

In re Fredrick D. Goings
Respondent-Appellant

Commission No. 2013PR00035

Synopsis of Review Board Report and Recommendation
(November 2023)

The Administrator brought 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. Respondent was convicted in 2013 of two counts of first-degree murder for killing a young woman and her daughter in 2009. The complaint was filed pursuant to Illinois Supreme Court Rule 761, which governs disciplinary hearings arising from an attorney's conviction.

The Hearing Board found that Respondent had violated Rule 8.4(a)(3) as charged, which was established by his convictions for the first-degree murder of two people. The Hearing Board recommended that Respondent be disbarred.

Respondent appealed, challenging the Hearing Board's decision to lift the stay of the proceedings, as well as the Hearing Board's finding that Respondent violated Rule 8.4(a)(3). He also argued that the Administrator acted in bad faith by making certain statements in his appellate brief. Respondent did not challenge the recommended sanction.

The Review Board rejected Respondent's arguments and affirmed the Hearing Board's decision to lift the stay of the disciplinary proceedings, as well as the Hearing Board's finding that Respondent violated Rule 8.4(a)(3). The Review Board also found that the Administrator's statements in the appellate brief were made in good faith. The Review Board recommended that Respondent be disbarred.

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

FILED

November 30, 2023

ARDC CLERK

In the Matter of:

FREDRICK D. GOINGS,

Respondent-Appellant,

No. 6284580.

Commission No. 2013PR00035

REPORT AND RECOMMENDATION OF THE REVIEW BOARD

SUMMARY

In 2013, the Administrator brought 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. Respondent was convicted in 2013 of two counts of first-degree murder for killing a young woman and her daughter in 2009. The complaint was filed pursuant to Illinois Supreme Court Rule 761, which governs disciplinary hearings arising from an attorney's conviction.

The disciplinary proceedings against Respondent were stayed in 2013 while Respondent appealed his convictions. In May 2021, after Respondent's direct appeals were exhausted, the stay was lifted, and the disciplinary matter proceeded. The disciplinary hearing was held on February 15, 2022.

At the disciplinary hearing, where Respondent appeared *pro se*, the Administrator presented documentary evidence of Respondent's convictions. The Administrator's Exhibits 1 and 2 were admitted into evidence, namely, Respondent's convictions, and the Appellate Court order

affirming the convictions. The Administrator did not call any witnesses. Respondent testified on his own behalf, and his Exhibits 1 through 4 were admitted.

Following the disciplinary hearing, the Hearing Board found that Respondent had violated Rule 8.4(a)(3) as charged, which was established by his convictions for the first-degree murder of two people. The Hearing Board recommended that Respondent be disbarred.

On appeal, Respondent challenges the decision to lift the stay of the proceedings, as well as the Hearing Board's finding that Respondent violated Rule 8.4(a)(3); he also argues that the Administrator acted in bad faith by making certain statements in his appellate brief. Respondent does not challenge the recommended sanction. The oral argument before the Review Board was held on October 13, 2023. Respondent proceeded *pro se* on appeal.

For the reasons that follow, we reject Respondent's arguments. We affirm the decision to lift the stay of the disciplinary proceedings and we affirm the Hearing Board's finding that Respondent violated Rule 8.4(a)(3). We also find that the Administrator's statements in the appellate brief were made in good faith. Additionally, we agree with the Hearing Board's recommendation that Respondent be disbarred.

BACKGROUND

Respondent

Respondent was licensed to practice law in Illinois in 2005. Respondent was placed on an interim suspension by the Illinois Supreme Court in 2013, after he was convicted of killing two people. Respondent is currently incarcerated, serving a life sentence. He has no prior discipline.

Respondent's Misconduct

The facts of the case and the evidence presented against Respondent at his trial are set forth in the Appellate Court's order affirming Respondent's convictions. (*See* Admin. Ex. 2 at 3-10). The Appellate Court's order provides a detailed description of Respondent's actions and offers a clear picture of the evidence in the criminal case. The Appellate Court affirmed the jury's finding that Respondent shot and killed Nova Henry ("Nova") and her ten-month old daughter, Ava. The facts are discussed here only to the extent necessary.

Respondent represented Nova during 2006 and part of 2007 in connection with Nova's paternity suit against the father of her son, Noah. During that time, Respondent had a personal relationship with Nova, which continued until Nova was killed in 2009.

In 2009, Nova had two young children –a ten-month old daughter, Ava, and a three-year old son, Noah. The jury found that Respondent killed Nova and her daughter. Although the three-year old son was in the apartment at the time of the shooting, he was not physically harmed.

In 2013, after a seven-day trial, a jury found Respondent guilty of two counts of first-degree murder for killing Nova and her daughter. Respondent was sentenced to life in prison in 2013. Respondent filed an appeal in his criminal case.

In 2013, the Administrator brought a complaint against Respondent. The disciplinary matter was stayed until the end of the appellate process in Respondent's criminal proceeding, in compliance with Rule 761.

In October 2015, the Illinois Appellate Court, First District, affirmed Respondent's convictions for two counts of first-degree murder and his sentence. *See People v. Goings*, 2015 IL App (1st) 131868-U (Oct. 30, 2015) (*See* Adm. Ex. 2.) In May 2016, the Illinois Supreme Court denied Respondent's petition for leave to appeal. *See People v. Goings*, 401 Ill. Dec. 659, 50

N.E.3d 1141 (May 25, 2016). In July 2016, the Illinois Appellate Court issued its mandate to the circuit court. (*See* Administrator’s Report to the Chair, Ex. 3, April 1, 2021, Certified Record at 229.) (*See also* Hearing Bd. Report at 2.)

Respondent attempted to file a petition for a writ of certiorari on three separate occasions, but his petitions were rejected each time by the U.S. Supreme Court because the petitions did not comply with the U.S. Supreme Court’s rules. (*See* Hearing Bd. Report at 2-3.) Ultimately, Respondent filed his third and final petition in 2019 and the U.S. Supreme Court rejected that petition because it was untimely. (*See* Resp. Ex. 4, Letter from the Clerk of the U.S. Supreme Court rejecting Respondent’s petition for a writ of certiorari because “the petition is out-of-time.”)

HEARING BOARD’S FINDINGS AND RECOMMENDATION

Finding Concerning the Stay on the Disciplinary Proceedings

In May 2021, the Chairman of the Hearing Board Panel lifted the stay on the disciplinary proceedings. The Hearing Board affirmed that decision, finding that the stay on the disciplinary proceedings was properly lifted because the appellate process ended when the Illinois Appellate Court issued its mandate in July 2016. (Hearing Bd. Report at 2-5.)

Misconduct Finding

Rule 8.4(a)(3) (1990) states, “A lawyer shall not: ... commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects.” The Hearing Board found that Respondent violated Rule 8.4(a)(3), based on his convictions for first-degree murder, because Respondent’s killing two people reflected adversely on his honesty, trustworthiness, and fitness to practice law. (*Id.* at 6-7.)

Aggravation and Mitigation Findings

In aggravation, the Hearing Board found that Respondent's crimes of murder were heinous. (*Id.* at 7.)

In mitigation, the Hearing Board found that Respondent had no prior discipline. The Hearing Board noted that Respondent did not present any other mitigating evidence. (*Id.*)

Sanction Recommendation

The Hearing Board recommended that Respondent be disbarred.

ANALYSIS

Respondent has raised three issues on appeal. He argues that: (1) the stay on the disciplinary proceedings should not have been lifted; (2) The Hearing Board erred in finding that Respondent violated Rule 8.4(a)(3); and (3) the Administrator acted in bad faith by making certain statements in his appellate brief.

Hearing Board decisions on procedural issues are reviewed for an abuse of discretion. *See In re Betts-Gaston*, 2008PR00005 (Review Bd., July 18, 2012) at 14, *petitions for leave to file exceptions denied*, M.R. 25529 (Nov. 19, 2012). An abuse of discretion occurs where no reasonable person would agree with the position adopted by the Hearing Board. *See In re Chiang*, 2007PR00067 (Review Bd., Jan. 30, 2009), at 10, *petition for leave to file exceptions denied*, M.R. 23022 (June 8, 2009).

The Hearing Board's factual findings are entitled to deference and generally will not be disturbed on review unless they are against the manifest weight of the evidence. *See In re Winthrop*, 219 Ill. 2d 526, 542, 848 N.E.2d 961(2006); *In re Timpone*, 208 Ill. 2d 371, 380, 804 N.E.2d 560 (2004). Questions of law are reviewed under a *de novo* standard. *See In re Thomas*, 2012 IL 113035, ¶ 56, 962 N.E.2d 454 (2012).

For the reasons set forth below, we reject Respondent’s arguments and find that it was appropriate to lift the stay on the disciplinary proceedings; the Hearing Board was correct in finding that Respondent violated Rule 8.4(a)(3); and the Administrator did not act in bad faith.

I. The Hearing Panel Chairman Did Not Abuse His Discretion by Lifting the Stay of the Disciplinary Hearing in 2021.

Respondent argues that the stay on the disciplinary proceedings should not have been lifted because (1) the appellate process was not complete; (2) the Hearing Board was not impartial; (3) Respondent’s post-conviction motions had not been completed; and (4) the ARDC agreed to give Respondent additional time to seek post-conviction relief. None of those arguments have merit.

The appellate process was complete: Respondent argues that the stay should not have been lifted in 2021 because he was still corresponding with the Clerk’s Office of the U.S. Supreme Court in an attempt to file a petition for a writ of certiorari. That argument fails.

After discussing the procedural history of Respondent’s criminal case, the Hearing Board stated, “Based on the foregoing procedural history, we conclude that the appellate process ended, and the disciplinary process therefore could proceed 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.” (Hearing Bd. Report at 4.) We agree.

After Respondent was convicted in 2013, he appealed his convictions. The disciplinary proceedings were stayed pursuant to Rule 761(d)(2), which states, “If the attorney has appealed from the conviction, the hearing shall be delayed until completion of the appellate process.”

The Illinois Appellate Court affirmed Respondent's convictions in 2016, and by 2019 the U.S. Supreme Court had rejected all of Respondent's petitions for a writ of certiorari. The stay was not lifted until May 2021, long after the appellate process was complete.

Based on the record, we conclude that the Hearing Board Chairman did not abuse his discretion in lifting the stay.

The Hearing Board was impartial: Respondent challenges the objectivity of the Hearing Board based on the Hearing Board's ruling concerning when the appellate process ended. That argument has no merit.

The Hearing Board found that the appellate process ended in July 2016, when the Illinois Appellate Court issued its mandate, and therefore the stay of the disciplinary proceedings was properly lifted in 2021. (Hearing Bd. Report at 2-5.) The Hearing Board also found that the U.S. Supreme Court rejected Respondent's third petition for a writ of certiorari in 2019. (*Id.* at 3-4.) The Administrator, on the other hand, had argued that the appellate process ended in 2018, after Respondent's second petition for a writ of certiorari was rejected. Respondent asserts that the Hearing Board gratuitously interjected an argument on behalf of the Administrator, which shows that the Hearing Board was not neutral and detached. That argument fails.

The Hearing Board was not constrained by the Administrator's argument, and properly ruled based on the evidence in the record. *See Nave v. Heinzmann*, 344 Ill. App. 3d 815, 820, 801 N.E.2d 121 (5th Dist. 2003) ("The trial court and this court are not limited to the arguments of the parties."); *People v. Zimmerman*, 2018 IL App (4th) 170695 ¶ 142, 107 N.E.3d 938 (2018) ("The decision whether to look beyond the arguments of the parties lies within the trial court's sound discretion.")

Additionally, the Hearing Board is presumed to be impartial, and Respondent has not overcome that presumption. *See In re Betts-Gaston*, 2008PR00005 (Review Bd., July 18, 2012) at 15, *petitions for leave to file exceptions denied*, M.R. 25529 (Nov. 19, 2012) (“The Hearing Board is presumed to be impartial, like any trier of fact.”) Thus, we reject Respondent’s argument and conclude that the Hearing Board was objective and impartial.

Respondent’s post-conviction motions were not a basis for keeping the stay in place: Respondent next argues that the disciplinary proceedings should have remained stayed until after his post-conviction motions were completed. That argument is not supported by the law.

The Hearing Board addressed this issue, stating, “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.” (Hearing Bd. Report at 4-5) (citing *In re Thomas*, 2000PR00018 (Review Bd., May 20, 2005) at 3-7, *petition for leave to file exceptions allowed*, M.R. 20289 (October 17, 2005) (a collateral attack on a conviction is not part of the appellate process within the meaning of the Rule 761(d)(2), and therefore does not require a stay of the proceedings); *In re Peel*, 2007PR00117 (Review Bd. Sept. 12, 2013) at 4-5, *petition for leave to file exceptions denied*, M.R. 26341 (Jan. 17, 2014) (“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.”)). We conclude that Respondent’s post-conviction motions did not provide a basis for keeping the stay in place.

The ARDC did not have an agreement with Respondent: Finally, Respondent argues that the Hearing Board should not have lifted the stay because the Administrator’s counsel, who handled the disciplinary hearing, made the following statement in his opening remarks, “We

made a decision in 2018 to allow Mr. Goings additional time to seek other post-conviction relief before requesting a hearing, and that's why, you know, this hearing is now being conducted in 2022.” (Tr. 53.) Based on that single sentence, Respondent argues that there was an agreement between the ARDC and Respondent to allow him to seek post-conviction relief before lifting the stay. The record does not support Respondent's argument.

The record does not show that the ARDC had an agreement with Respondent to wait until all post-conviction relief had been fully litigated. In fact, the record does not show that there was any type of agreement between the ARDC and Respondent. The statement by the Administrator's counsel was simply an explanation as to why the stay had remained in place for so long; it was not a description of a binding promise made by the ARDC to Respondent. Respondent has not cited any other evidence that an agreement existed. Accordingly, we reject Respondent's argument.

In sum, we find that the decision to lift the stay was reasonable and the Chairman of the Hearing Board did not abuse his discretion by lifting the stay in 2021.

II. Respondent Violated Rule 8.4(a)(3).

Respondent argues that (1) the Administrator failed to prove that Respondent killed anyone; (2) Respondent should have been allowed to attack his convictions because the ARDC assisted in his prosecution; and (3) the Hearing Board erred in finding that Respondent violated Rule 8.4(a)(3). We find that Respondent's arguments have no merit.

Respondent's convictions provided proof of his criminal conduct: Respondent argues that the Administrator failed to prove that Respondent engaged in any criminal conduct, and the Hearing Board erred in finding that he committed two murders. That argument fails.

Respondent was convicted of two counts of first-degree murder for killing Nova and her young daughter. Rule 761(f) provides that proof of an attorney's conviction on a criminal

charge “is conclusive of the attorney’s guilt of the crime.” Therefore, the Hearing Board was correct in finding that Respondent killed Nova and her daughter, based on Respondent’s convictions for doing so.

At the disciplinary hearing and on appeal, Respondent has repeatedly argued that he was not guilty of killing anyone and has attempted to attack the jury’s verdict. His arguments fail because an attorney may not relitigate the issue of guilt in a disciplinary hearing. *See In re Ciardelli*, 118 Ill. 2d 233, 239, 514 N.E.2d 1006 (1987) (“This court has held in many cases that the conviction of a crime ... is conclusive evidence of the respondent's guilt and that grounds for the imposition of discipline exist. These cases also hold that this court will not go behind the record of conviction.”) (citations omitted); *In re Williams*, 111 Ill. 2d 105, 113, 488 N.E.2d 1017 (1986) (“For the purposes of disciplinary proceedings, his conviction is conclusive evidence of his guilt and grounds for the imposition of discipline ... We will not go behind his conviction ... since we are not here to relitigate issues of guilt.”); *In re Thomas*, 2017PR00035 (Review Bd., Aug. 16, 2019) at 2, *petition for leave to file exceptions denied*, M.R. 030052 (Nov. 19, 2019) (“The attorney may not impeach the factual allegations of the charges on which he was convicted.”).

The ARDC’s actions do not provide a basis for Respondent to attack his convictions: Respondent argues that he should be permitted to attack his convictions because the ARDC helped prosecute him by providing his ARDC file to the State’s Attorney’s Office without a subpoena. Respondent’s argument has no merit.

In support of his argument, Respondent cites to his own statements, which he made while arguing a motion *in limine*. (*See* Resp. Brief at 12, citing Tr. 42-43.) In arguing his motion *in limine*, Respondent stated, “it is my understanding and my belief that the ARDC themselves participated in the criminal investigation by turning over certain documents [to the Assistant

State's Attorney] that wasn't pursuant to a ... subpoena [and] those documents were used in regards to the prosecution against me." (Tr. 42.)

Respondent did not provide any support for his "understanding and belief;" he did not make a proffer of evidence concerning this issue; he did not explain how turning over documents constituted participation in the criminal investigation; and he did not provide any explanation of how the documents were used to prove that he killed two people. At oral argument, counsel for the Administrator stated that the ARDC provided records to the State's Attorney's Office pursuant to a subpoena, but we are not relying on that information since it is not part of the disciplinary hearing record, and it would not change our analysis if we did.

In support of his argument, Respondent cites *In re Cueto*, 1997PR00100 (Hearing Bd., March 28, 2003), *affirmed*, (Review Bd., July 19, 2004), *petition for leave to file exceptions denied*, M.R. 19679 (Nov. 17, 2004), in which the attorney argued that he should be allowed to attack his convictions based on the ARDC's actions in connection with his federal prosecution. Ultimately, the attorney's argument was rejected.

In *Cueto*, the Review Board initially remanded the case so that Cueto could address the involvement of the ARDC as a circumstance of his convictions. (*See Cueto*, Hearing Bd., March 28, 2003, at 4-5). On remand, the Hearing Board found that there was no evidence that the ARDC had acted in concert with the federal prosecutors even though the ARDC had turned over various documents and an ARDC attorney had testified as an ethics expert at the criminal trial. The Hearing Board found that Cueto's convictions were conclusive evidence of his guilt and that Cueto could not attack his convictions based on the ARDC's actions. The Hearing Board's decision was affirmed by the Review Board and the Illinois Supreme Court.

In the instant case, there is no evidence, and no reason to believe, that the ARDC acted in concert with the State's Attorney's Office. Consequently, we reject Respondent's argument that he should be permitted to attack his convictions based on the ARDC's actions. We conclude that Respondent's convictions are conclusive evidence of his guilt, and he is not entitled to attack those convictions.

The Hearing Board did not err in finding that Respondent violated Rule 8.4(a)(3): Respondent argues that "In the matter before the review board there are no facts in the underlying double-murder case that ... suggest or proves that Attorney Respondent is dishonest, lacks trust worthiness or that his fitness as a lawyer in other respects has been impaired." (Resp. Brief at 41.) That argument has no merit.

The Hearing Board found that Respondent violated Rule 8.4(a)(3) by killing two people. The Hearing Board stated, "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." (Hearing Bd. Report at 7.) We agree.

The Commentary to Rule 8.4 states that "Many kinds of illegal conduct reflect adversely on fitness to practice law Offenses involving violence ... are in that category." Rule 8.4, Comment 2 (2023). Other cases have also held that committing a violent crime constitutes a violation of Rule 8.4(a)(3). *See In re Fitzgerald*, 1998PR00114 (Hearing Bd., Dec. 27, 2002) at 23-24, *findings affirmed*, (Review Bd. Feb. 13, 2014), *petition to file exceptions allowed*, M.R. 19376 (June 7, 2004) (aggravated battery against an ex-girlfriend and a man she was dating); *In re James*, 2008PR00105 (Review Bd., Nov. 15, 2012), *approved and confirmed*, M.R. 25823 (April 5, 2013) (aggravated assault for drawing a loaded gun on a process server); *In re Seltzer*, 2005PR00113 (Hearing Bd., June 27, 2008), *approved and confirmed*, M.R. 22583 (Dec. 9, 2008)

(aggravated assault with a deadly weapon for driving a car into a group of people); *In re Dresher*, 2004PR00077, *petition for discipline on consent allowed*, M.R. 19971 (March 18, 2005) (attempted murder for driving his car over his ex-wife five times); *In re Weatherwax*, 1997PR01514, *petition for reciprocal discipline allowed*, M.R. 14049 (Nov. 25, 1997) (conspiracy to commit murder).

In sum, we find that Respondent violated Rule 8.4(a)(3), and that the Hearing Board did not err in finding that Respondent did so.

III. The Administrator Did Not Act in Bad Faith.

In his reply brief, Respondent argues that the Administrator acted in bad faith, with the intent to deceive the Review Board, by making certain statements in his appellate brief, including: (1) improperly citing to the U.S. Supreme Court’s docket from July 2023; (2) incorrectly summarizing one sentence from the Illinois Appellate Court’s order; and (3) inaccurately summarizing a portion of Respondent’s testimony. Respondent’s arguments have no merit because the Administrator did not act in bad faith in any way.

The Administrator’s citation to the U.S. Supreme Court’s docket was appropriate:

Respondent asserts that the Administrator was acting in bad faith by citing to the U.S. Supreme Court’s docket from July 2023. We reject that argument.

In his appellate brief, the Administrator stated, “A review of the U.S. Supreme Court’s docket does not show any pending proceedings for Respondent. <https://www.supremecourt.gov/docket/docket.aspx> (visited 7/11/23).” (Adm. Brief at 8.) That statement by the Administrator was completely proper.

The U.S. Supreme Court’s docket provides the appellate history (or the lack of appellate history) concerning Respondent’s criminal case. In this instance, the Administrator’s citing to the U.S. Supreme Court’s docket is similar to including a citation of “*cert. denied*” (which

does not exist in this case because Respondent failed to successfully file a petition for certiorari.) The Administrator properly stated that the U.S. Supreme Court’s docket does not show any pending proceedings for Respondent.

Additionally, it is appropriate for us to take judicial notice of the U.S. Supreme Court’s docket, which is a public record. *See In re Messina*, 2014PR00002 (Review Bd., Sept. 23, 2016) at 17, *petitions for leave to file exceptions allowed*, M.R. 028368 (Feb. 3, 2017) (“The Hearing Board was allowed to ... take judicial notice of the federal court opinions and Orders [against respondent].”); *Asher Farm Limited. Partnership v. Wolsfeld*, 2022 IL App (2d) 220072, ¶ 31, 213 N.E.3d 900 (2022) (“An appellate court may take judicial notice of ‘entries on a court’s docket.’”) (citations omitted); *Metropolitan Life Insurance Co. v. American National Bank & Trust Co.*, 288 Ill. App. 3d 760, 764, 682 N.E.2d 72 (1997) (An appellate court “may take judicial notice of public documents that are included in the records of other courts.”); *see also* Illinois Rules of Evidence, Rule 201 (a court may take judicial notice of facts that are “not subject to reasonable dispute.”).

Accordingly, we find that the Administrator did not act in bad faith by citing to the U.S. Supreme Court’s docket.

The Administrator properly cited to the Appellate Court order: In the order affirming Respondent’s convictions, the Appellate Court described the evidence against Respondent, which established that he murdered Nova and her daughter. The Court described a statement made by Nova’s son, Noah, who was three years old at the time, which was based on testimony by Nova’s mother (Noah’s grandmother); Nova’s mother testified that “she asked the boy ‘who hurt mama?’ Noah looked at [his grandmother] and said ‘Frederick, Frederick did it.’” (Adm. Ex. 2 at 5.)

In his statement of facts, the Administrator made reference to Noah's statement (Adm. Brief at 4), and correctly cited to the Appellate Court's order at page 5, where Noah's statement is described. The Administrator, however, incorrectly said that Noah made that statement to the police, rather than to his grandmother. At oral argument, counsel for the Administrator acknowledged that he made a mistake, and apologized.

We conclude that the Administrator simply made a mistake, and we note that he correctly cited to the Appellate Court's order, which explained that the statement was made to Noah's grandmother, not the police. There is simply no evidence of bad faith.

The Administrator provided a fair summary of Respondent's testimony: Respondent argues that the Administrator mischaracterized a portion of Respondent's testimony, which constitutes bad faith by the Administrator. We reject Respondent's argument based on the record.

In his brief, the Administrator stated, "Respondent submitted no documentary evidence of any further communication with the clerk [of the U.S. Supreme Court] and admitted that, as of the date of his February 15, 2022, disciplinary hearing, there was nothing on file with the U.S. Supreme Court. R. 83-87." (Adm. Brief at 8.) That statement does not provide evidence of bad faith.

During his testimony, Respondent was asked, "is there ... anything pending right now before any court regarding an appeal of your conviction?" (Tr. 84.) Respondent did not identify anything pending before any court and did not assert that there was anything on file with the U.S. Supreme Court. Instead, he said, "I have had multiple correspondence back and forth [with the Clerk's Office of the U.S. Supreme Court] in which they have told me to correct things,

and then send it back in. That is what has been occurring for quite some time back and forth between me and the Clerk's Office." (*Id.*)

The Administrator's statement that Respondent admitted there was nothing on file with the U.S. Supreme Court is a fair summary of Respondent's testimony. We also note that the Administrator cited to the transcript of Respondent's testimony, so that the actual testimony could be reviewed. Thus, we conclude that the Administrator's statement was not made in bad faith.

In sum, we conclude that the Administrator's statements in his appellate brief, which are being challenged by Respondent, were made in good faith.

Conclusion

We have carefully considered all of the arguments Respondent made on appeal, and we find that his arguments have no merit. For the foregoing reasons, we find that the decision to lift the stay was reasonable and the Chairman of the Hearing Board did not abuse his discretion by lifting the stay in 2021. We find that Respondent violated Rule 8.4(a)(3) by killing a young woman and her 10-month-old daughter, and we affirm the Hearing Board's finding that Respondent violated Rule 8.4(a)(3). We also find that the Administrator acted in good faith.

We agree with the Hearing Board that Respondent should be disbarred. We believe that his disbarment is necessary to protect the public and maintain the integrity of the legal profession.

Respectfully submitted,

Leslie D. Davis
Michael T. Reagan
Scott J. Szala

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 Review Board, approved by each Panel member, entered in the above entitled cause of record filed in my office on November 30, 2023.

/s/ Michelle M. Thome

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

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

In the Matter of:

FREDRICK D. GOINGS,

Respondent-Appellant,

No. 6284580.

Commission No. 2013PR00035

**PROOF OF SERVICE
OF THE REPORT AND RECOMMENDATION
OF THE REVIEW BOARD**

I, Andrea L. Watson, hereby certify that I served a copy of the Report and Recommendation of the Review Board on Respondent-Appellant listed at the addresses shown below by regular mail, by depositing it with proper postage prepaid, by causing the same to be deposited in the U.S. Mailbox at One Prudential Plaza, 130 East Randolph Drive, Chicago, Illinois 60601 on November 30, 2023, at or before 5:00 p.m. At the same time, a copy was sent to Counsel for the Administrator-Appellee by e-mail service.

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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.

Michelle M. Thome,
Clerk

/s/ Andrea L. Watson

By: Andrea L. Watson
Deputy Clerk

FILED

November 30, 2023

ARDC CLERK