

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

In the Matter of:

INDIA NOELLE WINBUSH,

Attorney-Respondent,

No. 6314281.

Commission No. 2022PR00015

NOTICE OF FILING

TO: Peter Rotskoff
Counsel for the Administrator
protskoff@iadc.org
ARDCeService@iadc.org

PLEASE TAKE NOTICE that on June 17, 2022, I filed the attached Answer with the Clerk of the Attorney Registration and Disciplinary Commission in Chicago, Illinois, a copy of which is hereby served upon you.

/s/Sari W. Montgomery
Sari W. Montgomery

PROOF OF SERVICE

The undersigned attorney hereby certifies that she served the above Notice of Filing and attached Appearance on the above person listed above by causing them to be emailed to the email addresses listed above on June 17, 2022.

/s/Sari W. Montgomery
Sari W. Montgomery

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FILED
6/17/2022 11:52 AM
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ANSWER TO ADMINISTRATOR'S COMPLAINT

India Noelle Winbush, Respondent, by her attorney, Sari W. Montgomery, of Robinson, Stewart, Montgomery & Doppke LLC, answers the complaint filed by the Administrator in this matter, as follows:

COUNT I

*(Lack of diligence, failure to communicate,
and failure refund unearned fee and client file – Laketa Colon)*

1. On August 3, 2016, Laketa Colon (“Colon”), as a pro se litigant, presented her petition to relocate her daughter to Orlando, Florida, in a domestic relations case in the Circuit Court of Cook County captioned Colon v. Howell, 2009 D 4293. Colon’s petition was dismissed for lack of proper notice. After the hearing, Respondent approached Colon outside the courtroom and asked if Colon needed help. Respondent gave Colon her business card and told Colon to contact her.

ANSWER: Respondent has insufficient knowledge to admit or deny the allegations in the first two sentences of Paragraph 1 above and, therefore, denies same. Respondent denies that she approached Colon outside the courtroom, but further states that she and Colon did have a conversation outside the courtroom. Respondent admits that she gave Colon her business card at Colon’s request.

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2. After leaving the courthouse on August 3, 2016, Colon emailed Respondent and they agreed to meet on August 5, 2016 so that Colon could pay Respondent a retainer and sign a representation agreement. On August 5, 2016, Respondent and Colon met in the lobby of Colon's workplace and agreed that Respondent would enter an appearance and represent Colon in case 2009 D 4293. On August 5, 2016, Colon signed an engagement letter and fee agreement (the "Agreement"), which provided that Respondent would represent Colon in seeking an order to allow Colon and her daughter to permanently relocate to Florida. The agreement provided that Colon would pay Respondent a \$1500 retainer and Respondent would bill Colon monthly thereafter with an estimated total cost for the representation of \$5,000, plus costs.

ANSWER: Admit.

3. On August 5, 2016, Colon paid Respondent a retainer fee of \$2,000, rather than the \$1,500 set forth in the Agreement. Colon also gave Respondent the petition to relocate and related documents that Colon had prepared and had presented to the court on August 3, 2016. On August 8, 2016, Colon moved to Orlando, Florida, with all of her belongings.

ANSWER: Respondent admits the allegations in the first two sentences of Paragraph 3 above. Respondent has insufficient knowledge to admit or deny the allegations in the last sentence of Paragraph 3 and, therefore, denies same.

4. On or after August 3, 2016, Respondent advised Colon to not return to Illinois with her daughter and to enroll her daughter in school in Orlando. Respondent represented to Colon that she had filed a pleading in case 2009 D 4293 seeking leave to allow her to relocate with her daughter to Florida.

ANSWER: Denied.

5. Respondent's statement to Colon that she had filed a pleading seeking leave for her to remove her daughter to Florida from Illinois was false because Respondent had not filed the pleading described in paragraph 4, above.

ANSWER: Denied.

6. Respondent knew the statement she made to Colon, that she had filed a pleading seeking leave for her to remove her daughter to Florida, was false at the time that she made it.

ANSWER: Denied.

7. Respondent filed her appearance in case 2009 D 4293 on August 9, 2016, but Respondent did not file any pleading on Colon's behalf relating to Colon's request to relocate her daughter to Florida.

ANSWER: Respondent admits the allegations in Paragraph 7 above, but further states that Colon did not return the signed pleadings to Respondent until August 25, 2016, and that Colon terminated Respondent's services shortly thereafter, before Respondent had an opportunity to file the pleadings.

8. Between August 8, 2016 and September 7, 2016, Colon called and emailed Respondent, requesting that Respondent provide her with a status on the matter. Respondent did not respond to Colon's phone calls or emails. On September 7, 2016, Colon sent Respondent an email advising Respondent to discontinue her representation of her and requesting a refund of the \$2,000 she had paid Respondent and the return of her file. On or about September 7, 2016, Colon hired a new attorney, who filed a substitution of attorney and appearance on that date.

ANSWER: Respondent admits the allegations in the first sentence of Paragraph 8 above. Respondent denies the allegations in the second sentence of Paragraph 8. Respondent admits that Colon sent an email on September 7, 2016 advising Respondent to discontinue her representation and requesting a refund. Respondent denies that Colon requested the return of her file. Respondent has insufficient knowledge to admit or deny the allegations in the fourth sentence of Paragraph 8 above and, therefore, denies same.

9. As of September 7, 2016, Respondent did not perform work to justify retention of the \$2,000 retainer.

ANSWER: Denied.

10. At no time did Respondent refund any portion of the retainer paid by Conlon, nor did Respondent return any file materials to Colon.

ANSWER: Respondent admits that she did not refund any portion of the retainer paid by Colon, and further states that she performed sufficient work to justify retention of the fee. Respondent admits that she did not return any file materials to Colon but further states that Colon did not request the return of her file.

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

- a. failing to act with reasonable diligence and promptness in representing a client, by conduct including failing to file any pleading, on behalf of Colon, seeking permission to relocate Colon's daughter to Florida, in case number 2009 D 4293, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. failing to keep a client reasonably informed about the status of a matter, by conduct including failing to respond to Colon's emails and telephone calls between August 8, 2016 and September 7, 2016, attempting to obtain information about case number 2009 D 4293, in violation of Rule 1.4(a)(3) of the Illinois Rules of Professional Conduct (2010);
- c. failing to surrender property due to a client and to refund an unearned fee, by conduct including failing to return the client file or refund the unearned \$2,000 fee paid to Respondent by Colon, in violation of Rule 1.16(d) of the Illinois Rules of Professional Conduct (2010); and
- d. engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, by conduct including falsely stating to Colon that she had filed a pleading on Colon's behalf seeking to relocate her daughter from Illinois to Florida, in

violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

ANSWER: Respondent denies the legal conclusions pled in Paragraph 11 above.

COUNT II

(Failure to comply with court and dishonesty – Maria Rivas)

12. Between January 31, 2017, and December 19, 2018, Respondent represented Maria Rivas (“Rivas”) in case number 2010 D 3812, a domestic relations case filed in the Circuit Court of Cook County, captioned Christopher Brown vs. Maria Rivas. In or around October 2018, Rivas terminated Respondent as her attorney.

ANSWER: Admit.

13. In October 2018, Rivas and Kurt Muller (“Muller”), agreed that Muller’s firm (the “Muller Firm”) would represent Rivas in a case number 2010 D 3812.

ANSWER: Respondent has insufficient knowledge to admit or deny the allegations in Paragraph 13 above and, therefore, denies same.

14. In October 2018, the Muller Firm sent Respondent an executed substitution of attorney form. Respondent did not sign the substitution of attorney form until November 15, 2018.

ANSWER: Respondent has insufficient knowledge to admit or deny the allegations in the first sentence of Paragraph 14 above and, therefore, denies same. Respondent admits the allegations in the second sentence of Paragraph 14.

15. On December 19, 2018, the court in case number 2010 D 3812, entered an order granting the Muller Firm leave to substitute its appearance on behalf of Rivas and ordered the withdrawal of Respondent’s appearance, instant. In addition, the order required Respondent to turn over the client file to Muller no later than December 27, 2018. At no time did Respondent comply with the court’s December 19, 2018 order to turn over the client’s file within the time prescribed by the order.

ANSWER: Admit.

16. As of February 13, 2019, Respondent had not turned over Rivas's file to the Muller Firm. At a February 13, 2019 court status hearing in case number 2010 D 3812, Respondent, who was present despite the fact that she was no longer counsel for Rivas, was again directed by the court to turn over the Rivas's file to Muller. The order provided that if Respondent did not turn over the file by February 19, 2019 at 4:00 p.m., Respondent would be subject to sanctions. The order also required Respondent to appear in court on February 21, 2019.

ANSWER: Respondent denies that she had not turned over Rivas' file as of February 13, 2019, and further states that she had sent a paper copy of the file to Rivas prior to that date. Respondent admits the allegations in the second and third sentences of Paragraph 16. Respondent denies the allegations in the last sentence of Paragraph 16, and further states that the order only required Respondent to appear in court on February 21, 2019 if she failed to turn over the file by February 19, 2019.

17. After the hearing on February 13, 2019, Respondent confronted Muller at the courthouse and said: "fuck you, motherfucker; you're a fucking asshole." When asked by Muller to discuss the matter, Respondent told him to "shut the fuck up and get the fuck away from me."

ANSWER: Denied.

18. As of February 19, 2019, Respondent had not turned over the Rivas's file to Muller. On February 20, 2019, Muller filed a motion to compel and for sanctions, requesting that the court compel Respondent to turn over the Rivas's file and impose sanctions against Respondent. The motion included a description of Respondent's conduct on February 13, 2019, as described in paragraph 17, above. A status hearing was scheduled in case number 2010 D 3812 for February 21, 2019.

ANSWER: Respondent denies the allegations in the first sentence of Paragraph 18 above, and further states that she mailed a disc with Rivas' file

information to Muller shortly after the February 13, 2019 court date. Respondent admits the remaining allegations of Paragraph 18 above, but further states that she did not receive a copy of the Motion to Compel and for Sanctions.

19. On February 20, 2019, Respondent sent Rivas an email, stating that she had sent her the requested file to Rivas in January 2019. Respondent also sent the Muller Firm an email on the same date claiming to have sent the firm a certificate of delivery of the file to Rivas.

ANSWER: Admit.

20. Respondent's statements to Rivas and the Muller Firm that she had sent the file to Rivas and a certificate of delivery to Muller were false because she had not sent either of them to Rivas or the Muller Firm.

ANSWER: Denied.

21. Respondent knew that the statements regarding sending the file and the certificate of delivery were false at the time she made them.

ANSWER: Denied.

22. Respondent did not appear at the February 21, 2019 status hearing in case number 2010 D 3812. On that date, the court entered an order imposing Supreme Court Rule 137 sanctions against Respondent of \$100 per day for each day, beginning on February 21, 2019 and until Rivas's file was turned over. The court set a status hearing regarding Respondent's compliance with the order for April 2, 2019.

ANSWER: Respondent admits that she did not appear at the February 21, 2019 status hearing and further states that she had complied with the order so did not believe she had to appear per the terms of the order. Respondent admits the remaining allegations of Paragraph 22 above but further states that she did not receive a copy of the order.

23. As of April 2, 2019, Respondent had not turned over Rivas's file, or otherwise complied with the court's February 21, 2019 order. On April 2, 2019, Respondent did not appear

in court. On that date, the court ordered Respondent to pay Rivas \$4,100, in sanctions and he ordered the sanctions to continue to accrue. The court also issued a separate order on the same date ordering Respondent to pay the Muller Firm \$1,537 for delays previously caused by Respondent's failure to appear for court dates.

ANSWER: Respondent denies the allegations in the first sentence of Paragraph 23 above. Respondent admits the remaining allegations of Paragraph 23 above, but further states that she did not receive a copy of the April 2, 2019 orders.

24. As of March 2, 2022, the date the Inquiry Board authorized the filing of a complaint against respondent, she had not paid Rivas or the Muller Firm any of the monetary sanctions ordered by the court on April 2, 2019.

ANSWER: Respondent denies the allegations in Paragraph 24 above, and further states that at least \$2,228.20 of the sanction has been paid.

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

- a. Upon termination of representation, failure to take steps to the extent reasonably practicable to protect the client's interest including failure to surrender Rivas's client file, in violation of Rule 1.16(d) of the Illinois Rules of Professional Conduct (2010);
- b. knowingly disobeying an obligation under the rules of a tribunal, by disregarding court orders entered on November 7, 2018 , December 19, 2018, February 13, 2019, February 21, 2019, and April 2, 2019, to appear in court, to file the withdrawal of her appearance in the Rivas matter, to turn over Rivas's client file, to pay Rivas sanctions ordered by the court, and to pay the Muller Firm \$1,537 in sanctions ordered by the court, in violation of Rule 3.4(c) of the Illinois Rules of Professional Conduct (2010);
- c. using means that have no substantial purpose other than to embarrass, delay or burden a third person when representing a client, by conduct including the use of profanity when

addressing Muller on February 13, 2019, in violation of Rule 4.4(a) of the Illinois Rules of Professional Conduct (2010);

- d. engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, by conduct including Respondent's false statements to Rivas and the Muller Firm that she had returned the client file to Rivas in January 2019 and that she had sent the Muller Firm a certificate of delivery, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010); and
- e. engaging in conduct that is prejudicial to the administration of justice, by conduct including her repeated failure to turn over Rivas's client file or appear in court when ordered to do so, in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

ANSWER: Respondent denies the legal conclusions in Paragraph 25 above.

COUNT III

*(Lack of diligence, failure to expedite litigation,
And failure to refund an unearned fee – Charmaine Dotson Matter)*

26. On June 23, 2018, Respondent and Charmaine Dotson ("Dotson") agreed that Respondent would represent Dotson in her dissolution of marriage matter. The fee agreement provided that Dotson would pay Respondent an initial retainer fee of \$1,000 and then fees incurred would be sent in monthly statements. On or about June 23, 2018, Dotson paid Respondent the \$1,000 retainer fee.

ANSWER: Respondent admits the allegations in Paragraph 26 but denies that Dotson paid Respondent's retainer fee, and further states that Dotson's mother paid Respondent's retainer fee.

27. Dotson and Respondent communicated by e-mail in late June and early July 2018, and Dotson sent Respondent documents that Respondent requested she provide in order to draft a petition for dissolution of marriage. On August 3, 2018, Respondent emailed Dotson, stating that she had a death in the family, was on vacation, and had lost her telephone.

ANSWER: Respondent admits the allegations in Paragraph 27 but denies that she stated that she had lost her telephone. Respondent further states that

she stated that her phone had been replaced and that she had lost her contacts.

28. In August 2018, Dotson made several requests to meet with Respondent, but Respondent never agreed to a meeting date or time, and at no time did Respondent prepare or file a petition for dissolution of marriage on behalf of Dotson.

ANSWER: Respondent admits that, in August of 2018, Dotson made several requests to meet with Respondent and that she did not file a petition for dissolution of marriage on behalf of Dotson. Respondent denies the remaining allegations of Paragraph 28. and further states that she prepared the petition for dissolution of marriage on behalf of Dotson, but that Dotson instructed her to hold off on filing the petition, and that, to date, Dotson has not filed for dissolution of her marriage.

29. On January 12, 2019, Dotson sent Respondent a termination letter by e-mail and certified mail. The letter requested a full refund of the \$1,000 retainer fee Dotson had paid to Respondent.

ANSWER: Respondent has insufficient knowledge to admit or deny the allegations in Paragraph 29 and, therefore, denies same.

30. At no time did Respondent reply to Dotson's termination letter, nor did she refund any portion of the \$1,000 retainer.

ANSWER: Respondent admits that she did not reply to Dotson's termination letter but further states that she denies that she received the letter. Respondent denies that she did not refund Dotson's retainer and further states that she refunded the full amount plus an additional \$201 in December of 2021.

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

- a. failing to act with reasonable diligence and promptness in representing a client, by conduct including failing to prepare and file a petition for dissolution of marriage or otherwise take any action on Dotson's behalf, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010); and

- b. upon termination of representation, failure to take steps to the extent reasonably practicable to protect the client's interest including failure to refund Dotson's \$1000 retainer, in violation of Rule 1.16(d) of the Illinois Rules of Professional Conduct (2010).

ANSWER: Respondent denies the legal conclusions alleged in Paragraph 31.

COUNT IV

(Lack of diligence and failure to comply with court orders – Opeyemi Apata)

32. On or before May 28, 2019, Respondent and Opeyemi Apata ("Apata") agreed that Respondent would represent Apata in a dissolution of marriage matter. Respondent advised Apata that she would charge a flat fee of \$1,000 for representing her in the case, which Apata paid to Respondent on or before May 28, 2019. Respondent also told Apata that if the case became complicated, she might have to charge Apata additional fees. Respondent and Apata did not enter into a written representation or fee agreement. On May 28, 2019, Respondent filed a petition for dissolution of marriage on behalf of Apata against Maxwell Odum in the Circuit Court of Cook County. The clerk of the court docketed the case as Apata v. Odum, 2019 D 630513.

ANSWER: Respondent admits that she and Apata agreed that Respondent would represent Apata in a dissolution of marriage matter but denies that she agreed to charge a flat fee for the representation. Respondent admits the remaining allegations in Paragraph 32 above and further states that she also contemporaneously represented Apata in a separate child support matter for which she did enter into a written fee agreement.

33. On or shortly after May 28, 2019, Respondent received notice of a September 26, 2019 status hearing to be held in case number 2019 D 630513. Respondent did not appear at the September 26, 2019 status hearing and the matter was continued for a status hearing on October 9, 2019. Respondent received notice of the October 9, 2019 status hearing.

ANSWER: Respondent denies that she received notice of a September 26, 2019 status hearing and further states that Apata scheduled the hearing without Respondent's knowledge. Respondent admits that she did not appear at the September 26, 2019 hearing but denies the remaining

allegations of Paragraph 33 above, and further states that the matter was stricken from the call on September 26, 2019, and that she did not receive the post card with the next court date.

34. Respondent did not appear at the October 9, 2019, status hearing in case number 2019 D 630513. On November 1, 2019, the court issued a rule to show cause against Respondent for her failure to appear. The court ordered Apata to send a copy of the rule to show cause to Respondent by certified mail and set the matter for further status on December 11, 2019. Apata sent a copy of the order to Respondent by certified mail, as ordered by the court.

ANSWER: Respondent admits that she did not appear at the October 9, 2019 status hearing and further states that she did not receive notice of the date. Respondent admits the allegations in the second and third sentences of Paragraph 34 above. Respondent has insufficient knowledge to admit or deny the allegations in the last sentence of Paragraph 34 and, therefore, denies same. Respondent further states that she received an email from Apata on November 2, 2019, advising her of the December 11, 2019 court date.

35. On December 11, 2019, Apata appeared for the status hearing but Respondent did not appear. Apata provided the court proof of service of the November 1, 2019 order on Respondent, as well as e-mails that she had exchanged with Respondent regarding the matter. The court entered an order of contempt against Respondent as a result of her failure to appear and further ordered that in order to purge the contempt order, Respondent would have to appear on January 27, 2020 and reimburse Apata her retainer. Respondent did not appear on January 27, 2020 or any date thereafter.

ANSWER: Respondent admits that she did not appear for the status hearing on December 11, 2019, and further states that she had a conflict. Respondent has insufficient knowledge to admit or deny the allegations in the second sentence of Paragraph 35. Respondent admits the remaining allegations in Paragraph 35, but states that Respondent was ordered to appear on January 31, 2020, not January 27, 2020.

36. At no time did Respondent refund any portion of the \$1,000 retainer fee she received from Apata.

ANSWER: Respondent admits that she did not refund any portion of the retainer paid by Apata, and further states that she performed sufficient work and paid filing fees to justify retention of the fee.

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

- a. failing to act with reasonable diligence and promptness in representing a client, by conduct including failing to appear in court on May 28, 2019, September 26, 2019, October 9, 2019, November 1, 2019, December 11, 2019, and January 27, 2020 in case 2019 D 630513, or otherwise take any action on Apata's behalf after filing the petition for dissolution of marriage, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. knowingly disobeying an obligation under the rules of a tribunal, by disregarding court orders in case number 2019 D 630513 issued on November 1, 2019, December 11, 2019, and January 27, 2020, where a rule to show cause and then an order of contempt were entered by the court when Respondent failed to appear at court hearings although ordered to do so, in violation of Rule 3.4(c) of the Illinois Rules of Professional Conduct (2010); and
- c. engaging in conduct that is prejudicial to the administration of justice, by conduct including Respondent's repeated failure to appear in court in case number 2019 D 630513 on May 28, 2019, September 26, 2019, October 9, 2019, November 1, 2019, December 11, 2019, and January 27, 2020, when ordered to do so, notwithstanding the orders entered by the court, in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

ANSWER: Respondent denies the legal conclusions pled in Paragraph 37 above.

COUNT V

(Lack of diligence, and failure to comply with court orders – Michael Jones)

38. On February 26, 2018, Deanna Jones (“Deanna”) filed a petition for dissolution marriage from Michael Jones (“Michael”) in the Circuit Court of Cook County. The case was captioned Deanna Jones v. Michael Jones, case number 2018 D 630181. Between February 26, 2018 and October 7, 2019, Deanna and Michael appeared pro se.

ANSWER: Respondent has insufficient knowledge to admit or deny the allegations in Paragraph 38 and, therefore, denies same.

39. On or before October 7, 2019, Respondent and Michael agreed that Respondent would represent Michael in the dissolution of marriage matter. On October 7, 2019, Respondent filed an appearance on behalf of Michael in case 2018 D 630181. At the time that Respondent filed her appearance, Michael had been found in contempt of court for failing to pay child support and a body attachment had been issued against him.

ANSWER: Respondent denies that she agreed to represent Michael in the dissolution of marriage matter and further states that she agreed to represent him in a post-decree child support matter. Respondent admits the remaining allegations in Paragraph 39 above.

40. On October 23, 2019, Respondent presented an emergency motion to quash the body attachment against Michael. The court granted the motion and quashed the body attachment. The court set the matter for a status hearing to address the order of contempt. Thereafter, the matter was placed on the progress call and was continued five times between November 20, 2019 and May 26, 2020, when it was continued pursuant to “Covid-19 Closure.”

ANSWER: Respondent admits the first two sentences of Paragraph 40 above. Respondent denies the remaining allegations of Paragraph 40 above.

41. On July 29, 2020, the matter was set on the progress call, at which time the court entered an order continuing the matter to August 12, 2020. The July 29, 2020 continuance order provided that Respondent was to appear and submit Michael’s job diaries, proof of his effort to obtain a GED, and his payment of current child support. The order also warned that a failure to

appear in court on that date or demonstrate Michael's compliance with the continuance order might result in an adverse order and/or a body attachment against her client and remand him to the custody of the Cook County Sheriff. Respondent received notice of the August 12, 2020 hearing and Respondent received a copy of the July 29, 2020 order.

ANSWER: Respondent admits the first sentence of Paragraph 41. Respondent further admits that the July 29, 2020 continuance order provided that "Respondent" was to appear and submit job diaries, proof of his effort to obtain a GED and his payment of current child support, but further states that the reference to "Respondent" in the order was to Michael, and not to Ms. Winbush. Respondent admits that the order also warned that *Michael's* failure to appear in court on August 12, 2020 or demonstrate compliance might result in an adverse order and/or a body attachment. Respondent admits that she was present in court on July 29, 2020 when the case was heard and continued, but that she wrote down the next date incorrectly as August 18, 2020. Respondent denies that she received a copy of the order before August 12, 2020 and notes that, due to the Covid-19 pandemic, receipt of orders from the Judge's clerk was often delayed.

42. Neither Respondent nor Michael appeared in court on August 12, 2020, and the court entered a body attachment against Michael. On April 15, 2021, the court dismissed the case for want of prosecution.

ANSWER: Respondent admits the allegations in Paragraph 42 and further states that she appeared on Michael's behalf on several occasions between August 12, 2020 and April 15, 2021 and that the body attachment was quashed prior to April 15, 2021.

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

- a. failing to act with reasonable diligence, including failing to take any action on behalf of Michael after she filed the motion to quash the body attachment or otherwise appear on court ordered dates in case number 2018 D 630181, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. failing to make reasonable efforts to expedite litigation consistent with the interests of the client, by conduct including

failing to appear for court hearings in case number 2018 D 630181, or otherwise pursue her client's interests, in violation of Rule 3.2 of the Illinois Rules of Professional Conduct (2010);

- c. knowingly disobeying an obligation under the rules of a tribunal, by disregarding court orders in case number 2018 D 630181 issued on July 22, 2020 and August 12, 2020, and her failure to appear in court on September 28, 2020, notwithstanding that a body attachment had been entered against Michael on August 12, 2020, in violation of Rule 3.4(c) of the Illinois Rules of Professional Conduct (2010); and
- d. engaging in conduct that is prejudicial to the administration of justice, by conduct including Respondent's repeated failure to appear in court in case number 2018 D 630181 on court ordered dates, including October 12, 2019, August 12, 2020, or September 12, 2020, notwithstanding the contempt and body attachment orders entered by the court against her, in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

ANSWER: Respondent denies the legal conclusions alleged in Paragraph 43.

COUNT VI

(Misrepresentation in a court order – Selena Poole)

44. On July 22, 2016, Selena Poole ("Poole") filed a complaint for child support against Wayne McClelland ("McClelland") in the Circuit Court of Cook County. The Clerk of the Court docketed the matter as case number 2016 D 650287. Poole was represented by the Illinois Department of Healthcare and Family Services ("HFS") and its attorney, the State's Attorney of Cook County (the "State's Attorney"), in the child support matter. McClelland appeared pro se. On December 13, 2016, the court entered a Uniform Order of Support. The court entered a Modified Uniform Order of Support on May 1, 2018, which had been prepared by the State's Attorney.

ANSWER: Respondent has insufficient knowledge to admit or deny the allegations in Paragraph 44 and, therefore, denies same.

45. On April 11, 2017, McClelland filed a Petition for Visitation Rights in the 2016 D 650287 matter. Thereafter, Poole retained attorney Kendall Anderson (“Anderson”) to represent her with regard only to the visitation issues. On January 9, 2018, the court entered an agreed order regarding visitation rights which had been prepared by Anderson. Anderson was given leave to withdraw as counsel for Poole on April 12, 2018, and Poole was given 21 days to file a supplemental appearance. On April 26, 2018, Jessica Bell filed a supplemental appearance on behalf of Poole with regard to the visitation issues only. The State’s Attorney’s office continued to represent Poole on matters relating to child support.

ANSWER: Respondent has insufficient knowledge to admit or deny the allegations in Paragraph 45 and, therefore, denies same.

46. On or about April 12, 2018, Respondent and McClelland agreed that Respondent would represent him in case number 2016 D 650287 on issues regarding visitation. On April 12, 2018, Respondent filed an appearance on behalf of McClelland. On June 13, 2018, Respondent filed an “Emergency Petition for Temporary Allocation of Parental Responsibilities of the Minor Child-Change of Residential Parent.” Respondent presented this petition to the court on June 14, 2018. Neither Poole nor her counsel were in court on June 14, 2018, when Respondent presented the emergency petition.

ANSWER: Respondent denies that her representation of McClelland was strictly limited to issues regarding visitation, and further states that she also advised him on issues of parenting time, relocation, and child support. Respondent admits the remaining allegations of Paragraph 46 but further states that she served notice of her Emergency Petition on Poole’s counsel.

47. On June 14, 2018, Respondent prepared an order in case number 2016 D 650287 which she filed following the hearing on her emergency petition. The order stated, inter alia, at paragraph three: “Child support is Hereby Abated.” At the time the order was entered, Respondent

did not represent McClelland on the child support matter. Moreover, no notice was given to the State's Attorney, and the emergency petition before the court had nothing to do with child support.

ANSWER: Respondent admits the allegations in the first two sentences of Paragraph 47. Respondent denies the allegations in the third sentence of Paragraph 47. Respondent admits the allegations in the last sentence of Paragraph 47 but further states that the intention of the petition was not to discuss support, but that the discussion in court when the petition was heard evolved to include whether child support should be temporarily abated during the time that McClelland had assumed residential custody of the child while Poole had relocated to Arizona.

48. By including paragraph three in the June 14, 2018 order, Respondent falsely represented to the court and in the court order that she prepared, that the issue of child support was included in the emergency petition presented to the court.

ANSWER: Denied.

49. Respondent knew that the representations in the court order were false because her emergency motion only related to custody issues and Respondent did not represent McClelland on child support issues nor was notice given to the State's Attorney's office about any child support issues in case number 2016 D 650287.

ANSWER: Denied.

50. Respondent knew that the representation to the court about child support was false at the time she made the representation.

ANSWER: Denied.

51. On August 2, 2018, the State's Attorney filed a motion to vacate the order entered on June 14, 2018, as it related to child support, due to lack of notice. A new Uniform Order For Support was prepared by the State's Attorney and entered on December 14, 2018, thereby voiding the June 14, 2018 order.

ANSWER: Respondent admits the allegations in the first sentence of Paragraph 51 above. Respondent has insufficient knowledge to admit or deny the allegations in the second sentence of Paragraph 51 and, therefore, denies same. Respondent further states that child support was reinstated as of July 2, 2018, pursuant to the court's order entered on June 25, 2018, because Poole had returned from Arizona and resumed primary residential custody of the child.

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

- a. making a false statement of fact or law to a tribunal by including a provision concerning child support in the June 14, 2018 order in case number 2016 D 650287, in violation of Rule 3.3(a) of the Illinois Rules of Professional Conduct (2010);
- b. engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, by conduct including Respondent's preparation of the June 14, 2018 order in case number 2016 D 650287, which she included a provision abating child support by her client when she didn't represent him on child support matters; child support wasn't a subject of her emergency motion presented to the court on June 14, 2018; and she gave no notice to the State's Attorney office, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010); and
- c. engaging in conduct that is prejudicial to the administration of justice, by conduct including her preparation of the June 14, 2018 order in case number 2016 D 650287, which included a provision abating child support by her client when she did not represent her client regarding child support, had not included it in her emergency motion, and had not given notice to the State's Attorney, causing the State's Attorney to file a motion to vacate the order, in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

ANSWER: Respondent denies the legal conclusions alleged in Paragraph 52.

COUNT VII

*(Lack of diligence, failure to communicate,
and failure to refund an unearned fee – Adriana Siller)*

53. On January 22, 2020, Respondent and Adriana Siller ("Siller") agreed that Respondent would represent Siller in an eviction matter in the Circuit Court of Cook County, against Siller's tenant, Keiana Watkins ("Watkins"). Siller agreed to pay Respondent an \$1,100

flat fee, with the initial \$650 to be paid to Respondent to file the matter on January 22, 2020, and the balance of \$450 to be paid to Respondent on or before March 9, 2020. Siller paid Respondent the initial \$650 on January 22, 2020 and the remaining \$450 on March 7, 2020.

ANSWER: Admit.

54. On the evening of January 22, 2020, Siller received an e-mail from Respondent stating that Respondent had filed the eviction proceeding. When Siller checked the Circuit Court website to see if anything had been filed, she discovered that there was no record of any filing. Siller then e-mailed, telephoned, and texted Respondent repeatedly to find out why there was no record of any filing. Respondent did not respond to any of Siller's requests for information.

ANSWER: Respondent has insufficient information to admit or deny the allegations in the first and second sentences of Paragraph 54 above and, therefore, denies same. Respondent admits the allegations in the third sentence of Paragraph 54. Respondent denies the allegations in the last sentence of Paragraph 54 above.

55. On or before February 24, 2020, Respondent learned, by checking with the Clerk of the Court, that the January 22, 2020 e-filing of the eviction action had been rejected. Respondent then re-filed the eviction proceeding on February 24, 2020. The case was docketed as case number 2020M002375, in the Circuit Court of Cook County.

ANSWER: Admit.

56. At no time did Respondent serve Watkins with the eviction complaint.

ANSWER: Respondent admits that Watkins was not served, but further states that she placed the summons with the Sheriff on or about February 24, 2020 but his attempt at service on March 4, 2020 was unsuccessful. Respondent further states that she made additional attempts to get an order for a special process server but was unable to do so due to the court shut-down resulting from the Covid-19 pandemic.

57. Between February 24, 2020 and July 15, 2020, Siller telephoned and e-mailed Respondent repeatedly to check on the status of her matter. The only time Respondent responded

to Siller's communications was when Respondent inquired about Siller's payment of the balance of her retainer, which Siller paid on March 7, 2020. When Respondent failed to provide any substantive information about the eviction case, Siller retained a new attorney to handle her eviction matter.

ANSWER: Respondent admits the allegations in the first sentence of Paragraph 57 above. Respondent denies the allegations in the second sentence of Paragraph 57. Respondent denies that she failed to provide any substantive information about the eviction case to Siller but admits that Siller did retain a new attorney to handle her eviction matter.

58. After new counsel served Watkins with the complaint and summons, Watkins vacated the premises. Case number 2020M002375 was then dismissed the plaintiff's motion.

ANSWER: Respondent has insufficient knowledge to admit or deny the allegations in Paragraph 58 above and, therefore, denies same.

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

- a. failing to act with reasonable diligence and promptness in representing a client, by conduct including causing a delay in filing the eviction matter and by taking no action on the case thereafter, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. failure to promptly comply with reasonable requests for information, by conduct including failing to respond to Siller's e-mails, texts, and telephone calls requesting information about the status of the eviction case, in violation of Rule 1.4(a)(4) of the Illinois Rules of Professional Conduct (2010); and
- c. failing to refund an unearned fee, by conduct including failing to refund any portion of the \$1,100 fee paid by Siller to Respondent which had not been earned, in violation of Rule 1.16(d) of the Illinois Rules of Professional Conduct (2010).

ANSWER: Respondent denies the legal conclusions pled in Paragraph 59.

RESPONDENT'S COMPLIANCE WITH COMMISSION RULE 231

1. Respondent was admitted to the general bar of the U.S. District Court for the Northern District of Illinois on July 19, 2016, and issued Bar No. 6314281. She has never been admitted to practice law before any other state court, federal court or administrative agency or admitted before the bar of any foreign country.
2. Respondent has never received any other professional license or certificate.

Respectfully submitted,

India Noelle Winbush,
Respondent

By: /s/ Sari W. Montgomery
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