

IN THE CIRCUIT COURT OF COOK COUNTY
STATE OF ILLINOIS

JEROME LARKIN, not individually but
as Administrator of the Attorney Registration
and Disciplinary Commission,

Petitioner,

v.

CEDRIC DUPREE,

Respondent.

Case No. 12mcl-600161

Commission No. 2012PR00070

PETITION FOR ADJUDICATION OF MINOR INDIRECT CRIMINAL CONTEMPT
AND FOR OTHER RELIEF

NOW COMES Jerome Larkin, not individually but as Administrator of the Attorney Registration and Disciplinary Commission (hereinafter "Petitioner"), by his attorney, Scott A. Kozlov, pursuant to the Illinois Attorney Act, 705 ILCS 205/1 *et seq.*, and pursuant to Supreme Court Rule 779(b), and petitions this honorable court to hold Respondent Cedric Dupree (hereinafter "Respondent") in contempt of court, and to order such other and further relief as this court deems proper. In support whereof, Petitioner states as follows:

NATURE OF THIS ACTION, JURISDICTION, AND VENUE

1. This is an action brought pursuant to Supreme Court Rule 779, which provides, in relevant part:

Unauthorized practice of law proceedings authorized by the Inquiry Board against a person that is not licensed to practice law in any other U.S. jurisdiction...may be brought by the Administrator as civil and/or contempt actions pursuant to the rules of this court, its inherent authority over the practice of law, or other laws of the State related to the unauthorized practice of law. Proceedings shall be commenced in the circuit court for the circuit in which venue would be proper under the Code of Civil Procedure (735 ILCS 5/2-101 *et*

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seq.).... The circuit court is authorized to enter a final judgment disposing of the case. Appeals from that judgment are governed by Rule 301 of this court.

2. On June 27, 2012, the Inquiry Board of the Commission authorized proceedings to be brought against Respondent pursuant to Supreme Court Rule 779.

3. Venue for this action properly lies in the Circuit Court of Cook County pursuant to 735 ILCS 5/2-101, because Respondent resides in Cook County, and because Respondent's business, through which Respondent performed the transactions described in Counts I through IV *infra*, was at all times relevant, situated in Cook County.

PARTIES

4. Petitioner Jerome Larkin is the Administrator of the Attorney Registration and Disciplinary Commission, which is empowered by Supreme Court Rule 779 to bring civil and/or contempt actions against, *inter alia*, a person that is not licensed to practice law in any other U.S. jurisdiction.

5. Respondent, Cedric Dupree, is a resident of Cook County who at no time has been licensed to practice law in Illinois or any other U.S. jurisdiction.

I: UNAUTHORIZED PRACTICE OF LAW IN VIOLATION OF THE ILLINOIS ATTORNEY ACT IN THE SMITH MATTER

6. On February 11, 2012, Respondent went to the Illinois Secretary of State's Office, Driver Services Department, at 100 W. Randolph Street in Chicago on personal business. At that time, Respondent had a conversation with Esha Palmer ("Palmer"), a Secretary of State employee, wherein Respondent told Palmer that he was an attorney. At that time, Respondent provided Palmer with his business card, which contains the following information:

ATTORNEYS OF CHICAGO
Personal Injury/Civil/Criminal

Cedric Dupree
Chief Council [sic]

Direct: (773) 970-7518
cedricdupree@att.net
Attorney

180 N. LaSalle
Chicago, IL 60601

7. On or about February 27, 2012, Palmer contacted Respondent and requested that he represent her brother, Mathew Smith ("Smith"), in *People of the City of Chicago v. Matthew Smith*. Cook County case number 12118864801. Respondent then agreed to represent Smith, and Respondent and Palmer agreed that Palmer would pay Respondent \$490 to handle the matter.
8. On March 21, 2012, Palmer paid Respondent \$300 as an advance on Respondent's fees in connection with his purported representation of Smith in case number 12118864801.
9. Between March 21, 2012, and March 30, 2012, Palmer phoned Respondent at least five times, leaving messages on each occasion, requesting information on the status of case number 122118864801. Respondent received those messages, but he did not return the calls.
10. As of June 27, 2012, the date that the Inquiry Board of the Attorney Registration and Disciplinary Commission voted to file this complaint, Respondent had not returned any portion of the \$300 paid to him by Palmer.
11. Respondent's advice, opinions, and services provided to Palmer and Smith required a degree of legal skill or knowledge beyond ordinary business intelligence and constituted the practice of law. *People ex rel. Schafer*, 87 N.E.2d 773 (Ill. 1949); *In re Howard*, 721 N.E.2d 1126 (Ill. 1999).

II: UNAUTHORIZED PRACTICE OF LAW
IN VIOLATION OF THE ILLINOIS ATTORNEY ACT
IN THE CADE MATTER

12. In February 2012, Respondent contacted Rosemary Cade ("Cade"), the mother of Antonio Porter, who was then-incarcerated at Stateville Correctional Center ("Stateville") in Stateville, Illinois. At that time, Respondent told Cade that he was an attorney, and that he was working on behalf of a group of prisoners at Stateville to pursue a civil rights claim against the prison officials for damages and/or to reduce the sentences of those he was assisting. Respondent further informed Cade that he would pursue such claims on her son's behalf in exchange for a payment of \$100.

13. In late February 2012, Cade paid Respondent \$100, and Respondent agreed to represent Cade's son in a civil rights claim against the Stateville prison officials for damages and/or to reduce his sentence. At that time, Respondent told Cade that he would go to Stateville to consult with her son.

14. At no time did Respondent go to Stateville to consult with Cade's son about a purported claim against the Stateville prison officials.

15. Between February 2012, and March 2012, Cade phoned Respondent at least five times, leaving messages on each occasion, requesting information on the status of her son's purported claim against the Stateville prison officials. Respondent received those messages, but he did not return the calls.

16. Respondent's advice, opinions, and services provided to Cade and her son required a degree of legal skill or knowledge beyond ordinary business intelligence and constituted the practice of law. *People ex rel. Schafer*, 87 N.E.2d 773 (Ill. 1949); *In re Howard*, 721 N.E.2d 1126 (Ill. 1999).

III: UNAUTHORIZED PRACTICE OF LAW
IN VIOLATION OF THE ILLINOIS ATTORNEY ACT
IN THE LEWIS MATTER

17. In February, 2012, Laura Lewis ("Lewis") met Respondent on a Chicago Transit Authority bus, at which time Respondent informed Lewis that he is an attorney. Lewis then told Respondent about a claim that she wished to pursue against the Kindred Chicago Lakeshore Hospital ("Kindred") for contributing to the wrongful death of her mother, and Respondent agreed to represent Lewis in the matter in exchange for an advance payment of \$50 and hourly fees of \$50 per hour. Respondent provided Lewis with his phone number to contact him about the matter.

18. Shortly thereafter, in February 2012, Lewis phoned Respondent and provided him with her residential address, and Respondent went to Lewis' home in Chicago to meet with Lewis about her claim. When Respondent arrived at Lewis' home, Lewis paid Respondent \$50, and Respondent told Lewis that he would file a claim on her behalf in the Circuit Court of Cook County. Respondent further informed Lewis that he would be working with another attorney, Donald Shapiro ("Shapiro"), on her case.

19. At no time did Respondent file any claim on Lewis' behalf in the Circuit Court of Cook County.

20. Between February 2012, and May 2012, Lewis phoned Respondent at least five times, leaving messages on each occasion, requesting information on the status of her claim against Kindred. Respondent received those messages, but he did not return the calls.

21. In or about May 2012, Lewis phoned Shapiro, at which time Shapiro informed Lewis that he did not know anything about her claim against Kindred, and that he had not agreed to assist Respondent in pursuing the matter.

22. Respondent's advice, opinions, and services provided to Lewis required a degree of legal skill or knowledge beyond ordinary business intelligence and constituted the practice of law. *People ex rel. Schafer*, 87 N.E.2d 773 (Ill. 1949); *In re Howard*, 721 N.E.2d 1126 (Ill. 1999).

IV: UNAUTHORIZED PRACTICE OF LAW
IN VIOLATION OF THE ILLINOIS ATTORNEY ACT
IN THE SCOTT MATTER

23. On June 7, 2012, Respondent appeared at the Illinois Workers' Compensation Commission on behalf of Jacqueline Scott ("Scott") in connection with four cases entitled, *Jacqueline Scott v. Harbor Dasher Square Condo Association & Sudler Property Management*, case numbers 08 WC 06657, 06 WC 9633, 06 WC 31044, and 09 WC 016540. At that time, Respondent informed Arbitrator David Kane that he was an attorney, that he would be representing Scott in the matters, and that Scott wished to settle the cases immediately. Respondent then signed and filed an "Appearance of Representative" form in the case, stating that he was counsel and "Attorney in Fact" for Scott.

24. On June 7, 2012, Scott agreed to release her claims against Harbor Dasher Square Condo Association ("Harbor Dasher") and Sudler Property Management ("Sudler") in exchange for a total payment from Harbor Dasher and Sudler in the amount of \$3,895.96. At Respondent's direction, Scott signed a Settlement Contract Lump Sum Petition and Order ("the Settlement Contract"), reflecting her agreement with Harbor Dasher and Sudler. Respondent also signed the Settlement Contract as "Petitioner's Attorney," and he indicated on the Settlement Contract that his "Attorney's fees" for the matter would be \$779.19.

25. Respondent's advice, opinions, and services provided to Scott required a degree of legal skill or knowledge beyond ordinary business intelligence and constituted the practice of

law. *People ex rel. Schafer*, 87 N.E.2d 773 (Ill. 1949); *In re Howard*, 721 N.E.2d 1126 (Ill. 1999).

V. APPLICABLE STATUTE AND VIOLATIONS

26. Section 1 of the Attorney Act, 705 ILCS 205/1, provides, in relevant part:

no person shall be permitted to practice as an attorney or counselor at law within this State without having previously obtained a license for that purpose from the Supreme Court of this State.

no person shall receive any compensation directly or indirectly for any legal services other than a regularly licensed attorney, nor may an unlicensed person advertise or hold himself or herself out to provide legal services.

any person practicing, charging or receiving fees for legal services or advertising or holding himself or herself out to provide legal services within this State, either directly or indirectly, without being licensed to practice as herein required, is guilty of contempt of court and shall be punished accordingly, upon complaint being filed in any Circuit Court of this State. The remedies available include, but are not limited to: (i) appropriate equitable relief; (ii) a civil penalty not to exceed \$5,000, which shall be paid to the Illinois Equal Justice Foundation; and (iii) actual damages.

27. At no time relevant to this Complaint was Respondent licensed to practice law in the State of Illinois.

28. From at least February 2012 to date, Respondent has knowingly engaged in a course of conduct in violation of the Illinois Attorney Act, 705 ILCS 205/1, including by:

a. falsely representing directly or by implication to Illinois consumers, and in particular, to Palmer, Cade, Lewis, and Scott, that he was authorized to practice law in the state of Illinois; and

b. purporting to render legal advice and opinions to Illinois consumers, and in particular, to Palmer, Cade, Lewis, and Scott.

29. Respondent knew that his actions constituted the unauthorized practice of law, yet Respondent willfully and knowingly engaged in those actions.


WHEREFORE, the Administrator prays that this honorable Court enter judgment:

- A. Finding Respondent guilty of minor indirect criminal contempt of court pursuant to the Court's inherent authority as recognized in Supreme Court Rule 779, *Chicago Bar Association v. Goodman*, 366 Ill. 346, 8 N.E.2d 941 (1937), and the Illinois Attorney Act, 705 ILCS 205/1 *et seq.*;
- B. Imposing punitive sanctions and/or fines against the Respondent/Contemnor for his minor indirect criminal contempt of court, including a fine of no more than \$500, and a period of incarceration of less than six (6) months;
- C. Declaring that Respondent has engaged in the unauthorized practice of law in violation of the Illinois Attorney Act, 705 ILCS 205/1;
- D. Imposing a civil penalty against Respondent in an amount not to exceed \$5,000, payable to the Illinois Equal Justice Foundation, for violation of the Illinois Attorney Act, 705 ILCS 5/201 *et seq.*;
- E. Imposing judgment for actual damages in the following amounts:
 - i. \$300 payable to Palmer;
 - ii. \$100 payable to Cade; and
 - iii. \$50 payable to Lewis.
- F. Temporarily and permanently enjoining Respondent from engaging in the business of providing legal services in the State of Illinois; and

G. Providing for such other and further relief as justice and equity may require.

Respectfully submitted,

Jerome Larkin, Administrator
Attorney Registration and
Disciplinary Commission

By: 
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