

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

In the Matter of: )  
 )  
CYRIL WILLIAM BUTTS, JR., )  
 ) Commission No. 2024PR00031  
Attorney-Respondent, )  
 )  
No. 3124107. )

COMPLAINT

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission, by her attorney, Tammy L. Evans, pursuant to Supreme Court Rule 753(b), complains of Respondent, Cyril William Butts, Jr., who was licensed to practice law in Illinois on November 5, 1979, and alleges that Respondent has engaged in the following conduct which subjects Respondent to discipline pursuant to Supreme Court Rule 770:

COUNT I

*(Lack of Diligence, Dishonesty and Conversion of \$14,245 – Estate of E.G., Decedent)*

1. At all times related to this Complaint, Respondent was a solo practitioner in Galesburg.
2. E.G. died intestate on January 28, 2020. He was survived by four children, including a son, T.B.
3. On March 23, 2020, Respondent filed a petition for letters of independent administration in Knox County Circuit Court. In his petition, Respondent requested that the court appoint him as the independent administrator of E.G.’s decedent’s estate. The matter was docketed as case number 2020-PP-0049, *In the Matter of the Estate of E.G., Decedent*.

FILED  
6/6/2024 10:40 AM  
ARDC Clerk

4. On July 8, 2020, the court appointed Respondent as the independent administrator of E.G.'s decedent's estate. Shortly thereafter, Respondent opened a checking account ending in 8328 and held at F&M Bank in Galesburg ("account 8328"). The account was titled "Estate of E.G., Bill Butts, Jr., Executor."

5. Respondent filed interim accountings in case number 2020-PP-0049 on July 7, 2021, and January 20, 2023. The accountings reflected payments to Respondent from account 8328 that totaled \$7,500 for services that he provided the estate as both attorney and administrator.

6. On February 3, 2023, a status hearing was held in case number 2020-PP-0049. Respondent was present at the hearing, as was Chad Long, T.B.'s attorney. At the hearing, Respondent agreed to provide attorney Long with billing statements for the fees he had charged the estate.

7. Between February 3, 2023 and July 17, 2023, attorney Long made numerous attempts to contact Respondent by telephone and by email to request copies of the billing statements for the fees that Respondent had charged the estate.

8. At no time between February 3, 2023 and July 17, 2023, did Respondent respond to attorney Long's telephone calls and emails nor did he provide him with the billing statements for the fees that Respondent had charged the estate.

9. On September 22, 2023, attorney Long filed a petition for removal of Respondent as administrator of E.G.'s decedent's estate after Respondent failed to provide the billing statements for the fees he had charged the estate. In his petition, he requested that the court issue a citation requiring Respondent's appearance before the court. The court set the matter for a hearing in case number 2020-PP-0049 for December 12, 2023, and issued a citation requiring Respondent's appearance at the hearing.

10. On October 19, 2023, Respondent withdrew \$14,245 from account 8328 and used the funds for his own personal and/or business purposes.

11. At no time did Respondent have the authority to use any portion of the \$14,245 for his own personal and/or business purposes.

12. Respondent's use of the funds described in paragraph 10, above, without authority and for his own personal and/or business purposes, constitutes the conversion of funds received in connection with the representation of a client.

13. On December 12, 2023, Respondent appeared telephonically for the hearing on attorney Long's petition. The court entered an order removing Respondent as the administrator and attorney for E.G.'s decedent's estate, and ordered him to provide an accounting of all estate receipts and disbursements, and the billing statements for all fees paid to him as attorney and administrator.

14. At no time during the hearing on December 12, 2023, did Respondent inform the court that he had withdrawn \$14,245 from account 8328 on October 19, 2023.

15. At no time after December 12, 2023, did Respondent provide the court with an accounting of all estate receipts and disbursements or the billing statements for fees paid to him as attorney and administrator.

16. By reason of the conduct outlined 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 timely provide billing statements to Chad Long, attorney for E.G.'s son, for the fees that Respondent had paid to himself for services he provided as attorney and administrator of E.G.'s estate, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);

- b. conduct involving dishonesty, fraud, deceit or misrepresentation, by knowingly converting \$14,245 of estate funds that belonged to the Estate of E.G., a Deceased Person, to Respondent's own use without authority, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010); and
- c. conduct that is prejudicial to the administration of justice, by conduct including, but not limited to, failing to comply with the court's order by failing to provide an accounting of all estate receipts and disbursements, and failing to provide the billing statements for fees paid to him as attorney and administrator, in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

## COUNT II

### *(Lack of Diligence, Lack of Communication, and Failure to Refund Unearned Fee - J.A.)*

17. D.M. passed away on March 1, 2021. In his will, D.M. named J.A., his wife's daughter, as executor. At the time of his death, D.M. owned real estate, a boat, and some motor vehicles.

18. On or about March 25, 2021, Respondent and J.A. agreed that Respondent would represent her and file a petition for letters of office nominating her as the administrator of D.M.'s estate. Respondent and J.A. agreed that she would pay Respondent a \$1,000 retainer, which she did, and that any additional fees would be paid to Respondent at the closing of the sale of D.M.'s house. Respondent instructed J.A. to apply for a federal employer identification number ("FEIN"), and to open an estate checking account once she received the FEIN, which she did.

19. On April 9, 2021, Respondent filed a petition for letters of office nominating J.A. as the administrator of D.M.'s estate. The matter was filed in Knox County, and was docketed as case number 2021-PP-66, *In the Matter of the Estate of D.M.* Shortly thereafter, J.A. provided Respondent with check number 1002 in the amount of \$366.29 for filing fees for the estate.

20. At no time between April 9, 2021 and September 9, 2021, did Respondent perform legal work on behalf of J.A. in relation to case number 2021-PP-66.

21. D.M.'s house sold on September 9, 2021. Respondent was present at the closing for the sale of the house, and requested that he be paid \$2,633.71 from the proceeds of the sale for additional legal work that he had performed. Respondent was paid \$2,633.71 from the proceeds of the sale.

22. In October 2022, J.A. contacted Respondent to inform him that she had paid the estate taxes. He provided her with a blank legal document to complete and requested that she provide him with copies of all bank statements, which she did.

23. Between February 2023 and July 2023, J.A. called Respondent's office and left numerous messages on his office voicemail requesting information about the status of the estate.

24. At no time between October 2022 and July 2023, did Respondent perform legal work on behalf of J.A. in relation to case number 2021-PP-66.

25. At no time between February 2023 and July 2023, did Respondent return J.A.'s calls or respond to her requests for information.

26. As of the filing date of this complaint, Respondent has taken no action to close D.M.'s estate, and has not refunded any portion of the \$3,633.71 that J.A. paid to him.

27. By reason of the conduct outlined 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 take any action to close the estate of D.M., in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. failing to keep the client reasonably informed about the status of the matter, by conduct including failing to respond to J.A.'s requests for information regarding the status of

D.M.'s estate, in violation of Rule 1.4(a)(3) of the Illinois Rules of Professional Conduct (2010);

- c. failing to promptly comply with reasonable requests for information, by conduct including failing to respond to J.A.'s requests for information regarding the status of D.M.'s estate, in violation of Rule 1.4(a)(4) of the Illinois Rules of Professional Conduct (2010); and
- d. failing to refund an unearned fee, by conduct including failing to return any unearned portion of the \$3,633.71 fee that Respondent received from J.A. in connection with his representation of her as the administrator of D.M.'s estate, in violation of Rule 1.16(d) of the Illinois Rules of Professional Conduct (2010).

### COUNT III

*(Lack of Communication and Failure to Return Unearned Fee – D.H.)*

28. On February 13, 2023, Respondent and D.H. agreed that Respondent would represent D.H. in a guardianship matter regarding her father, S.B. Respondent and D.H. agreed that D.H. would pay Respondent a \$2,500 retainer, which she did.

29. On March 28, 2023, Respondent filed a petition for appointment of guardian for disabled person in Knox County Circuit Court that asked the court to adjudicate S.B. a disabled person, and appoint D.H. as his plenary guardian. The matter was docketed as case number 2023-GR-16, *In the Matter of the Estate and Person of S.B.* The matter was set for hearing on April 17, 2023.

30. On April 16, 2023, Respondent contacted D.H. and told her that he was unable to attend the hearing the following day, and that attorney James Harrell would appear in his stead. On April 17, 2023, D.H., Sherry Weaver, the court-appointed guardian *ad litem* ("GAL"), and attorney Harrell appeared in court for the hearing. Since Respondent was absent, the court appointed D.H. as temporary guardian of the estate and person of her father rather than plenary guardian, and set the matter for a hearing on plenary guardianship on June 16, 2023.

31. On June 16, 2023, D.H. appeared in court for the plenary guardianship hearing. Respondent did not appear in court and did not prepare any of the necessary pleadings or orders for the hearing. The GAL asked attorney Harrell if he would step up again in the matter since Respondent was not present. The court appointed D.H. plenary guardian of her father's estate and person.

32. Shortly after the hearing, D.H. contacted Respondent and requested that he return the \$2,500 retainer fee that she had paid to him so that she could hire another attorney, but Respondent refused.

33. Between June 16, 2023 and July 17, 2023, D.H. contacted Respondent's law office requesting direction regarding her duties as her father's guardian.

34. At no time between June 16, 2023 and July 17, 2023, did Respondent return D.H.'s calls or provide direction regarding her duties as her father's guardian.

35. As of the date of the filing of this complaint, Respondent has not returned any portion of the \$2,500 that D.H. paid to him.

36. By reason of the conduct outlined above, Respondent has engaged in the following misconduct:

- a. failing to promptly comply with reasonable requests for information, by conduct including failing to return D.H.'s telephone calls requesting direction regarding her duties as her father's guardian, in violation of Rule 1.4(a)(4) of the Illinois Rules of Professional Conduct (2010);
- b. failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, by conduct including failing to provide D.H. with direction regarding her duties as her father's guardian, in violation of Rule 1.4(b) of the Illinois Rules of Professional Conduct (2010); and

- c. failing to refund an unearned fee, by conduct including failing to return any portion of the \$2,500 retainer that D.H. paid to him, in violation of Rule 1.16(d) of the Illinois Rules of Professional Conduct (2010).

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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