

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

FILED  
6/3/2024 8:44 AM  
ARDC Clerk

In the Matter of:

JANETT S. WINTER-BLACK,  
  
Attorney-Respondent,  
  
No. 3123730.

Commission No. 2024PR00030

COMPLAINT

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission (“ARDC”), by her attorney, Rachel C. Miller, pursuant to Supreme Court Rule 753(b), complains of Respondent, Janett S. Winter-Black (“Respondent”), who was licensed to practice law in Illinois on April 26, 1979, and alleges that Respondent has engaged in the following conduct which subjects her to discipline pursuant to Supreme Court Rule 770:

COUNT I

*(Misrepresentation in a Probate Matter – Goins Matter)*

1. At all times related to this complaint, Respondent was a partner in the Law Offices of Winter-Black & Baker in Mattoon. Respondent concentrated her practice in the areas of domestic relations and real estate transactions. Respondent also practices in the area of wills and trusts.

2. On September 13, 2013, the court appointed Melva Ruth Goins (“Melva”) as guardian of the person and estate of her adopted son Robert Joseph Stephen Goins (“Joey”) in a matter docketed as *In the Matter of the Estate of Robert Joseph Stephen Goins*, 2013P8 (Hardin County Circuit Court). A successor guardian was not named.

3. On January 31, 2021, Melva passed away in Hardin County, Illinois.

4. On April 6, 2021, Melva's daughter, Rhonda Beck ("Ms. Beck"), called Respondent's office and stated that she wanted to retain an attorney to represent her in probating Melva's estate.

5. On April 20, 2021, Respondent and Ms. Beck agreed that Respondent would represent Ms. Beck in opening and administering a probate matter for Melva's estate. They agreed that Ms. Beck would pay Respondent a security retainer of \$3,000, and Respondent would bill Ms. Beck for legal work at a rate of \$250 per hour. Ms. Beck paid Respondent \$3,000 by check, and Respondent deposited the check into her law firm's client trust account.

6. Prior to April 27, 2021, Ms. Beck told Respondent that she had an adopted brother, Joey, and that Melva had removed Joey from a care facility to live with Melva. During that conversation, Respondent provided Ms. Beck a consent for Joey to sign. The consent form represented an agreement that Ms. Beck would be appointed executor of the estate.

7. On April 27, 2021, Respondent filed a petition for issuance of letters of administration for Melva's estate ("probate petition"), affidavits of heirship, and oath and bond of representative. The matter was docketed as *In re the Estate of Melva Ruth Goins*, 2021P7 (Hardin County Circuit Court).

8. On April 30, 2021, Judge Tara R. Wallace ("Judge Wallace") declined to enter an order opening the estate. She entered a docket entry stating that Respondent had not filed a proof of service, a waiver, or consents to the petition.

9. On May 6, 2021, Respondent filed a consent to the probate petition signed by Joey.

10. On August 3, 2021, Judge Wallace entered a docket entry which stated that, "[t]his Court finds that the interests of Robert (Joey) Goins are not adequately represented by a personal

fiduciary.” Judge Wallace appointed attorney Lacie McDonald (“Ms. McDonald”) as a guardian *ad litem* for Joey, and she reset the matter for a hearing on September 10, 2021, at 10:00 a.m.

11. On September 10, 2021, Respondent called the Hardin County Circuit Clerk and stated that she would not be able to attend the hearing. Judge Wallace reset the hearing to October 19, 2021.

12. On October 19, 2021, Ms. McDonald filed a motion to strike Joey’s consent to the appointment of Ms. Beck as executor of Melva’s estate. The motion to strike stated that Joey had been adjudicated a disabled adult and that no order had been entered at that time terminating the guardianship. The motion also stated, “that on information and belief, Joey Goins cannot read, and at the time of his signing of said consent could not read same, and it was not read to him.”

13. On October 19, 2021, Respondent appeared for a hearing in 2021P7. During the hearing, Judge Wallace ordered Respondent to file an amended petition, amended proposed order, and amended bond setting forth that Joey was a disabled heir.

14. At no time between October 19, 2021, and March 13, 2022, did Respondent file an amended petition, amended proposed order, or amended bond.

15. On March 14, 2022, Respondent filed a bond of legal representative, oath of administrator, and an amended probate petition.

16. On June 28, 2022, Judge Wallace entered an order granting the petition to appoint Ms. Beck as the administrator of the estate and entering the affidavits of heirship. Judge Wallace ordered that the estate be supervised by the court.

17. On February 28, 2023, Respondent filed a motion to list real estate.

18. On March 27, 2023, Respondent filed a status report with the court, and she stated that “contracts for the sale of the two parcels of real estate held by this Estate have been entered into” and that the closing was anticipated to occur on April 28, 2023.

19. On March 28, 2023, the court entered a docket entry advising Respondent to familiarize herself with the statute regarding the petition for sale of real estate in a probate matter and that “any contract entered into as set forth in status report would be void for failure to comply with the Probate Act.”

20. On March 31, 2023, Respondent filed a petition for the court’s approval of the sale of real estate. In her petition, Respondent stated that the sale of the two parcels of real estate was “anticipated to occur at the Hardin County Abstract Company in Elizabeth Town [*sic*] on or before April 28, 2023.” Respondent also stated that “the heirs at law of Decedent are of adult years and consent to the sale of both of these properties as described herein, either personally or through their representative, said heirs being...Lacie McDonald as Guardian ad Litem [*sic*] of Robert (Joey) Goins, an alleged disabled adult.”

21. Respondent’s statement that Ms. McDonald consented to the sale of the real estate on behalf of Joey was false, because Ms. McDonald had not consented to the sale of the real estate.

22. Respondent knew at the time she made the statement described in paragraph 20, above, that it was false.

23. On April 11, 2023, Judge Wallace entered an order stating that Respondent’s representation in her amended petition that all heirs consented to the sale of the real estate, including Ms. McDonald’s on behalf of Joey, was false. Judge Wallace specifically found that Respondent set forth a “blatant misrepresentation to the court” and that “the petition is again not in compliance” with the statute on petitioning for sale of real estate.

24. On April 28, 2023, the court sent a notice stating that 2021P7 would be set for a status hearing on June 6, 2023, at 9:00 a.m.

25. On May 2, 2023, Respondent contacted the Hardin County Circuit Clerk's office and requested that the status hearing in 2021P7 be rescheduled because the June 6 status date would be after the real estate closing.

26. On May 2, 2023, Judge Wallace entered a docket entry stating:

"The court has contacted atty [sic] Winter-Black by phone and advised that the court date will remain 6/6/23 at 9:00 A.M.; and yet again that her petition for sale of real estate has not been granted, she doesn't have the authority to engage in the sale of real estate on behalf of her client and any sale of real estate would be void. Atty [sic] Winter-Black is further notified to not contact the circuit clerk's office for rescheduling, to file any motion she feels appropriate and notice said motion properly."

27. Prior to May 11, 2023, Ms. Beck terminated Respondent and hired a new attorney, Thomas Murphy, Jr. ("Mr. Murphy") of the Law Offices of Watson & Murphy in Eldorado.

28. On May 11, 2023, Mr. Murphy filed his entry of appearance and a consent to substitution of Mr. Murphy for Respondent.

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

- a. failing to provide competent representation to a client, in violation of Rule 1.1 of the Illinois Rules of Professional Conduct (2010), by conduct including failing to file a petition for sale of real estate, as required by the Illinois Probate Act, prior to entering into contracts for sale of real estate in an estate;
- b. failing to act with reasonable diligence and promptness in representation a client, in violation of Rule 1.3 of the Illinois rules of Professional Conduct (2010), by conduct including failing file a proof of service, waiver, or consents to the petition when she filed the petition; by not appropriately amending the documents between October 19, 2021, and March 13, 2022;

- c. making a false statement of fact or law to a tribunal, in violation of Rule 3.3(a)(1) of the Illinois rules of Professional Conduct (2010), by conduct including stating in the petition for sale of real estate that all heirs had consented to the sale of real estate in a probate matter; and
- d. engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010), by conduct including falsely stating in the petition for the sale of real estate that Ms. McDonald had consented to the sale of the real estate on behalf of Robert Joseph Stephen Goins.

WHEREFORE, the Administrator respectfully requests that this matter be assigned to a panel of the Hearing Board, that a hearing be held, and that the panel make findings of fact, conclusions of fact and law, and a recommendation for such discipline as is warranted.

Respectfully submitted,

Lea S. Gutierrez, Administrator  
Attorney Registration and  
Disciplinary Commission

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