

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

FILED

May 06, 2025

ARDC CLERK

In the Matter of:

NORMA FRANCES MINER,

Attorney-Respondent,

No. 6182145.

Commission No. 2024PR00075

REPORT AND RECOMMENDATION OF THE HEARING BOARD

DEFAULT PROCEEDING

The hearing in this matter was held by videoconference on April 22, 2025, before a Hearing Board Panel consisting of John L. Gilbert, Chair, Joanna Belle Gunderson, and Sherri Miller. Tammy L. Evans appeared on behalf of the Administrator. Respondent participated by telephone. The Administrator requested that Respondent be suspended for six months and until further order of the Court. Respondent requested no suspension. We agree with the Administrator's request.

We have considered the Administrator's one-count Complaint, filed on December 11, 2024, a copy of which is attached as Exhibit 1. In addition, we have considered the order entered on February 14, 2025, deeming the allegations of the complaint admitted, a copy of which is attached as Exhibit 2. Respondent participated in pre-hearing conferences on January 24, 2025, and February 14, 2025. Although Respondent was given additional time to file an appearance and an answer, she did not do so.

The allegations deemed admitted establish that Respondent failed to hold a \$2,450 retainer fee in a separate, identifiable client trust account, instead cashing the client's checks, comingling the client's funds with hers, and using the client's funds for her own purposes without the client's

authorization. In addition, Respondent failed to return the \$2,450 unearned fee to the client and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation by knowingly converting the client's funds for her own use without authority. Based on these admitted allegations, the Administrator established by clear and convincing evidence that Respondent violated Illinois Rules of Professional Conduct 1.15(a), 1.15(b), 1.16(d), and 8.4(c).

Respondent, who was licensed in 1982, has no prior discipline. However, this mitigating factor is outweighed by the proven aggravating factors. The record demonstrates that Respondent repeatedly denied receipt of the Complaint and awareness of the subject matter of this proceeding, despite acknowledging service of the Complaint via email on December 13, 2024, receiving another copy of the Complaint via email on January 24, 2025, and discussing the conduct at issue during the pre-hearing conference on February 14, 2025. We find that Respondent's assertions of ignorance lack credibility and demonstrate a continued pattern of dishonesty, which is an aggravating factor. Moreover, her failure to fully cooperate in this proceeding by not filing an answer and by repeatedly attempting to introduce evidence of the charged misconduct after being admonished by the Chair that such evidence was barred is another aggravating factor. Respondent's behavior demonstrates that she is unwilling or unable to follow the Rules, which does not inspire confidence in her conforming her conduct to professional standards in the future. In re Murray, 2021PR00077, M.R. 31403 (Nov. 23, 2022); In re Houdek, 113 Ill. 2d 323, 326-27, 497 N.E.2d 1169 (1986). For this reason, we conclude that Respondent should be required to petition for reinstatement and successfully demonstrate her fitness to practice, pursuant to Supreme Court Rule 767, before resuming work as an attorney. Therefore, we recommend a suspension for six months and until further order of the Court.

Accordingly,

1. On December 12, 2024, Respondent indicated that she would accept service of the Administrator's Complaint by email and was so served that same day. A copy of the Affidavit of Agreed Service Pursuant to Commission Rule 214(c) is attached as Exhibit 3.
2. The allegations and charges of the Complaint were deemed admitted in an order entered on February 14, 2025. A copy of that order is attached as Exhibit 2.
3. In consideration of the order deeming the allegations and charges of the Complaint admitted, this Panel finds that Respondent committed the charged misconduct.
4. Given Respondent's misconduct, her pattern of dishonesty, her failure to fully cooperate in this proceeding, and the relevant case law, we recommend that Respondent be suspended for six months and until further order of the Court.
5. The Panel has concluded that this report format will adequately and appropriately communicate its recommendation to the Court.

Respectfully submitted,

John L. Gilbert
Joanna Belle Gunderson
Sherri Miller

CERTIFICATION

I, Michelle M. Thome, Clerk of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois and keeper of the records, hereby certifies that the foregoing is a true copy of the Report and Recommendation of the Hearing Board, approved by each Panel member, entered in the above entitled cause of record filed in my office on May 6, 2025.

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

Exhibit 1

BEFORE THE HEARING BOARD
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AND
DISCIPLINARY COMMISSION

In the Matter of:

NORMA FRANCES MINER,

Attorney-Respondent,

No. 6182145.

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Commission No. 2024PR00075

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, Norma F. Miner, who was licensed to practice law in Illinois on May 3, 1982, and alleges that Respondent has engaged in the following conduct which subjects her to discipline pursuant to Supreme Court Rule 770:

COUNT I

(Dishonesty, Failure to Safeguard Client Funds, and Failure to Refund Unearned Fee)

1. Respondent is a solo practitioner who has a general practice in Marion.
2. Between June 12, 2008 and October 11, 2023, Respondent maintained and was signatory on an IOLTA client trust account ending in 0215 and held at Banterra Bank. That account was titled "Lawyers Trust Fund of IL IOLTA for Norma Miner (Atty at Law)". On October 10, 2023, Respondent withdrew \$62.78, the balance in account 0215 fell to \$0, and the account was closed.
3. On October 26, 2023, Respondent and B.T. agreed that Respondent would represent B.T. in a family law matter regarding the payment of her daughter's college expenses. Respondent and B.T. agreed that Respondent would charge her a \$150 consultation fee and that she would pay

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ARDC Clerk

Respondent a \$2,500 retainer that Respondent would bill against at a rate of \$250 per hour. On October 26, 2023, B.T. paid Respondent the \$150 consultation fee by personal check number 1107, and paid Respondent \$1,250 (one-half of the retainer fee) by personal check number 1106.

4. At no time did Respondent deposit the \$1,250 belonging to B.T. in a separate, identifiable client trust account.

5. On October 27, 2023, at 11:45 a.m., Respondent negotiated check number 1106, at B.T.'s bank, received the proceeds in cash, and then used the \$1,250 for her own purposes without authorization.

6. At no time did B.T. authorize Respondent to use the \$1,250 that she paid to Respondent on October 26, 2023, for Respondent's own purposes.

7. On November 14, 2023, B.T. made an additional payment of \$600 to Respondent, by personal check number 1113, toward the unpaid balance of the \$2,500 retainer.

8. At no time did Respondent deposit the \$600 belonging to B.T. in a separate, identifiable client trust account.

9. On November 14, 2023, at 3:27 p.m., Respondent negotiated check number 1113 at her bank, received the proceeds in cash, and then used the \$600 for her own purposes without authorization.

10. At no time did B.T. authorize Respondent to use the \$600 that she paid to Respondent on November 14, 2023, for Respondent's own purposes.

11. On November 17, 2023, B.T. made an additional payment of \$600 to Respondent, by personal check number 1114, towards the unpaid balance of the \$2,500 retainer.

12. At no time did Respondent deposit the \$600 belonging to B.T. in a separate, identifiable client trust account.

13. On November 17, 2023, at 8:07 a.m., Respondent negotiated check number 1114 at her bank, received the proceeds in cash, and then used the \$600 for her own purposes without authorization.

14. At no time did B.T. authorize Respondent to use the \$600 that she paid to Respondent on November 17, 2023, for Respondent's own purposes.

15. As of November 17, 2023, Respondent should have been maintaining \$2,450 in a client trust account as those funds belonged to B.T.

16. At no time before November 17, 2023, did Respondent perform any legal work on B.T.'s case.

17. On or about January 19, 2024, B.T. contacted Respondent and inquired whether Respondent had used the entire \$2,450 retainer that B.T. had paid to her. On or about January 19, 2024, Respondent's legal assistant sent an email to B.T. that stated that Respondent had not used the entire \$2,450 retainer fee.

18. As of the filing date of this complaint, Respondent has not refunded any portion of the \$2,450 retainer that B.T. paid to her.

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

- a. using funds or property of clients or third persons, even temporarily, for the lawyer's own purposes without authorization, by conduct including using the \$2,450 that B.T. entrusted to Respondent as a retainer fee for Respondent's own purposes without authorization, in violation of Rule 1.15(a) of the Illinois Rules of Professional Conduct (2010);
- b. failing to hold funds or property of clients or third persons that is in the lawyer's possession in connection with a representation separate from the lawyer's own funds or property, by conduct including failing to hold the \$2,450 that

B.T. entrusted to Respondent as a retainer fee separate from Respondent's own funds, in violation of Rule 1.15(b) of the Illinois Rules of Professional Conduct (2010);

- c. failing to refund an unearned fee, by conduct including failing to return the \$2,450 that Respondent received from B.T. in connection with her representation of B.T. in a family law matter, in violation of Rule 1.16(d) of the Illinois Rules of Professional Conduct (2010); and
- d. conduct involving dishonesty, fraud, deceit, or misrepresentation, by knowingly converting \$2,450 of client funds that belonged to B.T. to Respondent's own use without authority, in violation of Rule 8.4(c) 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

By: /s/ Tammy L. Evans
Tammy L. Evans

Tammy L. Evans
Counsel for the Administrator
3161 W. White Oaks Drive, Suite 301
Springfield, Illinois 62704
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4883-7990-9328, v. 1

Exhibit 2

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

FILED

February 14, 2025

ARDC CLERK

In the Matter of:

NORMA FRANCES MINER,

Attorney-Respondent,

No. 6182145.

Commission No. 2024PR00075

ORDER

A telephonic pre-hearing conference was held in this matter on February 14, 2025, at 9:30 a.m. Participating were John L. Gilbert, Chair; Tammy L. Evans, Counsel for the Administrator; and Respondent, *pro se*. The parties advised the Chair as to the status of the matter. Accordingly,

IT IS ORDERED:

1. Due to Respondent's failure to answer the Administrator's Complaint and the reasons set forth on the record, the Administrator's Motion to Deem All Allegations and Disciplinary Charges of the Complaint Admitted Pursuant to Commission Rule 236 is granted. No further proof of the allegations and charges in the Administrator's Complaint is required. At hearing, the parties shall be limited to presenting evidence in mitigation and aggravation and argument regarding the form and amount of discipline to be imposed;

2. The parties shall exchange any exhibits they propose to offer at hearing on or before April 15, 2025. Pursuant to Supreme Court Rule 138, each party is responsible for redacting personal identity information from that party's exhibits;

3. The default hearing in this matter is scheduled for April 22, 2025, commencing at

9:30 a.m., and will be held remotely via Microsoft Teams video conference. The Clerk of the Commission shall provide the parties with the Microsoft Teams access information.

CERTIFICATION

I, Michelle M. Thome, Clerk of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois and keeper of the records, certify that the foregoing is a true copy of the order, approved by the Hearing Board Chair, entered in the above-entitled cause of record filed in my office on February 14, 2025.

/s/ Michelle M. Thome

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

PROOF OF SERVICE

I, Andrea L. Watson, hereby certify that I served a copy of this Order on the Attorney-Respondent listed at the addresses shown below by email and by regular mail by causing it to be deposited with proper postage prepaid in the U.S. Mailbox at One Prudential Plaza, 130 East Randolph Drive, Chicago, Illinois 60601 on February 14, 2025, at or before 5:00 p.m. At the same time, a copy of this Order was sent to Counsel for the Administrator by e-mail service.

Norma Frances Miner
Attorney-Respondent
Norma Miner Attorney at Law
900 W. DuFourt St., Suite C
Marion, IL 62959-1696

Norma Frances Miner
Attorney-Respondent
normafminer@gmail.com

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.

/s/ Andrea L. Watson
Andrea L. Watson

Exhibit 3

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In the Matter of:

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Attorney-Respondent,

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**AFFIDAVIT OF AGREED SERVICE
PURSUANT TO COMMISSION RULE 214(c)**

I, Mark J. Pointer, (“Affiant”) being duly sworn, hereby state:

1. Affiant possesses firsthand knowledge of the facts presented in this Affidavit and, if called as a witness, Affiant will testify to the truth of the facts as presented in this Affidavit.

2. Affiant is an Investigator for the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois (“ARDC”) and, as such, is authorized to serve process.

3. On Thursday, December 12, 2024, at 11:50 A.M., Affiant sent an email to Respondent, asking to confirm whether they would accept electronic service of the disciplinary complaint and associated documents.

4. On Thursday, December 12, 2024, at 11:47 P.M., Affiant received an email from Respondent confirming they would accept electronic service of the disciplinary complaint and associated documents.

5. On Thursday, December 12, 2024, at 1:10 P.M., Affiant sent an email to Respondent which contained Notice of Complaint and Order, the Disciplinary Complaint (2024PR00075), ARDC Filings and Procedures Memorandum, and the 2024 Rules of the ARDC.

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6. On Friday, December 13, 2024, at 9:14 A.M., Affiant received an email from Respondent confirming receipt of the disciplinary complaint and associated documents.

7. Further Affiant sayeth not.

/s/ Mark J. Pointer

Mark J. Pointer, Investigator

Dated: December 16, 2024

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 he verily believes the same to be true.

/s/ Mark J. Pointer

Mark J. Pointer, Investigator

Dated: December 16, 2024