

IN THE SUPREME COURT OF ILLINOIS

In the Matter of:

THOMAS EARL HILDEBRAND, JR.,

Attorney-Petitioner,

No. 1213369.

Supreme Court No. M.R.

Commission No. 2024PR00068

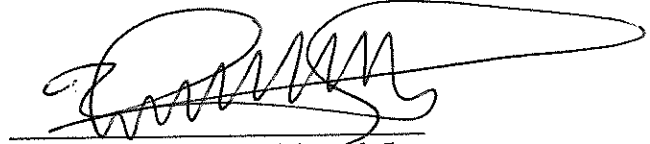
MOTION PURSUANT TO SUPREME COURT RULE 762(a)

Movant, Thomas Earl Hildebrand, Jr. respectfully represents to the Court that:

1. Movant was licensed to practice law in Illinois on October 7, 1976.
2. Movant desires to have his name stricken from the Roll of Attorneys pursuant to Supreme Court Rule 762(a), effective immediately.

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 Roll of Attorneys.



Thomas Earl Hildebrand, Jr.

Thomas E. Hildebrand, Jr.
2709 Madison Avenue
Granite City, Illinois 62040-3608

4910-7288-9379, v. 1

FILED

March 26, 2025

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In the Matter of:

THOMAS EARL HILDEBRAND, JR.,

Attorney-Movant,

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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, Tammy L. Evans, pursuant to Supreme Court Rule 762(a), states that on the date Thomas Earl Hildebrand, Jr. (hereinafter “Movant”) filed a motion requesting that his name be stricken from the roll of attorneys, a two-count complaint was pending against Movant before the ARDC’s Hearing Board alleging that Movant engaged in dishonest conduct when he made false statements to a client’s mother and the Honorable Zachary Schmidt about whether he knew about a scheduled sentencing hearing, resulting in Judge Schmidt finding him in contempt of court, and that he did not communicate with or diligently represent another client. Had Movant’s conduct been the subject of a hearing, the evidence described below would clearly and convincingly establish the following facts and conclusions of misconduct:

I. FACTUAL BASIS

Movant’s admissions, ARDC registration records, testimony of various witnesses, court records, and other materials would establish the following facts:

A. *Introduction*

1. Movant was licensed to practice law in Illinois on October 7, 1976. For most of his legal career, and at the time of the events described in this statement, Movant was an attorney

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in private practice in Granite City. Movant has previously been disciplined by this Court in 2003 (*In re Hildebrand*, M.R. 18802, 2000PR00074 (Sept. 19, 2003)) and 2006 (*In re Hildebrand*, M.R. 20754, 2004PR00052 (March 20, 2006)). His petitions seeking reinstatement to the roll of attorneys licensed to practice law in Illinois were not allowed by the ARDC's Hearing Board in 2009 (*In re Hildebrand*, 2007PR03006), and by this Court in 2012 (*In re Hildebrand*, M.R. 24031, 2010PR00102 (Nov. 19, 2012)). In 2016, this Court reinstated Movant to the roll of attorneys licensed to practice law in Illinois, with conditions (*In re Hildebrand*, M.R. 27265, 2015PR00015 (Sept. 22, 2016)).

B. *Making False Statements to His Client's Mother and Judge Zachary Schmidt*

2. On or about July 6, 2022, Movant and C.C. agreed that Movant would substitute in as counsel for C.C. in a pending criminal matter in Greene County in which C.C. had been charged with aggravated battery and mob action. Two months later, the Greene County State's Attorney filed a second information against C.C. charging him with three counts of aggravated driving under the influence involving a motor vehicle crash that resulted in the death of another person. Movant and C.C. agreed that Movant would also represent C.C. in the second matter.

3. On December 19, 2022, Movant filed his appearance on behalf of C.C. and entered a plea of guilty to the charges in the second information. On the same date, the court, by agreement of the parties, dismissed the charges of aggravated battery and mob action that had been filed against C.C. in the first information. With Movant's agreement, the court scheduled a sentencing hearing for April 4, 2023 at 1:30 p.m.

4. On April 4, 2023, Movant had a flat tire on his way to court and called the State's Attorney's Office to report that he would not be able to attend the hearing. The State's Attorney relayed to the court that Movant had a flat tire and would be unable to attend the sentencing

hearing. Judge Schmidt entered an order directing Movant to provide proof of his flat tire before the next court date, and scheduled a sentencing hearing for the matter on April 28, 2023, at 1:30 p.m. Movant later received a copy of the court's April 4, 2023 order.

5. On April 21, 2023, Movant filed a receipt for his tire repair with the Greene County Circuit Clerk's Office. Five days later, C.C.'s mother contacted Movant about the sentencing hearing that was scheduled for April 28, 2023, and Movant falsely told her that he did not know that the court had scheduled a sentencing hearing for April 28, 2023.

6. On April 27, 2023, Movant contacted the State's Attorney and asked if he would agree to continue the sentencing hearing that was scheduled for the following day. The State's Attorney told Movant that he would not agree to a continuance and directed Movant to file a written motion to continue the matter, which Movant did not do. Instead, approximately 20 minutes before the scheduled start of the sentencing hearing, Movant left a message on Judge Schmidt's voicemail in which he falsely stated that he had not previously received notice of the sentencing hearing that was scheduled for later that day. Movant did not appear for the hearing.

7. On April 28, 2023, Judge Schmidt entered an order finding Movant in contempt of court for failure to appear at the hearing or to file a motion to continue it, and ordered Movant to appear in court on May 30, 2023, to address the court's contempt finding.

8. Movant appeared in court on May 30, 2023, and falsely testified that he had not previously known about the scheduled sentencing hearing until he spoke to C.C.'s mother on April 26, 2023. Movant also falsely stated that he never received a copy of the court's April 4, 2023 order. At the conclusion of the hearing, Judge Schmidt found Movant in contempt of court and fined him \$500.

C. *Lack of Diligence and Communication*

9. On September 18, 2018, B.D. slipped and fell while gambling at the Argosy Alton Belle Casino, injuring her right wrist and her knees. Two months later, on November 2, 2018, Movant and B.D. agreed that Movant would represent her and file a lawsuit on her behalf against the casino.

10. On September 15, 2020, Movant filed a complaint on behalf of B.D. against the casino in Madison County but thereafter made no efforts to have summons issued or to serve the casino. After more than three years of no activity in the matter, the court, on its own motion, dismissed the complaint. Movant learned of the dismissal shortly thereafter, but took no action to attempt to vacate it, nor did he inform B.D. that the court had dismissed the complaint. As a result, B.D.'s cause of action against the casino was time-barred.

II. CONCLUSION OF MISCONDUCT

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

- a. failing to act with reasonable diligence and promptness in representing a client by conduct including failing to issue summons to the defendant in B.D.'s Madison County case, and failing to file a timely motion to vacate the court's order dismissing the complaint for no activity, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. failing to promptly inform the client of any decision or circumstance with respect to which the client's informed consent is required by conduct including failing to inform B.D. that Movant had failed to issue summons in her Madison County case, and failing to inform B.D. that the court had entered an order dismissing the complaint for no activity, in violation of Rule 1.4(a)(1) of the Illinois Rules of Professional Conduct (2010);

- c. failing to keep the client reasonably informed about the status of the matter, by conduct including failing to inform B.D. that Movant had failed to issue summons in her Madison County case, and failing to inform B.D. that the court had entered an order dismissing the complaint for no activity, in violation of Rule 1.4(a)(3) of the Illinois Rules of Professional Conduct (2010);
- d. knowingly making a false statement of fact or law to a tribunal or failing to correct a false statement of material fact or law previously made to the tribunal by the lawyer by conduct including knowingly telling Judge Schmidt that he had not received a copy of the court's April 4, 2023 order, and that he did not know the court had scheduled a sentencing hearing for C.C.'s Greene County case until C.C.'s mother told him about the sentencing hearing on April 26, 2023, in violation of Rule 3.3(a)(1) of the Illinois Rules of Professional Conduct (2010);
- e. engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation by conduct including knowingly making the false statement to C.C.'s mother that he did not know the court had scheduled a sentencing hearing on April 28, 2023 for her son's Greene County case, knowingly making the false statement to Judge Schmidt that he did not receive a copy of the court's April 4, 2023 order, and knowingly making the false statement to Judge Schmidt that he did not know the court had scheduled a sentencing hearing in C.C.'s Greene County case until C.C.'s mother told Movant about the hearing on April 26, 2023, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010); and

- f. engaging in conduct that is prejudicial to the administration of justice by conduct including failing to appear at the sentencing hearing on April 28, 2023, and failing to timely notify the court or file a motion to continue the sentencing hearing the court had scheduled for C.C.'s Greene County case, in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

Respectfully submitted,

Lea S. Gutierrez, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/ Tammy L. Evans
Tammy L. Evans

Tammy L. Evans
Counsel for the Administrator
3161 West White Oaks Drive, Suite 301
Springfield, Illinois 62704
Telephone: (217) 546-3523
Email: tevens@iadc.org

4911-4950-0705, v. 1

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THOMAS EARL HILDEBRAND, JR.,

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No. 1213369.

Supreme Court No. M.R.

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AFFIDAVIT

Affiant, Thomas Earl Hildebrand, Jr., being first duly sworn, states:

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.


Thomas Earl Hildebrand, Jr.

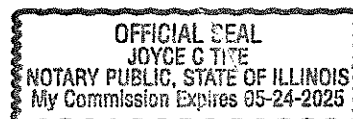
FILED

March 26, 2025

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Subscribed and sworn to before me
this 25 day of March, 2025


NOTARY PUBLIC
4900-7838-0323, v. 1



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Supreme Court No. M.R.

Commission No. 2024PR00068

NOTICE OF FILING

TO: William F. Moran, III
Counsel for Attorney-Movant
bmoran@stratton-law.com

PLEASE TAKE NOTICE that on March 26, 2025, electronic copies of Movant's MOTION PURSUANT TO SUPREME COURT RULE 762(a), Administrator's STATEMENT OF CHARGES and Movant's AFFIDAVIT, were submitted to the Clerk of the Supreme Court for filing. On that same date, a copy was served on Counsel for the Attorney-Movant via email at bmoran@stratton-law.com at or before 5:00 p.m.

Respectfully submitted,

Lea S. Gutierrez, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/ Tammy L. Evans
Tammy L. Evans

Tammy L. Evans
Counsel for Administrator
3161 West White Oaks Drive, Suite 301
Springfield, Illinois 62704
Telephone: (217) 546-3523
Email: tevans@iardc.org

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PROOF OF SERVICE

The undersigned, an attorney, hereby certifies pursuant to Illinois Code of Civil Procedure, 735 ILCS 5/109, that the Administrator served copies of Movant's MOTION PURSUANT TO SUPREME COURT RULE 762(a), Administrator's STATEMENT OF CHARGES and Movant's AFFIDAVIT, on Counsel for Attorney-Movant via email at bmoran@stratton-law.com on March 26, 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 she verily believes the same to be true.

/s/ Tammy L. Evans
Tammy L. Evans

4910-6155-2942, v. 1

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