

**In re Fredrick D. Goings**  
Attorney-Respondent

Commission No. 2013PR00035

**Synopsis of Hearing Board Report and Recommendation**  
(May 2022)

The Administrator charged Respondent with committing a criminal act that reflects adversely on his honesty, trustworthiness, or fitness as a lawyer in other respects, in violation of Rule 8.4(a)(3) of the 1990 Illinois Rules of Professional Conduct. The basis for this charge was Respondent's February 2013 conviction of two counts of first-degree murder, for the 2009 murder of a young woman and her 10-month-old daughter. The disciplinary proceedings against Respondent were stayed while Respondent appealed from his conviction, which was ultimately affirmed. The proceedings resumed in May 2021.

The Hearing Board rejected Respondent's argument that his proceedings should have remained stayed while he pursued collateral relief, concluding that the appellate process had ended and therefore that the disciplinary proceedings could resume under Illinois Supreme Court Rule 761(d)(2). The Hearing Board further concluded that, based upon Respondent's conviction of two counts of first-degree murder, the Administrator proved by clear and convincing evidence that Respondent committed a criminal act that reflects adversely on his honesty, trustworthiness, and fitness as a lawyer, in violation of Rule 8.4(a)(3). For this misconduct, the Hearing Board recommended that Respondent be disbarred.

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

In the Matter of:

**FREDRICK D. GOINGS,**

Attorney-Respondent,

No. 6284580.

Commission No. 2013PR00035

**REPORT AND RECOMMENDATION OF THE HEARING BOARD**

SUMMARY OF THE REPORT

The Administrator's Complaint alleged that Respondent, who was convicted of two counts of first-degree murder, committed a criminal act that reflected adversely on his fitness as a lawyer, in violation of Illinois Rule of Professional Conduct 8.4(a)(3) (1990). The Hearing Board found that the charge was proved by clear and convincing evidence, and recommended that Respondent be disbarred.

INTRODUCTION

The hearing in this matter was held on February 15, 2022 by videoconference before a panel consisting of William E. Hornsby, Jr., Carrie A. Durkin, and John Costello. Peter L. Rotskoff represented the Administrator. Respondent Fredrick D. Goings ("Respondent") appeared *pro se*.

MISCONDUCT CHARGED

On April 10, 2013, the Administrator filed a one-count Complaint against Respondent, charging him with committing a criminal act that reflects adversely on his honesty, trustworthiness, or fitness as a lawyer in other respects, in violation of Rule 8.4(a)(3) of the 1990 Illinois Rules of Professional Conduct.<sup>1</sup> The basis for this charge was his February 2013 conviction of two counts

**FILED**

May 10, 2022

**ARDC CLERK**

of first-degree murder, for the 2009 murder of a young woman and her 10-month-old daughter. Following conviction, Respondent was sentenced to natural life imprisonment.

#### PROCEDURAL ISSUE REGARDING STAY OF DISCIPLINARY PROCEEDINGS

The disciplinary proceedings against Respondent were stayed while Respondent appealed from his conviction, which was ultimately affirmed. As explained in more detail below, the proceedings resumed in May 2021, and, since then, Respondent has argued that this disciplinary matter should have remained stayed because he is still pursuing appeals in his criminal matter. For this reason, he objected to his hearing going forward, and much of his testimony and argument at hearing was focused on the proceedings in his criminal matter and whether the appellate process had ended. Thus, as a preliminary matter, we address his procedural arguments before turning to the misconduct charges.

On October 30, 2015, the Illinois Appellate Court, First District, affirmed Respondent's conviction and sentence. (Admin. Ex. 2.) On May 25, 2016, the Illinois Supreme Court denied Respondent's petition for leave to appeal. 2016 Ill. LEXIS 557, \*1, 50 N.E.3d 1141 (May 25, 2016). On July 5, 2016, the Illinois Appellate Court issued its mandate to the Circuit Court of Cook County. (Ex. 3 to Admin.'s Report to the Chair (April 1, 2021).)

In late February 2017, Respondent attempted to file a petition for writ of *certiorari* in the United States Supreme Court seeking review of the lower court rulings that upheld his conviction, or sought additional time to do so, but the Clerk of the United States Supreme Court returned the petition to Respondent because he did not attach the lower courts' orders and therefore was not in compliance with the Court's rules. See Goings v. Grosboll, No. 17-8859, Pet. For Writ of Cert. (Mar. 28, 2018), at 11 (describing procedural history of Respondent's criminal case.) Respondent

claimed that he could not attach the lower courts' orders because he was unable to obtain them from the Clerk of the Illinois Supreme Court. Id. at 12.

Respondent thus filed a second petition for writ of *certiorari*, seeking to force the Clerk of the Illinois Supreme Court to provide him with its order denying his petition for leave to appeal. Id. The second petition was denied. Goings v. Grosboll, 2018 U.S. LEXIS 3640, \*1, 138 S. Ct. 2639 (June 11, 2018) (No. 17-8859).

In early 2019, Respondent attempted to file a third petition for writ of *certiorari*, but the Court ultimately rejected that petition as not in compliance with its rules as well as untimely. (*See* Resp. Ex. 4 (attaching correspondence from the Clerk of the United States Supreme Court to Respondent regarding petition for writ of *certiorari* entitled Goings v. Illinois.)

Respondent's disciplinary proceedings resumed in May 2021.<sup>2</sup> In January 2022, Respondent petitioned the Illinois Supreme Court to allow him to transfer to disability inactive status and to stay the disciplinary proceedings. The Court denied his request.<sup>3</sup> The matter thus proceeded to hearing on February 15, 2022.

At hearing, Respondent argued that, in requesting that the stay be lifted, the Administrator incorrectly relied upon the denial of Respondent's second petition for writ of *certiorari*, which was irrelevant to whether or not the appellate process had ended. According to Respondent, his Exhibit 4, which relates to his third petition for writ of *certiorari*, shows that he was in communication with the Clerk of the United States Supreme Court about his third petition for writ of *certiorari*, which, in turn, shows that the appellate process is not over and that the stay was prematurely lifted. (Tr. at 18, 29, 34-35, 46-47; see also generally Resp. Ex. 4.)

We find Respondent's arguments to be without merit, regardless of which petition the Administrator relied upon in seeking to resume the disciplinary proceedings. The most recent

communication in the record regarding the third petition is an April 16, 2019 letter from the Clerk of the United States Supreme Court to Respondent, stating that the corrected version of his third petition was returned because it was not timely submitted, and that the original version of his third petition was returned for the reasons stated in an earlier letter, which listed various defects in the petition. (Resp. Ex. 4.) That April 16, 2019 communication, which made clear that the Court was not accepting Respondent's petition, occurred nearly two years prior to hearing in this matter. At the time of hearing, there were no matters related to Respondent's criminal conviction pending in the United States Supreme Court. In addition, Respondent acknowledged at hearing that no date was set for any matter related to his criminal conviction. (Tr. at 54.)

Based on the foregoing procedural history, we conclude that the appellate process ended, and the disciplinary process therefore could proceed, when the Illinois Appellate Court issued its mandate on July 5, 2016. See Ill. S. Ct. R. 761(d)(2) (providing that, if an attorney appeals from a conviction, "the hearing shall be delayed until completion of the appellate process," and that, if, after the completion of the appellate process, the conviction has not be reversed, "the attorney shall notify the Administrator within 30 days of the mandate being filed in the trial court that the conviction was affirmed").

By the time that the disciplinary proceedings against Respondent resumed in May 2021, Respondent's window for challenging his conviction through direct appeals had been closed for years. Consequently, Respondent's only avenue for relief is through post-conviction proceedings, and Illinois law is clear and unequivocal that post-conviction proceedings are not part of the appellate process and do not serve to stay disciplinary proceedings. See In re Thomas, 00PR00018, M.R. 20289 (Sept. 26, 2005) (Review Bd. at 3-7) (holding that a *habeus corpus* petition filed pursuant to 28 U.S.C. §2254 was not an appeal of state court convictions and therefore was not a

part of the “appellate process” within Rule 761; rather, it was a collateral attack on the conviction that did not require a stay of the proceedings); In re Peel, 07 SH 117, M.R. 26341 (Jan. 21, 2014) (Review Bd. at 4-5) (holding that a motion to vacate, set aside, or correct the sentence under 28 U.S.C. §2255 is akin to a *habeas corpus* petition, in that both are collateral attacks designed to provide a remedy for correcting an erroneous sentence and therefore do not operate to stay a disciplinary proceeding).

In Peel, the Review Board stated:

We find no basis to conclude that the Court intended to encompass collateral proceedings when it adopted Rule 761(d)(2). The Hearing Board held the hearing on June 20, 2012, more than five years after the jury's verdict, and after Respondent's direct appeals had been completed. The disciplinary system, and the public's confidence in the system, depends on the expeditious resolution of matters. The Hearing Board did not violate Supreme Court Rule 761 by conducting the hearing while Respondent's collateral attack remained pending.

Id. at 5. In the present matter, the disciplinary proceedings against Respondent were stayed for more than eight years, and resumed almost five years after the appellate process had ended. We agree that our disciplinary system “depends on the expeditious resolution of matters.” Id. We therefore believe that it is not only appropriate but necessary that this matter be resolved now.

In sum, we find that Respondent’s appellate process concluded when the Illinois Appellate Court issued its mandate on July 5, 2016, and therefore that the stay of disciplinary proceedings was properly lifted in 2021, thereby allowing the disciplinary matter to proceed. Accordingly, we now turn to the misconduct with which Respondent was charged.

#### EVIDENCE

Respondent testified on his own behalf. The Administrator’s Exhibits 1 and 2 and Respondent’s Exhibits 1 through 4 were admitted into evidence.

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

In attorney disciplinary proceedings, the Administrator has the burden of proving the charges of misconduct by clear and convincing evidence. In re Winthrop, 219 Ill. 2d 526, 542, 848 N.E.2d 961 (2006). Clear and convincing evidence requires a high level of certainty, which is greater than a preponderance of the evidence but less than proof beyond a reasonable doubt. People v. Williams, 143 Ill. 2d 477, 577 N.E.2d 762 (1991); In re Santilli, 2012PR00029, M.R. 26572 (May 16, 2014). The Hearing Board determines whether the Administrator has met that burden. In re Edmonds, 2014 IL 117696, ¶ 35.

### **Respondent is charged with committing the criminal act of first-degree murder, in violation of Rule 8.4(a)(3).**

#### A. Summary

The Hearing Board found that Respondent violated Rule 8.4(a)(3) as charged, based upon his conviction of two counts of first-degree murder.

#### B. Evidence Considered

On February 12, 2013, a jury found Respondent guilty of two counts of first-degree murder, and, on April 4, 2013, the trial court sentenced him to natural life imprisonment. (Admin. Ex. 1.) The Illinois Appellate Court affirmed Respondent's conviction and sentence. (Admin. Ex. 2.)

#### B. Analysis and Conclusions

It is professional misconduct for a lawyer to “commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects.” Ill. R. Prof. Cond. 8.4(a)(3) (1990). Respondent was convicted by a jury of two counts of first-degree murder, and his conviction was upheld by the appellate court.

In disciplinary proceedings, “proof of conviction is conclusive of the attorney's guilt of the crime.” Ill. S. Ct. R. 761(f); see also In re Scott, 98 Ill. 2d 9,16, 455 N.E.2d 81 (1983) (where the

attorney has been convicted of a crime, the conviction is conclusive evidence of guilt of the offense). Respondent is not permitted to go behind the fact of conviction and attempt to suggest he was not guilty. Scott, 98 Ill. 2d at 16. Consequently, Respondent's conviction is conclusive proof that Respondent committed the crime of first-degree murder. In re Ciardelli, 118 Ill. 2d 233, 239-40, 514 N.E.2d 1006 (1987).

Given the nature of Respondent's crime, we find that his acts clearly reflect adversely on his honesty, trustworthiness, and fitness as a lawyer in other respects. Accordingly, we find that Respondent violated Rule 8.4(a)(3).

#### EVIDENCE IN MITIGATION AND AGGRAVATION

Respondent has no prior discipline. He presented no other mitigating evidence.

#### RECOMMENDATION

In determining the appropriate discipline, we are mindful that the purpose of these proceedings is not to punish, but to safeguard the public, maintain the integrity of the profession, and protect the administration of justice from reproach. In re Edmonds, 2014 IL 117696, ¶ 90. While we strive for consistency and predictability, we recognize that each case is unique and must be decided on its own facts. In re Mulroe, 2011 IL 111378, ¶ 25.

In arriving at our recommendation, we consider those circumstances that may mitigate or aggravate the misconduct. In re Gorecki, 208 Ill. 2d 350, 802 N.E.2d 1194 (2003). In mitigation, we acknowledge Respondent's lack of prior discipline. In aggravation, Respondent was convicted of murdering a young woman and her 10-month-old infant – a heinous crime the nature of which is unparalleled in Illinois disciplinary law.

While Respondent has neither shown remorse nor accepted responsibility for his crime, we recognize that he continues to challenge his conviction in post-conviction proceedings and, in his

disciplinary proceedings, has taken a position consistent with that challenge. Thus, we have not considered in aggravation his failure to express remorse or accept responsibility for his conduct. See In re Cueto, 97 SH 100, M.R. 19679 (Nov. 19, 2004) (Hearing Bd. at 38) (stating that it did not consider respondent's continued assertion of innocence as an aggravating factor, though it found it to strain credulity). But even if we had, our recommendation would be the same.

We believe that disbarment is the only appropriate sanction for Respondent's misconduct. See, e.g., In re Freund, 2020PR00070, M.R. 30556 (Jan. 21, 2021) (disbarment on consent where attorney was convicted of aggravated battery of a child and involuntary manslaughter for his role in causing the child's death); In re Schmuhl, 2017PR00020, M.R. 30378 (May 18, 2020) (disbarment on consent where attorney was convicted of abduction with intent to extort money, aggravated maiming, use of a firearm in commission of a felony, and burglary); In re Bergamino, 2014PR00122, M.R. 28086 (May 20, 2016) (disbarment on consent where attorney was convicted of criminal sexual assault); In re Smiekel, 2013PR00082, M.R. 26214 (Sept. 30, 2013) (disbarment on consent where attorney was convicted of using interstate commerce facilities in the commission of murder-for-hire).

Given the misconduct with which Respondent was charged and which the Administrator proved he committed, we conclude that disbarment is necessary to protect the public and to uphold the integrity of the legal profession. Accordingly, we recommend that Respondent Fredrick D. Goings be disbarred.

Respectfully submitted,

William E. Hornsby, Jr.  
Carrie A. Durkin  
John Costello

## CERTIFICATION

I, Michelle M. Thome, Clerk of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois and keeper of the records, hereby certifies that the foregoing is a true copy of the Report and Recommendation of the Hearing Board, approved by each Panel member, entered in the above entitled cause of record filed in my office on May 10, 2022.

/s/ Michelle M. Thome

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Michelle M. Thome, Clerk of the  
Attorney Registration and Disciplinary  
Commission of the Supreme Court of Illinois

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<sup>1</sup> The Complaint also charged Respondent with engaging in conduct that is prejudicial to the administration of justice, in violation of Rule 8.4(a)(5); failing to notify the Administrator of his conviction in writing within 30 days after entry of the judgment of conviction, in violation of Supreme Court Rule 761(a); and engaging in conduct that tends to defeat the administration of justice or to bring the courts or legal profession into disrepute. At hearing, counsel for the Administrator made an oral motion to strike these charges, which, upon no objection from Respondent, the hearing panel chair granted. (Tr. at 13-15.)

<sup>2</sup> At hearing, counsel for the Administrator represented that the Administrator waited to resume the disciplinary proceedings against Respondent in order to allow Respondent to pursue post-conviction relief. (Tr. at 23, 58.)

<sup>3</sup> In August 2017, Respondent filed a similar petition, which the Court also denied.