

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 2756 Disciplinary Docket No. 3
: :
JOHN A. GALLAGHER : No. 65 DB 2019
: :
PETITION FOR REINSTATEMENT : Attorney Registration No. 61914
: :
: (Chester County)

ORDER

PER CURIAM

AND NOW, this 18th day of May, 2026, the Petition for Reinstatement is denied. Petitioner is directed to pay the expenses incurred by the Disciplinary 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 05/18/2026

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 2756 Disciplinary Docket No. 3
: :
JOHN A. GALLAGHER : No. 65 DB 2019
: :
: Attorney Registration No. 61914
: :
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. FINDINGS OF FACT

The Board makes the following factual findings:

1. Petitioner, John A. Gallagher, was born in 1962 and was admitted to the bar of the Commonwealth of Pennsylvania in 1991. Gallagher is subject

to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

Background

2. Prior to attending law school, in 1984, Gallagher was convicted in Pennsylvania of:
 - a. Burglary after breaking a store window and stealing merchandise with two other people, ODC-11BS-493; N.T. I at 197-98;
 - b. Burglarizing a home, ODC-12/BS-496; N.T. I at 198-202; and
 - c. Driving Under the Influence. N.T. I at 199-201.
3. After his admission to the bar in 1991, Gallagher worked for several Philadelphia area law firms, including Harvey Pennington and High Swartz. N.T. I at 204-208.
4. Gallagher was convicted of a second Driving Under the Influence offense in Pennsylvania in 2004. Gallagher failed to report this conviction to the Board. ODC-1/BS; N.T. I at 209-210.
5. In 2006, Gallagher opened his own firm, Law Offices of John A. Gallagher PC. N.T. I at 218.
6. On May 11, 2016, Gallagher received an informal admonition for undertaking a representation involving a concurrent conflict of interest without obtaining the necessary informed consent, neglecting the client matter and failing to communicate. ODC-1/BS-5.

7. On February 8, 2017, Gallagher received an informal admonition with condition for failing to safekeep property pursuant to Rule of Professional Conduct (“RPC”) 1.15 and depositing personal funds into his IOLTA.
8. On March 27, 2019, Office of Disciplinary Counsel (“ODC”) filed a Petition for Discipline against Gallagher, charging him with violation of the RPC and Pennsylvania Rules of Disciplinary Enforcement (“Pa.R.D.E.”) arising from allegations of Gallagher’s misuse of his IOLTA, failure to maintain required records, and the unauthorized practice of law. The Petition was amended in include Gallagher’s misconduct arising from his 2004 DUI conviction.
9. The matter proceeded to a disciplinary hearing on December 3 and 4, 2019. The record evidence established, *inter alia*:
 - a. Gallagher’s wife forged his signature to IOLTA checks and stole client monies from the IOLTA from September 2016 through March 2018. ODC-1/BS-6, 7, 11. Gallagher became aware of his wife’s problem by 2016 but did nothing to deny her access to his IOLTA. ODC-1/BS-17.
 - b. Gallagher blamed his wife and her addiction issues for the overdrawn IOLTA. During his disciplinary proceedings, Gallagher did not mention his own issues with addiction and his sobriety

date of April 25, 2017. ODC-1/BS-3; ODC-2B/BS-211-12; N.T. I at 314.

- c. Gallagher continuously failed to maintain individual ledgers for each trust client on whose behalf he held funds in the IOLTA and had numerous transactions against the IOLTA returned due to insufficient funds. ODC-1/BS-5-6.
- d. This failure continued until at least April 17, 2018. ODC-1/BS-7, 10.
- e. Between January 25, 2018 and April 17, 2018, Gallagher used his IOLTA to pay his personal debts and expenses on 10 occasions. ODC-1/BS-10.
- f. Between June and August 2018, Gallagher placed unearned fees from several clients in his operating account prior to providing the legal services. ODC-1/BS-12-13, 28.
- g. On more than one occasion, Gallagher deposited earned fees into his IOLTA to shelter them from personal creditors. ODC-1/BS-27.
- h. Gallagher was administratively suspended by the Supreme Court of Pennsylvania on October 5, 2016, effective November 4, 2016, for failure to comply with annual attorney registration. During his administrative suspension, he agreed to represent 29

clients. ODC-1/BS-14. He accepted the clients' money and did not tell them he had been administratively suspended. *Id.*

10. Following review of the record evidence, the Board found that "The record demonstrates that [Gallagher's] misconduct encompassed a disregard for his fiduciary and administrative obligations. These deficiencies, viewed as a whole, depict a respondent who is unwilling or unable to meet his fundamental professional responsibilities, constraining the Board to conclude that suspension is necessary and warranted." ODC-1/BS-26-27.

11. By Order dated January 22, 2021, effective February 21, 2021, the Court suspended Gallagher for one year and one day.

12. Gallagher completed the requirements pursuant to Pa.R.D.E. 217 for formerly admitted attorneys.

First Reinstatement Petition at No. 65 DB 2019

13. On January 12, 2022, Gallagher filed a Petition for Reinstatement. ODC-14/BS-666.

14. On July 13, 2022, a Hearing Committee conducted a reinstatement hearing. ODC-13.

15. Shortly after the record was closed, ODC learned that in March 2021, less than two months after the issuance of the Court's January 22, 2021 suspension order, Gallagher was approved for a Paycheck Protection Program ("PPP") loan with the U.S. Small Business Administration

("SBA") for the "Law Offices of John A. Gallagher, PC." ODC-14/BS-667, 670.

16. By Petition filed August 2, 2022, ODC requested to re-open the record for the purpose of scheduling an additional hearing date to address Gallagher's PPP loan. ODC-14/BS-664-674.

17. An additional hearing date was scheduled for October 6, 2022. ODC-15/BS-675.

18. By Motion filed on September 28, 2022, Gallagher requested to withdraw his Reinstatement Petition without prejudice. ODC-15/BS-675-81.

19. Gallagher withdrew his Reinstatement Petition to *inter alia*, take "adequate steps to address" the concerns that ODC raised regarding Gallagher's PPP loan. N.T. II at 12.

20. By Order dated September 28, 2022, the Board granted Gallagher's request to withdraw his reinstatement petition without prejudice to apply for reinstatement in the future. ODC-16/BS-682.

Second Reinstatement Petition at No. 65 DB 2019

21. On April 1, 2024, Gallagher filed a second Petition for Reinstatement.

22. Gallagher cooperated with ODC by responding to its information and document requests.

23. ODC filed a response on August 28, 2024, and raised concerns, *inter alia*, regarding Gallagher's application for the SBA loan for his law firm

three days after the Court issued the January 22, 2021 suspension order, and regarding a March 22, 2024 Chester County Court of Common Pleas Order that followed a February 2024 non-jury trial concerning a mortgage foreclosure action, where the court after observing Gallagher's demeanor, found him to be not credible.

24. Following a prehearing conference on November 12, 2024, the Hearing Committee ("Committee") held a reinstatement hearing on January 27, 2025 and March 5, 2025.¹

25. Gallagher presented testimony from four character witnesses, one expert witness, and testified on his own behalf. ODC introduced exhibits ODC 1-33 and cross-examined Gallagher and his witnesses. ODC-13 consisted of the notes of testimony of the first reinstatement hearing in 2022. Gallagher introduced numerous exhibits.

26. The parties entered into Joint Stipulations. Petitioner-6.

Post-Suspension Activities

27. During his suspension, Gallagher was employed at Rentwell Construction as a laborer for a very short period of time and then performed telemarketing for the same company from September 2021 through December 2021. N.T. I at 226; Reinstatement Questionnaire ("RQ") No. 6(b).

¹ By Order of the Board dated April 7, 2025, Committee Member Jimmy C. Chong, Esquire was removed from any further consideration of this matter. The matter proceeded with two committee members.

28. From December 2021 through May 2024, Gallagher was employed at Viant Medical in Collegeville, Pennsylvania, performing work in a metal tubing factory. He was terminated for a workplace safety violation. N.T. 1 at 228-230; RQ No. 6(b).
29. After termination from Viant in 2024, Gallagher went to Kelly Services, a temp company, and got a job at the Bryn Mawr Tennis Club working at the front desk. N.T. 1 at 231.
30. Gallagher performed occasional paralegal work for Charles Mandracchia, Esquire. N.T. 1 at 227, 261; RQ No. 6(b).
31. In December 2024, Gallagher obtained employment as a legal assistant at Ruggiero Law Offices and had been working there for approximately one month at the time of the first day of the reinstatement hearing. N.T. 1 at 231-232.
32. From approximately 2022-2024, Gallagher performed charitable work for his church and for other organizations focused on food insecurity. N.T. I at 223; RQ attachment.
33. Gallagher completed Continuing Legal Education credits required for reinstatement and reviewed legal publications during his suspension. N.T. I at 300.
34. Gallagher was noncommittal regarding his plans to practice law if he is reinstated. N.T. II at 96-97. (“So I don’t have any plans for the future...”)

35. Gallagher expressed remorse for his underlying misconduct. See N.T. I at 301 (“It’s been a long road to understanding and accepting.”); N.T. I at 302 (“So I violated the rules of ethics and I’m sorry about that.”).

Paycheck Protection Program (PPP) Loan – Second Loan

36. Gallagher received a PPP Loan in 2020 prior to his suspension in 2021. ODC-18/BS-685-693; N.T. I at 286; N.T. II at 17.

37. On January 19, 2021, three days before the Court issued the suspension order, Gallagher received an email invitation from Citizens Bank to apply for a second PPP loan. N.T. 1 at 287-288.

38. On January 22, 2021, after admittedly knowing of his suspension from practicing law, Gallagher wrote to Citizens Bank asking if he could seek loan forgiveness of his first loan which was “of heightened interest to me as I intend to seek a second loan ASAP...” ODC-18/BS-719, 777; N.T. II at 287-289; N.T. II, at 21-22.

39. On January 25, 2021, Gallagher submitted a second PPP loan application wherein he indicated that he owned a business known as “Law Offices of John A. Gallagher PC” and included the business address, business tax identification number, and noted an annual revenue of \$175,000.00. ODC Brief paragraph 33; ODC-18/BS-734. N.T. II at 24.

40. On March 10, 2021, after the effective date of Gallagher’s suspension, Gallagher signed a PPP “Second Draw Borrower Application Form” in

which he again indicated that the business was “Law Offices of John A. Gallagher, PC.” ODC-18/BS 697. The covered period of the loan was March 11, 2021 to May 31, 2021. ODC-18/BS 694.

41. From March 12, 2021 to April 2, 2021, using the second PPP loan disbursement, Gallagher paid himself and his wife 12 paychecks totaling approximately \$16,000.00. Gallagher indicated in the memo portion of nearly all of the checks “Back pay from 2d PPP Loan.” In addition, the evidence shows that Gallagher issued both himself and his wife a check with the memo line indicating the payment was a “Xmas Bonus.” ODC-18/BS 761-773; N.T. I at 292-93; NT II at 26-29.

42. As set forth above, after the conclusion of the July 13, 2022 hearing on Gallagher’s first Petition for Reinstatement, ODC became aware that Gallagher was approved for a PPP loan after he was suspended pursuant to the January 22, 2021 Supreme Court Order and that the PPP loan was issued to the “Law Offices of John A. Gallagher, PC.” ODC-14/BS-667, 670. When ODC sought to reopen the record to explore the PPP loan, Gallagher withdrew his Petition for Reinstatement without prejudice. ODC-14/BS-664-667, 670; ODC-15/BS-675-81; ODC-16/BS-682.

43. On May 5, 2023, an attorney from the SBA contacted Gallagher (after he appealed the partial forgiveness of his PPP loan) asking for information about Gallagher’s January 2021 suspension and the timing

of his application for the second PPL loan (among other inquiries). ODC-18/BS-758; N.T. II at 34-36.

44. By letter dated May 30, 2023, Gallagher, via his counsel, declined to provide additional information to the SBA attorney. ODC-18/BS-759-60; N.T. 36-38.

45. When Gallagher filed his second Petition for Reinstatement on April 1, 2024, he did not list the unsatisfied judgments for the repayment of the PPP loan on his Reinstatement Questionnaire. ODC-24/BS-1067; Joint Stip. 5.

46. Gallagher provided documentation regarding his PPP loan participation following ODC's letter request in April 2025. ODC-17, -18.

47. Gallagher's second PPP was denied full forgiveness leaving him with a balance owed. ODC-18/BS-785-96.

48. Gallagher reached a payment plan with the SBA which he believed was discharged in his December 2024 Bankruptcy Order. ODC-18/BS-797, 836; Joint Stip. 5.

Chester County Foreclosure Action

49. In 2005, Gallagher obtained a second mortgage in the amount of \$49,000.00 for his home. N.T. II at 41.

50. In 2014, Gallagher fell behind on his monthly payments and failed to make a payment for over five years, resulting in approximately

\$50,000.00 in interest and penalties in addition to the original loan. N.T. II at 41-42.

51. On August 24, 2022, a foreclosure action was filed against Gallagher in the Chester County Court of Common Pleas. N.T. II at 41-42.

52. Gallagher litigated the matter as a pro se litigant and had a hearing before the Honorable Anthony T. Verwey, Chester County Court of Common Pleas, on February 15, 2024. ODC-20.

53. One of Gallagher's primary defenses to the foreclosure was that he believed the loan had been "charged off" in 2014 and so, when he received a monthly statement in 2019, he believed it to be "spam." ODC-20; BS-857, 947, 954-955.

54. During the hearing, Judge Verwey stated the following to Gallagher:

- a. "You are not presenting a coherent defense" ODC-20; BS-923;
- b. "You are all over the place" ODC-20; BS-923;
- c. "[Y]ou need to comport yourself with appropriate behavior before the Court." ODC-20; BS-924;
- d. "You are arguing with the judge" ODC-20; BS-923-924; and
- e. "I am not going to let you filibuster this case so it needs to be continued. ODC-20; BS-925.

55. Judge Verwey's March 22, 2024 Decision ruled against Gallagher and noted, "The court, having had the opportunity to observe Defendant's demeanor while testifying, did not find him credible." ODC-20; BS-960.

56. At the reinstatement hearing, Gallagher repeatedly maintained that he believed the second mortgage was “charged off” between 2014 through 2019. N.T. II at 41-47.

57. When ODC pointed out that the debt appeared on Gallagher’s 2017 and 2018 bankruptcy filings, Gallagher deflected by stating, “Well, you know, I would imagine this was pulled by my bankruptcy lawyer on a credit report...” ODC-22/BS-982 and ODC 23/BS-1033; N.T. II at 46-51.

Gallagher’s Financial Information

58. At the time Gallagher filed his second Petition for Reinstatement on April 1, 2024, he owed over \$1,000,000 in both secured and unsecured debts. Joint Stips. 3-12.

59. During the pendency of the second Petition for Reinstatement, on August 30, 2024, Gallagher filed for bankruptcy although he had to amend his Statement of Financial Affairs with the Bankruptcy Court because he had failed to disclose his pending reinstatement action on the initially filed Statement. ODC-25; OCD-28; ODC-29/BS-1142-43; N.T. II at 64-65, 71-72.

60. Gallagher informed ODC of his bankruptcy filing on November 5, 2024, three months after he filed it. N.T. II at 65.

61. Gallagher was ultimately granted a bankruptcy discharge in December 2024. ODC-30/BS-1144; N.T. II at 72-73.

Gallagher’s Lack of Accountability

62. During his suspension, Gallagher deflected and shifted the blame to third parties for actions for which he bore responsibility. Examples include:

Blamed his Prior Counsel, Samuel C. Stretton, Esquire:

When Gallagher learned that his prior counsel agreed to re-open the record after the first reinstatement hearing in July 2022 to address additional concerns that ODC raised, Gallagher left his attorney's office and researched PPP loans (N.T. I at 234-235) and "wasn't happy" with his counsel's decision as he determined they were public records. N.T. II at 9.

Blamed his Present Counsel, Brian S. Quinn, Esquire:

When asked on cross-examination at this reinstatement hearing if he was aware that ODC was not notified of his August 2024 bankruptcy filing until November 2024, Gallagher responded: "I have come to learn that. I was not, candidly, I was not happy about that at all. I could prove that I sent it to Mr. Quinn -- sorry, Brian -- on September 4, which is the day after I got it from [my bankruptcy attorney] because he was going away on Labor Day." N.T. I at 311-12.

Blamed his Bankruptcy Attorney, Bob Lohr, Esquire:

When asked on cross-examination why he did not include this reinstatement proceeding as a pending action on his bankruptcy petition, Gallagher responded: "The fact that [Mr. Lohr] didn't include this matter upset me. I didn't notice the omission. I could have. Let's say that I should have, but I didn't...He's a great lawyer and a very good man, good human being, but there were some things that -- I was very upset about not including this. Very, very upset with him about that, to be candid on that." N.T. II at 65-70.

Blamed the Honorable Anthony T. Verwey:

"So, yeah, so I think what happened here is I, like a fool, represented

myself. And during my cross-examination, as you'll see in the transcript, I had written down the pages but there's at least -- Judge Verwey, I told him I was a formerly admitted attorney, and I later learned that he worked for [ODC] for like 20 years."
N.T. II at 58.

Blamed ODC:

Gallagher repeatedly stated that ODC "had no legal right" to re-open his first reinstatement record "because the standard would not have been satisfied."
N.T. II at 216.

Gallagher: "And I went home and I researched it, and I found out that the PPP was a public record. It was always a public record. It's a public record today for everybody. And then I looked up the law. There's a section that I found -- do you know what it is -- on how to reopen a hearing in these proceedings."

Attorney Quinn: "89.251."

Gallagher: "Right. Yes. And I found that section, and I'm like, "Well, this says that you can only reopen a hearing if new facts or new law since the hearing closed came up". Well, none of these were new facts or new law, and I really -- I know I committed transgressions for which are wrong and completely responsible. Believe me, you. But when it comes to the core practice of law, I'm a real stickler for following the law. I learned that at Harvey Pennington and High Swartz."
N.T. I at 235-36.

Gallagher's hearing demeanor

63. After observing Gallagher during two full days of hearing, the Committee found that his demeanor and behavior was argumentative and inappropriate. HC Rpt. p. 13. The Committee Chair repeatedly

reprimanded Gallagher for speaking out of turn, including attempted commentary when a question was not posed to him and commentary when other witnesses were testifying. Gallagher also, during his own testimony, attempted to ask questions of his own counsel and of the Committee. See N.T I at 239-240, 276-277, 281-282; N.T.11 at 58-60, 93-94, 170, 213-214, 226-227. Even when warned multiple times that his behavior was unwelcome and even disruptive to the overall proceeding, Gallagher continued to engage in argumentative statements and questions through both days of the hearing.

64. Gallagher's behavior and statements throughout the reinstatement hearing were disruptive and unprofessional.

Gallagher's Ongoing Poor Decisions

65. Throughout the two days of hearing, Gallagher informed the panel on numerous occasions that he had not utilized good judgment in the past, including during his suspension. Examples include:

- a. When testifying about defaulting on his second mortgage: ““But I knew that I owed the money and I just didn't -- you know, geez, I did not exercise sound judgment or financial responsibility in 2019, 2020, 2021, when this foreclosure action was filed. I -- you know, I've come a long way and I've grown a lot, but I haven't always made good decisions just because I got sober and just because I've tried really, really hard. These were, these were --

this was a bad decision to not confront this. It was bad judgment, it was a bad decision and I'm paying for it, and there's no way around that. I've tried, but I sometimes have failed.” ODC Brief at Paragraph 72a; N.T. II at 46.

b. While explaining his decision to represent himself as a pro se litigant in the 2024 Chester County Foreclosure Action: “I lacked common sense and exercised bad judgment in representing myself and being in attorney mode, as from time to time I've done in front of this panel.” ODC Brief at Paragraph 72b; N.T. II at 107.

c. While answering questions on the second PPP Loan:

“And I have to say that, during the pandemic, I'd like to think -- that I wasn't the only person who didn't understand PPP or who engaged in bad judgment probably.” ODC Brief at Paragraph 72c; N.T. II at 206-207.

“I realize that 13 days after I was suspended, I made, I engaged in bad judgment, I do, but I didn't realize that that could be dispositive or the fact that I changed my company name in 2010.” ODC Brief at Paragraph 72b; N.T. II at 220.

“Some of the loan monies were used for that purpose, and I wish I had not have done that. I don't think I exercised sound judgment in doing that. I think it was something that I wish I had not done. I wish that I had only paid my business bills and sent the rest of

the money back. I believe that I made a bad decision to do that. It was lawful to use PPP money for back pay but it was not a good exercise of judgment, and I regret that. I wish I had not done that. I was wrong in doing that.” ODC Brief at Paragraph 73a; N.T. II at 27.

“I wish really on all reflection that I had never applied for this loan not because I'm here being questioned about it, but because it just doesn't look good. It doesn't. It may have been lawful. It was lawful. It may not have been a violation of the Rules of Professional Conduct. It wasn't. But it was not sound judgment. I had just been suspended, and I did not exercise sound judgment, and I regret that.” ODC Brief at Paragraph 73b; N.T. II at 31-32.

“And when I addressed the PPP thing, I acted like a lawyer. I should have just come out and said, ‘I made a bad decision. It was lawful, but I exercised bad judgment’. But just like the foreclosure case, I should have just gone into the judge and said, ‘I owe \$45,000, Your Honor, and if you decide I owe more, then that's okay. But I'm only -- I failed to pay this thing.’ I tried to use the law and I didn't just accept responsibility, and the reason is because it took me a while. But what I do is I reach out today to people. And then you, you gave me some incredible wisdom on this. And I

reached out to my very best friend and my sponsor, my NA sponsor trying to figure out what makes me come into the most important proceeding of my life and act like a jerk sometimes.”

ODC Brief at Paragraph 73c; N.T. II at 134-135.

66. Most of the acknowledgments of bad judgment above were for post-suspension actions taken by Gallagher.

67. Instead of accepting responsibility, Gallagher repeatedly emphasized that his bad decisions were “lawful.” See N.T. II at 27 (“It was lawful to use PPP money for back pay ...”); N.T. II at 31-32 (“It may have been lawful. It was lawful.”) N.T. II at 218 (“When I applied, my application was lawful.”)

Gallagher’s Addiction and Recovery

68. Gallagher has a history of abusing alcohol, opioids, and heroin. N.T. I at 203, 212-15.

69. Gallagher was sober for approximately 20 years, from 1983 to 2003, before relapsing. N.T. I at 209-215.

70. Gallagher’s current period of sobriety dates from April 25, 2017. N.T. I at 219, 314.

71. Gallagher maintains sobriety by attending LCL, NA and AA. He finds LCL is good fit and he also volunteers as an LCL peer counselor. N.T. I at 221, 225; RQ attachment. He communicates frequently with people that have supported him in his sobriety and stays in contact with addicts

and looks for opportunities to engage in service within LCL, his church and society in general. N.T. I at 299.

72. Gallagher's sobriety date precedes some of his disciplinary misconduct, his disciplinary proceedings and his suspension period. ODC-1/BS-10, 12-13, 28; N.T. II at 165-70.

73. Gallagher failed to disclose any substance abuse problems at his December 2019 disciplinary hearing, which took place two and a half years after his date of sobriety. Instead, Gallagher testified about his wife's substance abuse issues and blamed his wife for the IOLTA thefts. ODC-1/BS-3 and 16-17; ODC-2B/BS-211-12; N.T. II at 314-15.

74. Gallagher's poor decision-making related to the second PPP loan and the Chester County mortgage foreclosure action and his poor demeanor in hearings occurred well after Gallagher's date of sobriety.

75. Gallagher himself acknowledged that he continues to make poor decisions even after achieving sobriety. N.T. II at 46.

Character Witnesses

76. At the hearing on January 27, 2025, Gallagher presented four character witnesses: his priest, Father Kevin A. Dellaria, who met Gallagher in 2021; his daughter, Dylan Gallagher Daubert; Robert H. LeFevre, Esquire, who met Gallagher in 2022 through LCL; and John J. Mahoney, Esquire, who met Gallagher through LCL in 2023. N.T. I at 45-60, 80-81, 86-87 and 104-05.

77. Mr. LeFevre and Mr. Mahoney testified that Gallagher has expressed remorse, accepted responsibility and is committed to sobriety. N.T. I at 90-91, 94, 95, 97-98, 111-112, 116.
78. Father Dellaria has observed a sense of regret and shame from Gallagher when discussing his misconduct and believes Gallagher is remorseful. N.T. I at 49, 55, 57.
79. Ms. Gallagher Daubert testified that her father has evolved and taken full responsibility for his transgressions. N.T. I at 74-75.
80. These witnesses support Gallagher's reinstatement to the practice of law.
81. The testimony of the four character witnesses is credible.
82. Gallagher presented a January 17, 2025 letter from Gregory M. McCauley, Esquire, who stated that he has spent time with Gallagher and his wife over the past two years, has spoken with Gallagher about his addiction and recovery, and believes Gallagher's reinstatement will not be detrimental to the standing of the bar. P. Ex. Part 2 at 98-99.
83. Gallagher presented a January 22, 2025 letter from Mark A. Lockett, Esquire, who has known Gallagher for more than 25 years in professional and personal capacities. Mr. Lockett stated that Gallagher is a hard-working and capable attorney who has expressed contrition and remorse over his actions and shortcomings. P. Ex. Part 2 at 100-101.

84. Samuel Trueblood, Esquire, testified at the July 13, 2022 hearing and submitted a January 13, 2025 letter reaffirming his prior testimony based on his interactions with Gallagher subsequent to July 2022. Mr. Trueblood has known Gallagher for 20 years and has attended many LCL recovery meetings with Gallagher. Mr. Trueblood stated that Gallagher has maintained his sobriety, has accepted responsibility for his misconduct, and is remorseful. P. Ex. Part 2 at 95.

85. Charles D. Mandracchia, Esquire testified at the July 13, 2022 hearing and submitted a January 13, 2025 letter in support of Gallagher's reinstatement and reaffirming his prior testimony based on interactions with Gallagher subsequent to July 2022. Mr. Mandracchia employed Gallagher for occasional paralegal work for a period of two years during Gallagher's suspension and testified that Gallagher understands the law and has a very good reputation for being honest and a person of good character. P. Ex. Part 2 at 96.

86. Matthew Chambers has been Gallagher's Narcotics Anonymous sponsor since 2018. He testified at Gallagher's July 13, 2022 hearing and submitted a January 12, 2025 letter reaffirming his prior testimony based on his more recent interactions with Gallagher. Mr. Chambers confirmed that Gallagher is active in recovery and has handled big events in his life without relapsing. P. Ex. Part 2 at 97.

Expert Testimony

87. Gallagher offered expert testimony from Jessica Molavi, BS, MA, ACRPS who specializes in “relapse identification and prevention.” N.T. I at 127.
88. Ms. Molavi testified she believed Gallagher’s addiction was a “substantial cause factor” in the acts of misconduct that occurred between 2015 and 2018. N.T. I at 139.
89. Ms. Molavi further testified that she evaluated Gallagher after five years of recovery and believed he “would be able to return to practicing law without any indicators or risk factors that a relapse could occur.” N.T. I at 139.
90. Ms. Molavi prepared a November 26, 2024 report where she opined that Gallagher exhibited gratitude and resilience, had a high moral compass, and holds his sobriety in very high regard. Molavi Report, p. 25.
91. Ms. Molavi included commentary in her report about a past increase in Gallagher’s credit score, did not review his finances, did not know Gallagher had filed for bankruptcy and did not know that Gallagher’s credit score had dramatically dropped in the last year. N.T I at 149, 167-168, 174-175.
92. Ms. Molavi did not include any discussion in her report of Gallagher’s criminal convictions of two burglaries and two DUIs. N.T. I at 178-179.

93. Ms. Molavi did not include in her report that Gallagher was sober from 1983 to 2003 and went to thousands of AA meetings during that period before relapsing. N.T.I 180.

94. Ms. Molavi testified that her report does not “encompass the behaviors at issue when [Gallagher] is sober” and is limited to his “risk of relapse.” N.T. I at 186.

95. Dr. Barry Kenneth Nelson, MD, who is board certified in addiction psychiatry, testified at the July 2022 hearing and submitted a report dated June 23, 2022. Pet. Exhibit, Part 1, at 38-117 (Nelson Report). Dr. Nelson did not testify at the 2025 hearing and did not provide an updated report for the second reinstatement hearing.

96. Per his 2022 report, Dr. Nelson provided his opinion that Gallagher’s addictions “were the major factor in contributing to his misconduct.” Nelson Report at 9. Dr. Nelson further stated in his report that Gallagher was not at risk for relapse due to the duration of his sobriety and program of recovery. Nelson Report at pp. 9-11.

The Proceedings Below

97. On May 21, 2025, Gallagher filed a post-hearing brief to the Committee in support of his reinstatement.

98. On July 2, 2025, ODC filed a post-hearing brief to the Committee and requested that the Committee recommend to the Board that the Petition for Reinstatement be denied. ODC took the position that Gallagher’s

post-suspension actions demonstrate he is not fit and trustworthy to resume practice.

99. By Report filed on October 15, 2025, the Committee found that Gallagher failed to meet his reinstatement burden and recommended that the Petition for Reinstatement be denied. The Committee focused on the PPP loan, the foreclosure action, Gallagher's ongoing poor decision-making, Gallagher's deflection of wrongdoing, and his demeanor at the reinstatement hearing as evidence of his unfitness to resume practice.

100. Gallagher filed a brief on exceptions on November 5, 2025, and requested oral argument before the Board. Gallagher's exceptions are broad-sweeping and based on his position the Committee ignored substantial evidence.

101. ODC filed a brief opposing exceptions on November 21, 2025 and requested that the Board adopt the Committee's recommendation to deny reinstatement.

102. A three-member panel of the Board held oral argument on January 15, 2026.

103. The Board adjudicated this matter at the meeting on January 22, 2026.

II. CONCLUSIONS OF LAW

1. Petitioner has failed to demonstrate by clear and convincing evidence that he has the moral qualifications and competence required for admission to practice law in this Commonwealth. Pa.R.D.E. 218(c)(3).

2. Petitioner has failed to demonstrate by clear and convincing evidence that his resumption of the practice of law within the Commonwealth will not be detrimental to the integrity and standing of the bar or the administration of justice nor subversive of the public interest. Pa.R.D.E. 218(c)(3).

III. DISCUSSION

This matter comes before the Board following oral argument on exceptions filed by Gallagher to the Committee's Report and unanimous recommendation that Gallagher's Petition for Reinstatement from a one year and one day suspension be denied.

Gallagher's underlying misconduct that resulted in his suspension involved his misuse of his IOLTA, failure to maintain required records, the unauthorized practice of law while he was administratively suspended for failure to comply with attorney registration requirements, and failure to report a conviction for DUI. Pursuant to Rule 218(a)(4), Pa.R.D.E., an attorney who is suspended for a period exceeding one year may not resume the practice of law until reinstated by the Court. To gain reinstatement, Gallagher must prove by evidence that is clear and convincing, that he is morally qualified, competent and learned in the law and that his resumption of the practice of law will not be detrimental to the integrity and standing of the bar or the administration of

justice nor subversive of the public interest. Pa.R.D.E. 218(c)(3). A reinstatement proceeding is a “searching inquiry into a lawyer’s present professional and moral fitness to resume the practice of law. The object of concern is not solely the transgressions which gave rise to the lawyer’s suspension or disbarment, but rather, the nature and extent of the rehabilitative efforts he has made since the time the sanction was imposed and the degree of success achieved in the rehabilitative process.” *Philadelphia News, Inc. v. Disciplinary Board of the Supreme Court of Pennsylvania*, 363 A.2d 779, 780-781 (Pa. 1976).

Upon our independent review of the record evidence, we conclude that the Committee’s findings are sound and supported by the record and further conclude that Gallagher failed to meet his burden. We therefore recommend that Gallagher’s Petition for Reinstatement be denied.

The “searching inquiry” required for reinstatement examines Gallagher’s period of suspension that began on February 21, 2021. Gallagher presented evidence that he maintained employment as a laborer and at a tennis club, engaged in charitable work and volunteered for LCL. He performed occasional paralegal work and obtained a full-time legal assistant job at a law firm in December 2024, about a month before the first day of the reinstatement hearing in January 2025. He stayed sober through his suspension, having achieved sobriety in 2017. Gallagher completed CLE requirements for reinstatement. These are all positive aspects of Gallagher’s rehabilitation. Our concern lies with certain post-suspension activities and conduct that demonstrate poor decision-making and poor judgment and a lack of professionalism and fitness.

Focusing first on the PPP loan, having received notice that his license to practice law was to be suspended effective February 21, 2021, merely days later, Gallagher submitted an application for a PPP loan for the benefit of his law firm. Gallagher had previously secured a PPP loan in 2020 prior to his suspension; this was a second application. Gallagher completed the application under his business/firm name with his business/law firm address and included his income from practicing law. On March 10, 2021, about three weeks after the effective date of Gallagher's suspension from the practice of law, Gallagher completed paperwork securing a loan for the period from March 11, 2021 to May 31, 2021. Despite the explicit loan coverage period, Gallagher paid both himself and his wife "back pay" for prior legal work performed from November 2020 through February 2021 inclusive of a "Xmas bonus." However, Gallagher failed to disclose in both his first Petition for Reinstatement filed on January 12, 2022 *and* the hearing related to that first Petition that he had taken these actions. ODC discovered the information regarding Gallagher's second application for a PPP loan after the close of the record and requested in August 2022 to reopen the record, prompting Gallagher to withdraw his first reinstatement petition.

Perplexingly, when Gallagher filed his second reinstatement petition on April 1, 2024, he did not include information about the second PPP loan, even though the loan had been a stated basis for withdrawing his first reinstatement petition and Gallagher was aware that ODC had concerns about the loan. Approximately one week after Gallagher filed his second reinstatement petition, ODC requested that he provide information regarding the PPP loan; Gallagher provided the information to ODC. At the reinstatement

hearing, Gallagher then insisted that he *had* provided the PPP information when he filed the second reinstatement petition—this was not true, as he only provided it after he filed the petition and at ODC’s request. Also, Gallagher argued that ODC should not have even raised this issue after his first reinstatement hearing, alleging that because PPP loans are public record it was ODC’s burden to have discovered those loans before the hearing. Gallagher bore the responsibility to disclose those loans to ODC. It was not ODC’s responsibility to research and check every record fact about Gallagher that may have been publicly available. To suggest otherwise, as Gallagher does, would waste ODC’s time and limited resources. The record demonstrates that instead of simply disclosing the second PPP loan and candidly discussing it, Gallagher resisted a frank exploration of the topic.

When confronted at the hearing with an inquiry into the facts regarding his PPP loan applications, their purpose, and time frame, Gallagher exhibited an inexplicable lack of comprehension or acknowledgement that his attempt to secure the second PPP loan as a suspended attorney was problematic in *any* way. As to the facts of his conduct, Gallagher seemed not to grasp that anyone would object to his application for a government loan (to ease burdens incurred during a public health crisis) when he was otherwise strictly barred from operating the business at issue by virtue of the fact that he was prohibited from practicing law. Gallagher repeatedly shifted the blame away from himself and repeatedly insisted only that he may not have exercised sound judgment in using the loan funds that were to be applied to the time frame March 2021 to May 2021, when he was suspended. See N.T. II at 220 (“I engaged in bad judgment”); N.T. II at 27

“I don’t think I exercised sound judgment in doing that” “I believe I made a bad decision”); N.T. II at 206-207 (“I wasn’t the only person who didn’t understand PPP or who engaged in bad judgment probably”); N.T. II at 32 (“But I had just been suspended and I did not exercise sound judgment, and I regret that.”)

Similarly, we observe a lack of accountability and awareness regarding Gallagher’s mortgage foreclosure case, which he litigated pro se. Gallagher took the position at the February 2024 Chester County hearing that the unpaid mortgage was not owed because it had been “charged off” in 2014. This was despite Gallagher having listed the mortgage on bankruptcy petitions filed in both 2017 and 2018. Gallagher’s testimony and behavior during the course of the judicial hearing was such that the presiding judge issued a written decision in which the judge found Gallagher to be not credible and entered a judgment against him. As with his PPP loan, Gallagher admitted that he did not “exercise sound judgment or financial responsibility in 2019, 2020, 2021, when this foreclosure action was filed ... This was a bad decision not to confront this.” N.T. II at 46. Gallagher also acknowledged that he “lacked common sense and exercised bad judgment in representing myself and being in attorney mode.” *Id.*

Gallagher’s demeanor during the two days of reinstatement hearing is a compelling point of concern. The Committee, who closely observed him, heard his testimony and questioned him, found that he lacked credibility. The Committee’s findings are guidelines for assessing the credibility of witnesses and the Board gives substantial deference to these findings. *Office of Disciplinary Counsel v. Jonathan F. Altman*, 228 A. 3d 508, 516 (Pa. 2020) (citing *Office of Disciplinary Counsel v. Paul Michael Pozonsky*,

177 A.3d 830, 838 (PA. 2018). Quite simply, the Committee did not believe Gallagher's explanations for his post-suspension actions. Throughout the proceedings, when faced with discussion of the events that led to his suspension coupled with his actions during his suspension, the Committee observed that Gallagher many times chose to pass off his decisions as bad judgment and shifted blame to others. The record supports the Committee's observation. Gallagher at times blamed his prior counsel (for agreeing with ODC to reopen the record to allow evidence on the PPP loan), his current counsel (for ODC not learning promptly of Gallagher's August 2024 bankruptcy filing), his bankruptcy attorney (for not including the current reinstatement proceedings in the 2024 bankruptcy petition), the Honorable Judge Verwey (for what appears to be an allegation of bias because Judge Verwey allegedly worked for the ODC) and ODC (for seeking to reopen the record of the first reinstatement proceeding because they should have known about the PPP because it is a public record). Gallagher's default blaming of others is reminiscent of his earlier attempts at his disciplinary hearing to slough off responsibility by pointing to his wife and her addiction as the reason why his IOLTA was deficient.

In concluding its Report, the Committee highlighted an additional significant issue, specifically finding that Gallagher exhibited an "astonishing" lack of professionalism and lack of self-control during the two-day hearing, which the Committee considered to be "alarming." HC Rpt. p. 27. The Committee was extremely troubled by Gallagher's behavior, describing him as "wildly inappropriate." *Id.* The Committee observed that Gallagher appeared unable to prevent himself from interjecting commentary, ignored repeated instructions and/or admonitions from the Chair, caused repeated delays to the

proceeding, persisted in asking his own questions of the examining party on both cross-examination and redirect, and was argumentative to the point that the Chair had to step in. *Id.* The Committee likened Gallagher's conduct at the reinstatement hearing to his conduct that he exhibited just one year prior in the February 2024 Chester County litigation, which conduct caused the judge to direct Gallagher to comport himself with appropriate behavior and not argue with the judge, among other issues. HC Rpt. at 8. Giving great weight to the Committee's first-hand observations and having reviewed the record, we find that Gallagher's hearing conduct evidences a lack of fitness to resume practice.

Gallagher's presentation of his reinstatement case focused heavily on his previous addiction and current sobriety. The testimony of many of his character witnesses and his expert witness expanded on this theme. We appreciate this testimony and find Gallagher's efforts to overcome his substance abuse addiction and maintain sobriety since April 2017 credible and commendable. Ms. Molavi provided expert testimony on the likelihood of Gallagher's relapsing and opined that he would be able to return to practice without any indicators or risk factors that a relapse could occur. While we find Ms. Molavi's testimony credible, it is not particularly compelling in the context of this record, which shows that after Gallagher achieved sobriety in April 2017, a number of his acts of misconduct that led to his disciplinary proceeding in 2019 and his suspension in 2021 were *after* his sobriety date. And significantly, *all* of the issues relating to the PPP loan, bankruptcy and his demeanor and behavior at hearings occurred well after Gallagher achieved sobriety. While we understand that his prior substance abuse contributed to

some of his underlying misconduct, it does not explain or mitigate the actions Gallagher engaged in after he was sober. Even in sobriety, Gallagher shows bad judgment. Gallagher himself stated, “I haven’t always made good decisions, just because I got sober....” N.T. II at 46. On this record, we have little understanding of Gallagher’s self-described bad judgment, which he appears to regret but offers no explanation for why it happens so frequently.

Gallagher’s character witnesses and letters of reference submitted on his behalf spoke well of him and indicated that he had accepted responsibility and expressed remorse for his underlying misconduct. However, we find that these witnesses and references, while credible, offered little insight into the specific concerns that the Committee and this Board share as to Gallagher’s on-going poor decision-making, unsound judgment, penchant to blame others, and unprofessional demeanor, all of which occurred during his suspension and after he had been sober for years.

Based on the foregoing constellation of shortcomings, we conclude, as the Committee did, that Gallagher is not fit to return to the practice of law at this time. The record demonstrates that during his suspension, Gallagher by his own admission made poor decisions and exercised poor judgment, downplayed the significance of his post-suspension conduct, and attempted to deflect responsibility. His credibility and professional demeanor have been found severely lacking. He offered no insight into how he plans to remedy these ongoing problems. The totality of the circumstances supports the conclusion that Gallagher is not yet fully rehabilitated and his return to legal practice at this time will be detrimental to the public interest and the integrity and standing of the

bar.

We observe that no two reinstatement cases share the same facts and issues. We base our conclusions and recommendation here on our analysis of the instant record. Nevertheless, the Board has recommended denying reinstatement in matters where a petitioner has been found not credible, where a petitioner has exhibited unprofessional behavior or poor judgment, or has minimized or shifted blame for his own actions to others. See *In the Matter of Douglas M. Marinos*, No. 42 DB 2018 (D. Bd. Rpt. 6/2/2023) (S. Ct. Order 8/22/2023) (Marinos's unprofessional demeanor during the reinstatement proceedings was one factor the Board weighed when recommending that his reinstatement be denied); *In the Matter of Robert Phillip Tuerk*, Nos. 51 DB 2014 & 178 DB 2017 (D. Bd. Rpt. 9/17/2024) (S. Ct. Order 11/21/2024) (Tuerk's lack of credibility was a factor the Board considered when recommending denial of reinstatement); *In the Matter of Mary Ellen Tomasco*, No. 111 DB 2004 (D. Bd. Rpt. 3/13/2009) (S. Ct. Order 7/8/2009) (Tomasco's poor judgment post-suspension was a factor the Board weighed when recommending that her reinstatement be denied); *In the Matter of Gail Fuller*, No. 55 DB 1993 (D. Bd. Rpt. 1/31/2003) (S. Ct. Order 4/29/2003) (Fuller's shifting blame to others for her conduct was a factor the Board considered when concluding she was not fit to resume practice).

IV. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the Petitioner, John A. Gallagher, be denied reinstatement to the practice of law.

The Board further recommends that, pursuant to Rule 218(f), 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: */s/ Gaetan J. Alfano*
Gaetan J. Alfano, Member

Date: 03/17/2026