

IN THE SUPREME COURT OF ILLINOIS

In the Matter of:)	
)	
WANEMOND SMITH,)	Supreme Court No. M.R.
)	
Movant,)	Commission No. 2024PR00024
)	
No. 6227145.)	

MOTION PURSUANT TO SUPREME COURT RULE 762(a)

Movant, Wanemond Smith, by his attorney Kathryn Hayes, respectfully represents to the Court that:

1. On May 2, 1995, Movant was licensed by this Court to practice law in Illinois.
2. Movant desires to have his name stricken from the Roll of Attorneys pursuant to Supreme Court Rule 762(a).
3. Filed contemporaneously with this motion is a statement of charges prepared by the Administrator and Movant’s affidavit in support of this motion.

WHEREFORE, Movant respectfully requests that the Court enter an order striking his name from the Master Roll of Attorneys.

Respectfully submitted,

Docusign Envelope ID: C9FE212A77974A6...
 /s/ Kathryne Hayes
 Kathryn Hayes

Kathryne Hayes
 Counsel for Movant
 COLLINS BARGIONE & VUCKOVICH
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FILED

March 14, 2025

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STATEMENT OF CHARGES PURSUANT TO SUPREME COURT RULE 762(a)

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission (“ARDC”), by her attorney Rory P. Quinn, pursuant to Supreme Court Rule 762(a), states that on the date Wanemond Smith (“Movant”) filed a motion requesting that his name be stricken from the Roll of Attorneys, a three-count complaint was pending against Movant before the ARDC’s Hearing Board charging him with making false statements to two clients regarding the status of their matters and his ability to practice law; representing two clients while suspended from the practice of law by taking purported fees, drafting court documents, and giving legal advice; and failing to refund \$2,500 in improper fees. Had Movant’s conduct been the subject of a hearing, the Administrator would have introduced the evidence described below, and the evidence would have clearly and convincingly established the following conclusions of misconduct:

I. FACTUAL BACKGROUND

Movant’s admissions, court records and other documents, and the testimony of various other individuals would establish the following facts:

A. *Movant’s Background*

1. Movant is 62 years old and was licensed to practice law in Illinois on May 2, 1995. Movant was a sole practitioner in Chicago, and he practiced in the areas of domestic

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relations, real estate and probate. On September 21, 2015, this Court suspended Movant for two years, with the suspension stayed after 60 days in favor of a two-year period of conditional probation. *In re Smith*, M.R. 27563, 2013PR00076. In that matter, Movant converted settlement funds totaling \$10,958 belonging to lienholders in three personal injury matters and \$2,000 of earnest money in a real estate matter.

2. On November 16, 2021, this Court suspended Movant from the practice of law for three years and until further order of Court. Movant's indefinite suspension was effective on the date of this Court's order, and Movant learned of his suspension either that same day or within days of the event. *In re Smith*, M.R. 030971, 2020PR00089. In that matter, Movant converted \$24,997 that he agreed to hold in connection with a probate matter and an additional \$5,947 in funds entrusted to him for use as client child support payments. At no time from November 16, 2021 to March 14, 2025, the date of filing of this statement, was Movant authorized to practice law in the State of Illinois.

B. *False Statements – PT Matter*

3. On or about December 9, 2021, approximately three weeks after the effective date of his suspension, while representing a client with the initials PT in securing a release of claim to a land trust by contacting beneficiaries and a post judgment matter pending in the Circuit Court of Cook County, Movant did not inform his client or opposing counsel that he had been suspended from the practice of law.

4. Later, Movant stated to PT he could not appear in court on the post judgement matter because he "was sick" and that he was "having a little problem but [he] will be ok real soon." In fact, Movant had been suspended for three years and until further order of Court. Finally, Movant made additional false statements to PT about actions he took in the land trust

matter, falsely claiming that he had discussed the matter with the trust administrator when he had not done that.

C. *Practicing Law While Suspended, False Statements, and Failure to Return Unearned Fees – WT Matter*

5. On or around November 16, 2022, one year from the effective date of his indefinite suspension, Movant agreed to represent an individual with the initials WT in filing a petition for dissolution of marriage in the Circuit Court of Cook County. Between November 23, 2022 and January 24, 2023, Movant requested and received \$2,500 in purported fees from WT, although he knew that he was not then authorized to perform legal services and was therefore ineligible to accept payment for any legal work her did.

6. On February 3 and 6, 2023, Movant made false statements to WT about his disciplinary status and progress of the divorce matter. Movant told WT that he had filed the divorce petition, that he was not the same person as the disciplined attorney, and that he was appealing his discipline. These statements were false because Movant had consented to discipline of three years and until further order of Court. As of March 14, 2025, the date this statement was filed, Movant had not returned any of the improper \$2,500 fee to WT.

D. *Practicing Law While Suspended and False Statements – LG Matter*

7. On December 26, 2022, more than one year from the effective date of his indefinite suspension, Movant agreed to represent an individual with the initials LG in filing a petition for guardianship of LG's mother in the Circuit Court of Cook County. On December 27, 2022, Movant requested and received \$2,200 in purported fees from LG although he knew that he was not then authorized to perform legal service and was therefore ineligible to accept payment for any legal work he did. After requesting additional funds from LG, Movant drafted,

but did not file, a guardianship petition that included a signature block of another attorney in order to conceal his own involvement in the preparation of the document. Movant included that attorney's name, attorney number, and address without the attorney's authority.

8. On December 30, 2022, prior to Movant filing the petition, LG learned that Movant was suspended from the practice of law. Upon learning of his suspension, LG demanded and received refund of her \$2,200.

II. CONCLUSIONS OF MISCONDUCT

9. By reason of the conduct described above, Movant has engaged in the following misconduct:

- a. failure to promptly refund to WT upon discharge any portion of the \$2,500 fee paid in advance that had not been earned, in violation in violation of Rule 1.16(e) of the Illinois Rules of Professional Conduct (2010);
- b. practicing law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, by representing LG in a guardianship matter, representing WT in his dissolution case, collecting purported legal fees and otherwise holding himself out as an attorney while he was suspended by the Illinois Supreme Court, in violation of Rule 5.5(a) of the Illinois Rules of Professional Conduct (2010); and

- c. conduct involving dishonesty, fraud, deceit or misrepresentation, by holding himself out as an attorney while he was suspended by this Court, making false statements to PT and WT about the status of their matters, making false statements about his disciplinary status to PT and WT, drafting a guardianship petition that included another attorneys name, address, and attorney number, without that attorney's authority, in order to conceal his involvement in the petition's preparation, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

Respectfully submitted,

Lea S. Gutierrez, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/ Rory P. Quinn
Rory P. Quinn

Rory P. Quinn
Counsel for Administrator
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AFFIDAVIT

1. Affiant has filed with this Court a motion to strike his name from the Roll of Attorneys licensed to practice law in Illinois, pursuant to Rule 762(a).

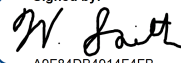
2. Affiant has received and reviewed a copy of the Administrator’s statement of the charges that were pending against Affiant as of the filing of the instant motion. If the case proceeded to a hearing, the Administrator would present the evidence described in the statement of charges, and the evidence would clearly and convincingly establish the facts and conclusions of misconduct set forth in the statement of charges.

3. Affiant’s motion is freely and voluntarily made.

4. Affiant understands the nature and consequences of this motion.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and, as to such matters, the undersigned certifies as aforesaid that he verily believes the same to be true.

Date: 3/13/2025 | 10:33 AM PDT

Signed by:

A0F84DB4014F4FB...

Wanemond Smith

Wanemond Smith
 Movant
 3236 S. Prairie Ave
 Chicago, IL 60616
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4929-0638-5958, v. 2

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NOTICE OF FILING

TO: Kathryn Hayes
 COLLINS BARGIONE & VUCKOVICH
 One North LaSalle Street, #300
 Chicago, IL 60602
 Tel: (312) 706-2513
 Email: khayes@cb-law.com

PLEASE TAKE NOTICE that on March 14, 2025, electronic copies of the Movant’s MOTION PURSUANT TO SUPREME COURT RULE 762(a), the Administrator’s STATEMENT OF CHARGES PURSUANT TO SUPREME COURT RULE 762(a), and Movant’s AFFIDAVIT, were submitted to the Clerk of the Supreme Court for filing. On that same date, a copy was served via e-mail on Movant’s counsel at khayes@cb-law.com on or before 5:00 p.m.

Respectfully submitted,

Lea S. Gutierrez, Administrator
 Attorney Registration and
 Disciplinary Commission

By: /s/ Rory P. Quinn
 Rory P. Quinn

Rory P. Quinn
 Counsel for Administrator
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PROOF OF SERVICE

The undersigned, an attorney, hereby certifies, pursuant to the Illinois Code of Civil Procedure, 735 ILCS 5/109, that the Administrator served a copy of the Notice of Filing, Movant's MOTION PURSUANT TO SUPREME COURT RULE 762(a), the Administrator's STATEMENT OF CHARGES PURSUANT TO SUPREME COURT RULE 762(a) and Movant's AFFIDAVIT on Movant's counsel, by U.S. Mail at the address on the foregoing Notice of Filing and by e-mail to khayes@cb-law.com on March 14, 2025 at or before 5:00 p.m.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

/s/ Rory P. Quinn

Rory P. Quinn

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