

BEFORE THE HEARING BOARD  
OF THE  
ILLINOIS ATTORNEY REGISTRATION  
AND  
DISCIPLINARY COMMISSION

In the Matter of:

**CHARLES G. McGUIRE,**

Attorney-Respondent,

No. 6309652.

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Commission No. 2023PR00075

**NOTICE OF FILING**

**TO:** Tammy L. Evans  
Counsel for the Administrator  
Email: ARDCeService@iardc.org; tevens@iardc.org

**PLEASE TAKE NOTICE** that on October 30, 2024, I will submit the attached ANSWER TO FIRST AMENDED COMPLAINT and this notice to the Clerk of the Attorney Registration and Disciplinary Commission, One Prudential Plaza, 130 East Randolph, Suite 800, Chicago, Illinois 60601, for filing by electronic means through the Odyssey eFileIL system.

/s/William F. Moran, III  
Counsel for Respondent

**COUNSEL FOR RESPONDENT:**

William F. Moran, III (#06191183)  
STRATTON, MORAN, REICHERT & SRONCE  
725 South Fourth Street  
Springfield, IL 62703  
Telephone: 217/528-2183  
Email: bmoran@stratton-law.com

FILED  
10/30/2024 3:52 PM  
ARDC Clerk

**PROOF OF SERVICE**

I, William F. Moran, III, state that I served copies of this Notice of Filing and the attached Answer to First Amended Complaint on Counsel for the Administrator by emailing true and correct copies thereof to her at the email addresses shown on the face of this Notice of Filing on this 30<sup>th</sup> day of October 2024. Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, 735 ILCS 5/1-109, the undersigned certifies that the statements set forth in this instrument are true and correct.

William F. Moran, III  
Counsel for Respondent

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In the Matter of: )  
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 **CHARLES G. McGUIRE,** )  
 ) Commission No. 2023PR00075  
 Attorney-Respondent, )  
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**ANSWER TO FIRST AMENDED COMPLAINT**

Respondent, CHARLES G. McGUIRE, by his attorney, William F. Moran, III, for his answer to the First Amended Complaint filed in this cause by the Administrator of the Attorney Registration and Disciplinary Commission, LEA S. GUTIERREZ, states as follows:

**PROFESSIONAL BACKGROUND**

1. Respondent was admitted to practice law in the State of Illinois on November 1, 2012. Respondent has no other law license.
2. Respondent has no other professional license.

**ALLEGATIONS IN THE FIRST AMENDED COMPLAINT**

**COUNT I**

*(Convictions for Domestic Battery and Violations of an Order of Protection)*

1. On or about June 1, 2023, Respondent placed a knife to S.M.'s (Respondent's wife) neck, slammed her head into a refrigerator, and pulled her hair at their home. Officer Aaron Ford from the Carbondale Police Department contacted S.M. and completed an incident report.

**ANSWER:** Respondent admits that the first sentence of Paragraph 1 of Count I of the Administrator's First Amende Complaint sets forth the allegations that are contained in the information filed against him, as described below. Answering further, Respondent would specifically deny that he placed a knife on the neck of his wife during the incident which occurred

on June 1, 2023. Respondent admits the allegations as set forth in the second sentence of Paragraph 1.

2. On June 22, 2023, the Jackson County State's Attorney filed an information charging Respondent with domestic battery, a Class A misdemeanor, based on the incident described in paragraph one, above. The matter was docketed as *People of the State of Illinois v. Charles G. McGuire*, case number 2023DV44.

**ANSWER:** Respondent admits the allegations as set forth in Paragraph 2 of Count 1 of the Administrator's First Amended Complaint.

3. On or about June 22, 2023, Respondent sprayed S.M. about her face and body with a household cleaning chemical at their home. Michael Foland ("Foland"), a neighbor of Respondent and S.M., called 911 after he heard Respondent and S.M. arguing outside their home, and witnessed Respondent nearly striking S.M. with his vehicle. Officer Mark Murray from the Carbondale Police Department was dispatched to the scene and spoke to S.M. and Foland. Respondent returned to the scene and Officer Murray placed him under arrest.

**ANSWER:** Respondent admits the allegations as set forth in Paragraph 3 of Count 1 of the Administrator's First Amended Complaint.

4. On June 29, 2023, the Jackson County State's Attorney filed a second information charging Respondent with domestic battery, a Class A misdemeanor, based on the incident described in paragraph three, above. The matter was docketed *People of the State of Illinois v. Charles G. McGuire*, case number 2023DV49.

**ANSWER:** Respondent admits the allegations as set forth in Paragraph 4 of Count 1 of the Administrator's First Amended Complaint.

5. On July 11, 2023, S.M. obtained an interim order of protection against Respondent. The order of protection prohibited Respondent from having any communication with S.M., and ordered him to stay away from their home and S.M. at all times.

**ANSWER:** Respondent admits the allegations as set forth in Paragraph 5 of Count 1 of the Administrator's First Amended Complaint.

6. On July 18, 2023, after Respondent was served with the Order of Protection described in paragraph five, above, he sent text messages to S.M. that contained explicit photos of himself. Officer Michael Bonali from the Carbondale Police Department spoke to S.M. and completed an incident report.

**ANSWER:** Respondent admits the allegations as set forth in Paragraph 6 of Count 1 of the Administrator's First Amended Complaint.

7. On July 21, 2023, the Jackson County State's Attorney filed a third information charging Respondent with a violation of an order of protection, a Class A misdemeanor, based on the incident described in paragraph six, above. The matter was docketed *People of the State of Illinois v. Charles G. McGuire*, case number 2023CM254.

**ANSWER:** Respondent admits the allegations as set forth in Paragraph 7 of Count 1 of the Administrator's First Amended Complaint.

8. On August 21, 2023, Respondent contacted S.M. and threatened to come to her house and kick the door in. Officer Ladove from the Carbondale Police Department responded to S.M.'s 911 call and completed an incident report. S.M. provided Officer Ladove with a description of Respondent's vehicle. After he left the residence, Officer Ladove parked his marked patrol vehicle on the side of S.M.'s road. Shortly thereafter, Officer Ladove observed Respondent's vehicle turn on to S.M.'s street and park in front of her house. Officer Ladove activated his emergency lights and Respondent exited his vehicle. Officer Ladove observed

Respondent to be intoxicated and placed him under arrest for driving under the influence of alcohol.

**ANSWER:** Respondent admits the allegations as set forth in Paragraph 8 of Count 1 of the Administrator's First Amended Complaint.

9. On August 21, 2023, the Jackson County State's Attorney filed a fourth information charging Respondent with a violation of an order of protection, a Class A misdemeanor, based on the incident described in paragraph eight, above. In a second count, the information charged Respondent with driving under the influence of alcohol. The matter was docketed as *People of the State of Illinois v. Charles G. McGuire*, case number 2023CM304.

**ANSWER:** Respondent admits the allegations as set forth in Paragraph 9 of Count 1 of the Administrator's First Amended Complaint.

10. On or about July 26, 2023, Respondent asked an acquaintance, Shannon Roberson-Throgmorton, to text and call S.M., and tell her that he was coming to her home. S.M. contacted the police to report the incident. Illinois State Trooper David Sneed met with S.M. at her place of work. S.M. informed Trooper Sneed that Respondent also had an acquaintance, Reggie Walker, video record S.M. leaving a local restaurant. Trooper Sneed completed an incident report.

**ANSWER:** Respondent admits the allegations as set forth in Paragraph 10 of Count 1 of the Administrator's First Amended Complaint.

11. On August 23, 2023, the Jackson County State's Attorney filed a fifth information charging Respondent with a violation of an order of protection, a Class A misdemeanor, based on the incident described in paragraph 10, above. The matter was docketed as *People of the State of Illinois v. Charles G. McGuire*, case number 2023CM311.

**ANSWER:** Respondent admits the allegations as set forth in Paragraph 11 of Count 1 of the Administrator's First Amended Complaint.

12. On or about September 18, 2023, Respondent entered S.M.'s home and struck her twice in the jaw with a closed fist. Officer Amanda Ruprecht from the Carbondale Police Department responded to S.M.'s 911 call and completed an incident report. Respondent later turned himself in at the Carbondale Police Department.

**ANSWER:** Respondent admits the allegations as set forth in Paragraph 12 of Count 1 of the Administrator's First Amended Complaint.

13. On September 18, 2023, the Jackson County State's Attorney filed a sixth information charging Respondent with domestic battery, a Class A misdemeanor, based on the incident described in paragraph 12, above. In a second count, the information charged Respondent with a violation of an order of protection, a Class A misdemeanor, regarding the incident described in paragraph 12, above. The matter was docketed as *People of the State of Illinois v. Charles G. McGuire*, case number 2023DV77.

**ANSWER:** Respondent admits the allegations as set forth in Paragraph 13 of Count 1 of the Administrator's First Amended Complaint.

14. On October 2, 2023, Respondent pled guilty to one count of domestic battery (2023DV44), and two counts of violation of an order of protection (2023CM254, and 2023DV77). On the same date, and in exchange for his guilty plea, the special prosecutor agreed to dismiss the following charges: a) domestic battery (2023DV49); b) violation of order of protection (Count I) and driving under the influence (Count II) (2023CM304); violation of order of protection (2023CM311) and domestic battery (Count I) (2023DV77). The court sentenced Respondent to 15 days in jail (time served) and probation for a period of 24 months with conditions, including that Respondent complete an alcohol/substance abuse evaluation; have no

contact, either directly or indirectly, in person, by phone or otherwise with [S.M.]; refrain from using any illicit drug, unless prescribed by a physician, and submit samples of his blood or urine or both for tests to determine the presence of any illicit drug; and have electronic monitoring to be supervised by the probation department. The court also ordered Respondent to pay a fine and costs totaling \$2,523.

**ANSWER:** Respondent admits the allegations as set forth in Paragraph 14 of Count 1 of the Administrator's First Amended Complaint.

15. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. committing criminal acts that reflects adversely on his honesty, trustworthiness or fitness as a lawyer in other respects, by committing the criminal offenses of domestic battery, described in paragraphs 1, 3, and 12, above, and violation of an order of protection, described in paragraphs 6, 8, 10, and 12, above, in violation of 720 ILCS 5/12-3.2(a)(2) and 720 ILCS 5/12-3.4(a)(1)(i), respectively, and in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010).

**ANSWER:** The allegations as set forth in Paragraph 15(a) of Count I of the Administrator's First Amended Complaint are not allegations of fact, but rather, are conclusions of law which fall within the purview of the members of the Hearing Panel assigned to this case to decide whether the same have been proven by the Administrator, so an answer is not required.

## **COUNT II**

*(Seeking to Influence a Judge, Communicating Ex Parte with a Judge Without Authorization, and Engaging in Conduct Intended to Disrupt a Tribunal)*

16. The Administrator realleges paragraphs 1 through 14.

**ANSWER:** Respondent restates and realleges his answers to Paragraphs 1 through 14 of Count I of the Administrator's First Amended Complaint, as set forth above, as and for his answer to Paragraph 16 of Count II of the Administrator's First Amended Complaint.



17. On July 21, 2023, Respondent, while in custody at the Williamson County Jail, called Judge Michelle M. Schafer, an associate judge for the First Judicial Circuit in Williamson County, on her personal cell phone. Respondent stated that he was in jail and that he did not know why. Respondent further stated that he had posted bond the night before but was arrested again, and asked Judge Schafer to reduce his bond and have him released from jail. Judge Schafer admonished Respondent for calling her and terminated the call.

**ANSWER:** Respondent admits the allegations as set forth in Paragraph 17 of Count II of the Administrator's First Amended Complaint.

18. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. seeking to influence a judge by means prohibited by law, by conduct including calling Judge Schafer on her personal cell phone while incarcerated in the Williamson County Jail, and asking her to have him released from jail, in violation of Rule 3.5(a) of the Illinois Rules of Professional Conduct (2010);
- b. communicating ex parte with a judge without authorization, by conduct including calling Judge Schafer on her personal cell phone while incarcerated in the Williamson County Jail, and asking her to have him released from jail, in violation of Rule 3.5(b) of the Illinois Rules of Professional Conduct (2010); and
- c. engaging in conduct intended to disrupt a tribunal, by conduct including calling Judge Schafer on her personal cell phone while incarcerated in the Williamson County Jail, and asking her to have him released from jail, in violation of Rule 3.5(d) of the Illinois Rules of Professional Conduct (2010).

**ANSWER:** The allegations as set forth in Paragraphs 18(a), (b) and (c) of Count II of the Administrator's First Amended Complaint are not allegations of fact, but rather, are conclusions of law which fall within the purview of the members of the Hearing Panel assigned to this case to decide whether the same have been proven by the Administrator, so an answer is not required.

**COUNT III**

*(Convictions for Violation of Conditions of Pretrial Release  
and Violation of an Order of Protection)*

19. The Administrator realleges paragraphs 16-17.

**ANSWER:** Respondent restates and realleges his answers to Paragraphs 16 and 17 of Count II of the Administrator's First Amended Complaint, as set forth above, as and for his answer to Paragraph 19 of Count III of the Administrator's First Amended Complaint.

20. On October 22, 2023, Respondent entered S.M.'s home and struck her in the face and head with his closed fists. Officers from the Carbondale Police Department responded to S.M.'s 911 call and located Respondent asleep in his car in S.M.'s driveway. After speaking to the parties, officers placed Respondent under arrest for domestic battery and violation of an order of protection.

**ANSWER:** Respondent admits the allegations as set forth in Paragraph 20 of Count III of the Administrator's First Amended Complaint.

21. On October 23, 2023, the Jackson County State's Attorney filed an information charging Respondent with a violation of an order of protection, a Class 4 felony, based on the incident described in paragraph 20, above. In a second count, the information charged Respondent with domestic battery, a Class A misdemeanor, based on the incident described in paragraph 20, above. The matter was docketed as *People of the State of Illinois v. Charles G. McGuire*, case number 2023CF610.

**ANSWER:** Respondent admits the allegations as set forth in Paragraph 21 of Count III of the Administrator's First Amended Complaint.

22. On January 6, 2024, at 9:27 p.m., the Carbondale Police Department was dispatched to the Super 8 Motel following a report that Respondent and S.M. were at the motel together. Upon arriving at the motel, officers spoke to the clerk who confirmed that Respondent

was staying in Room 203. Shortly thereafter, officers made contact with Respondent in the hallway. When officers knocked on the door to Room 203, S.M. opened the door. Officers then placed Respondent under arrest for violation of an order of protection.

**ANSWER:** Respondent admits the allegations as set forth in Paragraph 22 of Count III of the Administrator's First Amended Complaint.

23. On January 8, 2024, the Jackson County State's Attorney filed a second information charging Respondent with violation of an order of protection, a Class 4 felony, based on the incident described in paragraph 22, above. In a second count, the information charged Respondent with violation of conditions of pretrial release, a Class A misdemeanor, based on the incident described in paragraph 22, above. The matter was docketed as *People of the State of Illinois v. Charles G. McGuire*, case number 2024CF28.

**ANSWER:** Respondent admits the allegations as set forth in Paragraph 23 of Count III of the Administrator's First Amended Complaint.

24. On March 5, 2024, Respondent pled guilty to violation of conditions of pretrial release (Count II), a Class A misdemeanor, in case number 2024CF28. In exchange for his guilty plea, the special prosecutor agreed to dismiss the violation of an order of protection charge (Count I). The court sentenced Respondent to 364 consecutive days in the Jackson County Jail, with 60 days credit commencing on March 5, 2024 until all time is served.

**ANSWER:** Respondent admits the allegations as set forth in Paragraph 24 of Count III of the Administrator's First Amended Complaint. Answering further, Respondent would state that he has filed a motion in the Circuit Court to vacate the plea of guilty he entered in relation to Case No. 2024CF28 on the basis that there were problems with his medication regime for his issues with mental health that caused him to be unable to fully understand the full terms, consequences and import of his negotiated plea and sentence. Respondent and his criminal defense attorney

are working on gathering his mental health treatment records and attempting to secure a medical professional to evaluate Respondent and testify at any hearing scheduled on his motion. At of the date of this answer, October 7, 2024, the next scheduled status date on his motion to vacate before the Circuit Court is scheduled on November 18, 2024 in Jackson County, Illinois. If Respondent's motion is successful, his plea will be vacated and further proceedings will occur in Case No. 2024CF28.

25. On March 5, 2024, Respondent pled guilty to violation of an order of protection (Count I), a Class 4 felony, in case number 2023CF610. In exchange for his guilty plea, the special prosecutor agreed to dismiss the domestic battery charge (Count II). The court sentenced Respondent to two years in the Illinois Department of Corrections, to be served concurrent with his sentence in 2024CF28, with four years of mandatory supervised release.

**ANSWER:** Respondent admits the allegations as set forth in Paragraph 25 of Count III of the Administrator's First Amended Complaint. Answering further, Respondent would state that he has filed a motion in the Circuit Court to vacate the plea of guilty he entered in relation to Case No. 2023CF610 on the basis that there were problems with his medication regime for his issues with mental health that caused him to be unable to fully understand the full terms, consequences and import of his negotiated plea and sentence. Respondent and his criminal defense attorney are working on gathering his mental health treatment records and attempting to secure a medical professional to evaluate Respondent and testify at any hearing scheduled on his motion. At of the date of this answer, October 7, 2024, the next scheduled status date on his motion to vacate before the Circuit Court is scheduled on November 18, 2024 in Jackson County, Illinois. If Respondent's motion is successful, his plea will be vacated and further proceedings will occur in Case No. 2023CF610.

26. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. committing criminal acts that reflect adversely on his honesty, trustworthiness or fitness as a lawyer in other respects, by committing the criminal offenses of violation of an order of protection described in paragraphs 20 and 22, above, domestic battery described in paragraph 20, above, and violation of conditions of pretrial release, described in paragraph 22, above, in violation of 720 ILCS 5/12-3.4(a)(1)(i), 720 ILCS 5/12-3.2(a)(2), and 720 ILCS 5/32-10(b), respectively, and in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010).

**ANSWER:** The allegations as set forth in Paragraphs 26(a) of Count III of the Administrator's First Amended Complaint are not allegations of fact, but rather, are conclusions of law which fall within the purview of the members of the Hearing Panel assigned to this case to decide whether the same have been proven by the Administrator, so an answer is not required.

#### **AFFIRMATIVE MATTERS CONCERNING SANCTION**

1. In the event the Hearing Board finds that Respondent has engaged in attorney misconduct in relation to the allegations contained in the Administrator's First Amended Complaint, the Panel Members will be tasked with recommending a sanction to the Supreme Court of Illinois which addresses the issues in this case.

2. At all times relevant to the facts in this case, Respondent has suffered from ongoing issues with his mental health and possibly addictions which have had a deleterious effect on his conduct and his relationships, especially with his wife, who suffers from similar issues.

3. Respondent has attempted to obtain treatment for these issues with his mental health and addictions, but while incarcerated in the Illinois Department of Corrections ("IDOC"), learned for the first time that said treatment may have been ineffective and perhaps even injurious to his well-being.

4. Following his initial release from incarceration, Respondent worked on gathering his treatment records, so he could attempt to be evaluated by a competent mental health and/or addictions expert to confirm the representations made to him by IDOC psychologists that his previous treatment may not have been effective.

5. When he was initially released from incarceration and placed on a new medication regime, Respondent's mood, affect and mental health markedly improved.

6. While still seeking additional evidence to support this position, Respondent believes that there may be a causal connection between his un or mistreated issues with addictions and mental health and his criminal conduct and interactions with his wife that are demonstrated on this record.

7. Respondent has voluntarily agreed to undergo a forensic evaluation by a psychological or psychiatric professional of the Administrator's choice to determine if he is a candidate for probation, if the Hearing Board finds that a disciplinary sanction is appropriate in this circumstance.

8. None of Respondent's alleged misconduct on this record relates to his representation of any client or his practice of law. Rather, all of the events detailed in the Administrator's First Amended Complaint occurred in his personal life, and specifically with his soon-to-be ex-wife.

9. If Respondent receives appropriate treatment for his issues with mental health and addictions, he may be able to competently practice law in Southern Illinois, where much of the population is underserved by the legal profession, without being a danger to the legal consuming public or the reputation of the bar.

10. Respondent would request that the Hearing Board and Administrator consider these issues in determining the ultimate outcome of this case.

