

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

In the Matter of:	)	
	)	
NORMA FRANCES MINER,	)	
	)	Commission No. 2024PR00075
Attorney-Respondent,	)	
	)	
No. 6182145.	)	

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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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  
Telephone: (217) 546-3523  
Email: [ARDCeService@iadc.org](mailto:ARDCeService@iadc.org)  
Email: [tevens@iadc.org](mailto:tevens@iadc.org)

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