petitioner testified credibly at the reinstatement hearing held on April 19, 2022.
21. Petitioner testified regarding the judgments against him. As to the *Gramas* judgment, Petitioner acknowledged that he did not disclose it on the 2016 Questionnaire because he did not recall it as an outstanding judgment, and admitted it was a mistake not to list it. N.T. 121, 135.
22. Petitioner acknowledged that his use of the words "small matter" to describe the *Gramas* judgment during his first reinstatement proceeding was not proper to express what he meant. N.T. 180-181.
23. Petitioner presented evidence in the form of an email from Mr. Gramas confirming that the matter was resolved. N.T. 119; P-A.
24. While Petitioner listed the *Gramas* judgment on the 2021 Questionnaire, he failed to disclose a separate malpractice action, *Simonetta v. Gregg*, and default judgment for \$7,539.45. N.T. 125; ODC-7.
25. Petitioner acknowledged that he should have listed the *Simonetta* action on both the 2016 and 2021 Questionnaires, and it was a mistake not to do so. He further testified that did not disclose the *Simonetta* action and

judgment because similar to *Gramas*, he did not know about it. N.T. 121, 126-127, 135.

26. The judgments did not appear on a credit report or on a judgment search undertaken by Petitioner. N.T. 113.
27. The matters appeared as “closed” on the dockets. N.T. 124, 136.
28. Petitioner recognized that had he gone to the courthouse and searched the records, he would have located both the *Gramas* and *Simonetta* matters. N.T. 126.
29. Petitioner presented evidence that the *Simonetta* judgment was satisfied of record. N.T. 119, 135, 136; P-B.
30. Petitioner accepted responsibility for his misconduct and expressed genuine remorse for his actions that led to his voluntary resignation and disbarment on consent, and for his actions following his disbarment. N.T. 92-94, 99.
31. Petitioner acknowledged that the Court’s denial of his first reinstatement petition was justified. N.T. 100, 175-176.
32. Petitioner now talks openly about his past problems, whereas at the time of his first reinstatement proceeding, he was reluctant to acknowledge his misconduct and tell people about it. N.T. 101, 109-111, 174-175.
33. Petitioner now understands that his misconduct involved a lot more than delayed check payments, and described his overdrafts as “egregious.” N.T. 99, 101.



34. While disbarred, Petitioner completed 27 ethics credits and 45 substantive law credits since November 2019. N.T. P-C.
35. Petitioner educated himself in the areas of IOLTA accounts and managing client funds and spent time reviewing the rules and related materials. N.T. 139-140, 169-170.
36. Petitioner stayed abreast of the law in Pennsylvania oil and gas, energy, and minerals through the Northern Appalachian Land Mans Association, as it pertained to his work as a title abstractor. N.T. 136-137.
37. If readmitted, Petitioner expressed an interest in joining the Pennsylvania Bar Association to take advantage of that group's resources. N.T. 139-141.
38. Following his disbarment, Petitioner obtained nonlegal employment in real estate as a title abstractor. He began work for Jim Bourbeau Land Services n/k/a Appalachian Energy Consultants in 2010 and later obtained additional title abstract work with Back Roads Solutions, a land project management company. N.T. 105-107.
39. Petitioner performs his title services as an independent contractor. N.T. 105.
40. If reinstated, Petitioner intends to continue title abstract work because he finds it rewarding and has had success performing it. N.T. 107-108.

41. Petitioner does not intend to return to a solo law practice, but instead would seek out opportunities to expand his role in the title business. N.T. 108, 111.
42. During his disbarment, Petitioner actively served his community by serving as an usher and lector in his local church parish, participating in fundraisers as a member of the Knights of Columbus, participating in the Lion's Club, ringing bells for the Salvation Army, and serving on the board of his local public library. N.T. 141-144.
43. Petitioner does not have any debts. N.T. 113.
44. Petitioner presented the testimony of three witnesses.
45. Randy Littlecott credibly testified on Petitioner's behalf. Mr. Littlecott is Petitioner's employer at Back Roads Solutions. N.T. 18.
46. Mr. Littlecott described Petitioner's work as "the best of the best" and "top notch." Mr. Littlecott further testified that Petitioner takes pride in his work, communicates well, and is professional. N.T. 20, 21.
47. Mr. Littlecott would trust Petitioner with his personal legal work. N.T. 24.
48. Mr. Littlecott credibly testified that Petitioner has the character and fitness to be reinstated to the practice of law. N.T. 19, 20, 24.
49. Dominic Salvatori, Esquire credibly testified on Petitioner's behalf. Mr. Salvatori has been a licensed Pennsylvania attorney since 1978 and is a longtime friend of Petitioner. N.T. 28, 29, 30.

50. Mr. Salvatori testified that Petitioner has shown remorse, recognized that he made egregious mistakes, and has made efforts to improve his understanding of the ethics rules as well as his organizational and business practices. N.T. 45-50
51. Mr. Salvatori testified that the bar would benefit from Petitioner's reinstatement. N.T. 51.
52. William Walker, Esquire credibly testified at the reinstatement hearing.
53. Mr. Walker is a licensed Pennsylvania attorney who practiced in the same county as Petitioner, and who has known Petitioner for many years. N.T. 61.
54. Mr. Walker testified that he would trust Petitioner with his funds, and though the disbarment was a concerning matter, he believes Petitioner has the character and fitness necessary to resume the practice of law. N.T. 62-66.
55. Petitioner offered six character letters into evidence. P-D. These letters were submitted by community members, his employer at Jim Bourbeau, and an attorney in the community, all of whom support Petitioner's return to the practice of law.
56. Following the reinstatement hearing, ODC does not oppose Petitioner's reinstatement. ODC Letter dated June 22, 2022.

III. CONCLUSIONS OF LAW

1. The misconduct for which Petitioner was disbarred is not so egregious as to preclude consideration of his Petition for Reinstatement. *Office of Disciplinary Counsel v. John Keller*, 506 A.2d 872 (Pa. 1986).
2. Petitioner met his burden of proof by clear and convincing evidence that a sufficient period of time has passed since the misconduct, during which he engaged in qualitative rehabilitation. *In the Matter of Jerome J. Verlin*, 731 A.2d 600 (Pa. 1999).
3. Petitioner met his burden of proof by clear and convincing evidence that he has the moral qualifications, competency, and learning in the law required for admission to practice law in the Commonwealth of Pennsylvania. Rule 218 (c)(3), Pa.R.D.E.
4. Petitioner met his burden of proof by clear and convincing evidence that his resumption of the practice of law in the Commonwealth of Pennsylvania will be neither detrimental to the integrity and standing of the bar or the administration of justice nor subversive of the public interest. Rule 218 (c)(3), Pa.R.D.E.

#### IV. DISCUSSION

Petitioner seeks reinstatement to the practice of law following his disbarment on consent by Order of the Supreme Court of Pennsylvania dated March 25, 2010, effective April 24, 2010. This is Petitioner's second attempt at reinstatement, having been denied reinstatement by Order of the Supreme Court dated February 5, 2018. When a disbarred attorney seeks reinstatement, the Board must first examine whether the magnitude of the breach of trust was so egregious as to preclude further reconsideration of the petition for reinstatement. As the Court held in *Keller*, "[i]n the case of disbarment, there is no basis for an expectation by the disbarred attorney of the right to resume practice at some future point in time." *Keller* at 875.

The misconduct giving rise to Petitioner's disbarment on consent was his IOLTA account mismanagement and dishonest conduct relating to an inquiry by the Pennsylvania Lawyers Fund for Client Security. Petitioner's first reinstatement proceeding addressed the question of whether Petitioner's misconduct was so egregious as to prevent reinstatement, and the Board at that time determined that Petitioner met the *Keller* threshold standard such that his reinstatement was not prohibited. *In the Matter of William Jay Gregg*, No. 210 DB 2009 (D. Bd. Rpt. 12/5/2017 at pp. 8-9) (S. Ct. Order 2/5/2018). That determination remains consistent with case law, and we reiterate our earlier conclusion that Petitioner's misconduct, while a breach of his ethical responsibilities, is not so egregious as to prevent reinstatement. The decisional law contains examples of flagrant and deplorable acts by Pennsylvania lawyers that resulted in disbarment, acts which arguably are more egregious than that committed by the instant

Petitioner, and which nonetheless did not prevent those disbarred attorneys from meeting the *Keller* threshold standard for reinstatement. In two recent reinstatement matters, the Board concluded that the disbarred lawyers who had engaged in serious criminal misconduct met the *Keller* standard. See, *In the Matter of Joshua Lawrence Gayl*, No. 79 DB 2016 (D. Bd. Rpt. 9/19/2022) (S. Ct. Order 10/25/2022) (Gayl met the *Keller* standard and was reinstated following disbarment for conviction of obstruction of justice); *In the Matter of Charles M. Naselsky*, No. 169 DB 2012 (D. Bd. Rpt. 3/24/2022) (S. Ct. Order 5/4/2022) (Naselsky met the *Keller* standard and was reinstated following disbarment for conviction of tax evasion, filing false tax returns, mail fraud and obstruction of justice).

The Board's review of Petitioner's reinstatement request does not end with the determination of the *Keller* threshold issue. We next consider whether Petitioner has established by clear and convincing evidence that he has the moral qualifications, competency and learning in the law required for admission to practice law in Pennsylvania and that his readmission would not have a detrimental impact on the integrity and standing of the bar, the administration of justice nor be subversive of the public interest. Pa.R.D.E. 218(c)(3). We examine the record as to both the quantity of time spent on disbarment and the quality of Petitioner's rehabilitative efforts, in order to determine whether those efforts during that time period are sufficient to dissipate the detrimental impact of Petitioner's misconduct on the public trust. *Verlin* at 602. Of critical importance to the instant matter, Petitioner must demonstrate that he has satisfactorily addressed the underlying issues that formed the basis for the Board's recommendation to deny his first reinstatement request and the Court's ultimate denial of that request. Upon our independent review of

this record, and after considering the Committee's Report wherein it concluded that Petitioner met his burden of proof and recommended granting his petition, we conclude that Petitioner met his reinstatement burden and recommend his reinstatement to the bar.

Petitioner has been removed from the practice of law for more than 12 years, after voluntarily resigning from the bar and accepting disbarment on consent in 2010. More than four years have passed since the Court denied Petitioner's first reinstatement attempt in 2018. On the record before us, we conclude that Petitioner engaged in qualitative rehabilitation during the lengthy disbarment period, clearly and convincingly demonstrated his moral qualifications, competency and learning in the law, and clearly and convincingly demonstrated that his resumption of the practice of law will be neither detrimental to the integrity and standing of the bar or the administration of justice nor subversive of the public interest.

The record amply supports the Board's assessment that Petitioner has rehabilitated the circumstances underlying his misconduct and has demonstrated his readiness to resume the practice of law. Petitioner's testimony at his reinstatement hearing was credible and revealing and acknowledged both his original misconduct, his post-disbarment conduct, and his missteps in his first reinstatement proceeding, as well as his determination to rehabilitate himself. Following the denial of his first reinstatement petition, Petitioner had the opportunity to examine his conduct and now fully understands and appreciates the magnitude of his wrongdoing. Petitioner accepted full responsibility for his misconduct, did not minimize his misconduct and expressed genuine and profound

remorse. Petitioner acknowledged that at the time of the first reinstatement proceeding, he had not sufficiently grasped the nature and seriousness of his misconduct and therefore had not expressed an appropriate degree of remorse for his actions. Petitioner credibly testified that in the past, he had not been able to discuss his situation with others, but since then, he has been forthcoming as to the problems that led to his disbarment on consent.

Petitioner addressed the issues surrounding the *Gramas* and *Simonetta* judgments. ODC initially opposed Petitioner's instant reinstatement petition and cited Petitioner's failure to disclose the *Simonetta* judgment on his 2021 Questionnaire, which ODC pointed out was similar to his failure to disclose the *Gramas* judgment on his 2016 Questionnaire. At the hearing, Petitioner credibly testified that on his 2016 Questionnaire he failed to reveal the *Gramas* judgment and was later unable to show additional evidence at the first reinstatement hearing beyond his own testimony that the matter had been resolved. Petitioner further acknowledged that he failed to disclose a second judgment in the *Simonetta* matter. Petitioner credibly testified that he should have disclosed both judgments on his original Questionnaire and regrettably failed to do so, and that he should have reviewed the courthouse records to ensure that he disclosed such matters. For both judgments, Petitioner demonstrated through documentary evidence and his own testimony that he resolved the matters. Additionally, Petitioner credibly testified that he has no debt. Based on this record, we conclude that Petitioner's failure to disclose the *Simonetta* judgment on his 2021 Questionnaire was not an intentional omission designed



to mislead ODC and the Committee, and is not an impediment to his reinstatement at the present time.

Petitioner undertook activities during his disbarment that evidence his fitness to practice law. Petitioner fulfilled his CLE credits necessary for reinstatement, and completed additional credits above the required 36 hours. Petitioner focused on educating himself in the areas of the law where he had past problems, such as client funds, and reviewed rules and related materials concerning IOLTA accounts. Petitioner's interests led him to educate himself in the laws pertinent to Pennsylvania oil and gas, energy and minerals. Petitioner expressed a desire to join the PBA if reinstated, in order to have access to that entity's many helpful resource for practitioners.

During his lengthy period of disbarment, Petitioner maintained continuous employment as a title abstractor for two companies. Petitioner set forth a clear plan of action should he be reinstated, indicating his interest in continuing his title abstract work and possible legal work in that field, and his decision to forego returning to a solo practice of law. In addition to his employment, Petitioner engaged in numerous charitable and community activities while disbarred, which included volunteer work with his church parish, the Knights of Columbus, the Lions Club, the Salvation Army and his public library. These worthwhile activities demonstrate Petitioner's commitment to his community and a willingness to help, despite his own circumstances.

Petitioner's three character witnesses provided credible testimony as to his genuine, successful and continuing rehabilitative efforts, which evidence supports the Board's conclusion that Petitioner's reinstatement would not be detrimental to the integrity

and standing of the bar, nor be subversive of the public interest. Attorneys Salvatori and Walker, both of whom have known Petitioner for decades, asserted that Petitioner has recognized his past misconduct and has expressed remorse. Mr. Salvatori believes that the local bar would benefit from Petitioner's return as a licensed practitioner in the community. Mr. Walker acknowledged the seriousness of the disbarment, but believes that at this time, Petitioner has the character and fitness necessary to resume practice, and vouched for Petitioner's trustworthiness by testifying that he would trust Petitioner with his own funds. Mr. Littlecott, Petitioner's employer at Back Roads Solutions, described Petitioner's work in glowing terms and credibly stated his belief that Petitioner has the character and fitness to be reinstated to the legal profession. In addition to the compelling witness testimony, Petitioner submitted six character letters from an array of community members who fully support Petitioner's readmission to the bar.

Upon this record, we conclude that Petitioner has demonstrated clearly and convincingly that he is morally qualified, competent and learned in the law. After the passage of 12 years, Petitioner is now ready to resume legal practice without causing harm to the public or the reputation of the courts and the profession. The Board recommends that the Petition for Reinstatement be granted.

V. RECOMMENDATION

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

The Board further recommends that, pursuant to Rule 218(f), Pa.R.D.E., Petitioner be directed to pay all of 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: Celeste L. Dee  
Celeste L. Dee, Member

Date: 11/2/2022