

LOUISIANA ATTORNEY DISCIPLINARY BOARD

IN RE: DOUGLAS K HALL

DOCKET NO. 14-DB-008

REPORT OF THE HEARING COMMITTEE #19

INTRODUCTION

This attorney disciplinary matter arises out of formal charges consisting of six counts filed by the Office of Disciplinary Counsel ("ODC") against Douglas K. Hall ("Respondent"), bar roll number 29589. ODC alleges that Respondent violated the following Louisiana Rules of Professional Conduct: Rules 1.3, 1.4, 1.5(f), 1.15, and 1.16 by failing to communicate with his clients, failing to account for and/or return unearned fees in two client matters, and failing to act with reasonable diligence; Rules 3.3(a)(1), 3.3(a)(3), 3.4(a), 3.4(b), and 8.4(c) and 8.4(d) by providing his client with a chemical designed to illicit a negative result on a court-ordered drug test and adamantly denying that his client was taking illegal drugs in a pre-trial conference with the judge the following day; Rules 1.1(c), 3.4(c), and 5.5(a) by filing a petition in a client matter and attempting to make an appearance on behalf of the client at the hearing before being prevented from doing so by the presiding judge, who was aware of his ineligibility to practice; Rule 8.4(b) by committing crimes of theft of utility services and theft; and Rule 8.1 by consistently failing to respond to disciplinary counsel's requests for information and repeatedly failing to attend sworn statements for which he was subpoenaed.¹

PROCEDURAL HISTORY

On April 9, 2014, the Office of Disciplinary Counsel filed the formal charges in the present matter. By letter dated April 15, 2014, the formal charges were mailed via certified mail

¹ The text of the Rules is contained in the attached Appendix.

to Respondent's primary registration address.² This mailing was returned as unclaimed. Also, on August 1, 2014, Keri F. Lewis, a legal assistant employed by ODC, signed an affidavit stating that she mailed a courtesy copy of the formal charges to Respondent's primary registration address on April 9, 2014 and on the following day she received a telephone call from Mr. Hall in which he acknowledged receiving the courtesy copy of the formal charges. Respondent failed to file an answer to the charges within the time period allowed by Louisiana Supreme Court Rules XIX, §11(E)(3).³

On August 4, 2014, the Office of the Disciplinary Counsel filed a "Motion to Declare Factual Allegations Deemed Proven and to Schedule Written Arguments." On August 11, 2014, Jennifer J. Stewart, Deputy Board Administrator, signed an affidavit stating Respondent failed to file an answer to the formal charges. By order of August 15, 2014, the factual allegations contained in the formal charges were deemed admitted. On October 15, 2014, ODC filed its "Disciplinary Counsel's Deemed Admitted Submission of Sanctions."

For the following reasons, the Hearing Committee finds that Mr. Hall violated the rules of professional conduct as charged and recommends that Mr. Hall be disbarred.

FORMAL CHARGES

² Respondent's primary registration address is 825 12th St., Lake Charles, LA 70601.

³ This rule states:

The respondent shall file a written answer with the Board and serve a copy on disciplinary counsel within twenty (20) days after service of the formal charges, unless the time is extended by the chair of the hearing committee. In the event, Respondent fails to answer within the prescribed time, or the time as extended, the factual allegations contained within the formal charges shall be deemed admitted and proven by clear and convincing evidence. Disciplinary Counsel shall file a motion with the chair of the hearing committee to which the matter is assigned requesting that the factual allegations be deemed proven with proof of service of the formal charges upon the respondent. The order signed by the hearing committee chair shall be served upon respondent as provided by Section 13C. Within twenty (20) days of the mailing of the order of the hearing committee chair deeming the factual allegations contained in the formal charges proven, the respondent may move the hearing committee chair to recall the order thus issued upon demonstration of good cause why imposition of the order would be improper or would result in a miscarriage of justice.

The formal charges read, in pertinent part:

Respondent Douglas K. Hall was born on October 23, 1956, and was admitted to the practice of law in the State of Louisiana on April 22, 2005. He is currently licensed but ineligible to practice law in Louisiana due to his failure to meet his continuing legal education requirements and his failure to register his trust account information.

Count I

On January 31, 2011, Complainant Maggie Ahmann retained Respondent Douglas Hall to represent her in an action seeking custody of her grandchildren, who were in foster care pending adoption by third parties. On February 8, 2011, Ms. Ahmann gave Mr. Hall a \$2,000 deposit against his \$150 hourly fees which were to accrue in the future. On April 7, 2011, Mr. Hall did file a Petition for Intervention, which was subsequently denied. However, during the course of the representation, Mr. Hall failed to return Ms. Ahmann's telephone calls or otherwise communicate with her about the status of the case. On May 3, 2011, Ms. Ahmann terminated the representation and demanded an accounting and refund of any unearned fees. Mr. Hall has provided neither.

The foregoing facts establish violations of Rules of Professional Conduct. Specifically, Respondent's conduct violates Rule 1.4 (failure to communicate with a client); Rules 1.5, 1.15, and 1.16 (failure to return promptly an unearned fee and provide an accounting); and Rule 8.4 (violation of the Rules of Professional Conduct).

Count II

Complainant Jonathan Johnson is an attorney who represented the father in a child custody matter. Respondent Douglas Hall represented the mother. On April 12, 2012, Mr. Johnson notified Mr. Hall that he would be filing an emergency custody petition based on allegations that Mr. Hall's client was abusing illegal drugs. That afternoon, Mr. Hall visited an establishment named Vita Mart where he purchased a product called Ultra Clean, a shampoo advertised as purifying buildup of medication from the hair and commonly used in attempts to avoid positive hair follicle drug tests. After purchasing the detox shampoo, Mr. Hall visited his client at her home. In a pre-trial conference with the judge the following day, Mr. Hall adamantly denied that his client was taking illegal drugs. Thereafter, a cuticle test of Mr. Hall's client came back presumed positive for marijuana, amphetamines, and methamphetamines, while her hair follicle test was negative.

The foregoing facts establish violations of Rules of Professional Conduct. Specifically, Respondent's conduct violates Rule 3.3(a) [false statements or evidence to a tribunal]; Rule 3.4 [destruction or falsification of evidence]; Rule

8.4(a) [violating the Rules of Professional Conduct or doing so through the acts of another]; Rule 8.4(c) [conduct involving dishonesty, fraud, deceit or misrepresentation]; and Rule 8.4(d) [conduct prejudicial to the administration of justice].

Count III

On February 24, 2012, Complainant Meghan Hutchinson retained Mr. Hall to represent her in an uncontested domestic matter and paid him a \$1000 flat fee for this representation. Thereafter, Mr. Hall failed to return Ms. Hutchinson's telephone calls or otherwise communicate with her about the status of the case. Ms. Hutchinson ultimately demanded a refund of her fee, but Mr. Hall declined to provide one based on assurances that he was working on her case. However, Mr. Hall has failed to provide any evidence of having done any work on the case. The foregoing facts establish violations of Rules of Professional Conduct. Specifically, Respondent's conduct violates Rule 1.3 (lack of diligence); Rule 1.4 (failure to communicate with a client); Rules 1.5, 1.15, and 1.16 (failure to return promptly an unearned fee and provide an accounting); and Rule 8.4 (violation of the Rules of Professional Conduct).

Count IV

Effective September 19, 2012, Respondent Douglas Hall was declared ineligible to practice law in Louisiana due to his failure to pay annual LSBA membership dues, his failure to pay his annual Louisiana Attorney Disciplinary Board disciplinary assessment, and his failure to file an annual trust account disclosure statement. Mr. Hall rectified his bar dues and disciplinary assessment ineligibility as of November 16, 2012, but he remained ineligible through January 10, 2014, for his failure to submit annual trust account disclosure statements.

On October 15, 2012, Mr. Hall, on behalf of a client, filed a Petition for Immediate Temporary Ex Parte Custody and associated documentation in the 36th Judicial District Court. On October 25, 2012, Mr. Hall attempted to make an appearance on behalf of his client at a hearing in the matter, but he was prevented from doing so by the presiding judge, who was aware of his ineligibility.

The foregoing facts establish violations of Rules of Professional Conduct. Specifically, Respondent's conduct violates Rule 1.1 (c) [compliance with Supreme Court rules regarding payment of Bar dues and disciplinary assessments and disclosure of trust account information]; Rule 3.4(c) [disobeying an obligation under the rules of a tribunal]; Rule 5.5(a) [practicing law in violation of the regulation of the legal profession in that jurisdiction]; Rule 8.4(a) [violating the Rules of Professional Conduct]; and Rule 8.4(d) [conduct prejudicial to the administration of justice].

Count V

On March 11, 2013, Respondent Douglas Hall entered pleas of guilty to counts of Theft of Utility Services and Theft. He was fined \$500; sentenced to serve 180 days in jail on each count, said sentences to be suspended; and placed on one year of supervised probation. Mr. Hall's conviction constitutes a violation of Rule 8.4(b) [criminal acts reflecting adversely on the lawyer's honesty, trustworthiness or fitness].

Count VI

The Office of Disciplinary Counsel has put Mr. Hall on notice of each of the aforementioned disciplinary matters and has directed him to submit substantive written responses to each of them. The complaint underlying Count I accompanied by ODC's letter directing Mr. Hall directing him to submit a response within fifteen days was sent by certified mail and accepted by him. The complaints underlying Counts II, IV, and V, each accompanied by ODC's letter directing Mr. Hall directing him to submit a response within fifteen days, were personally served on him. The complaint underlying Count III, accompanied by ODC's letter directing Mr. Hall directing him to submit a response within fifteen days, was sent by certified mail to his primary and secondary LSBA registration addresses but were returned unclaimed. To date, Mr. Hall has not submitted a written response to any of the complaints against him.

Mr. Hall's failures to submit written responses to the complaints against him prompted the issuance of a subpoena for his sworn statement. However, he has failed to appear as subpoenaed on three separate occasions. On the last such occasion, disciplinary counsel agreed to accommodate Mr. Hall by holding the sworn statement in Lake Charles, Louisiana, but Mr. Hall failed to appear yet again.

Mr. Hall has failed to submit written responses to the disciplinary complaints filed against him and has repeatedly failed to attend sworn statements for which he was subpoenaed.

His failure to cooperate with ODC's investigation violates Rule of Professional Conduct 8.1.

EVIDENCE

All factual allegations contained in the formal charges have been deemed admitted and considered by this Committee. Additionally, ODC submitted, without objection, Exhibits 1 through 18, which were received into evidence and considered by this Committee.

FINDINGS OF FACT AND RULES VIOLATED

A. Count I

In Count I, Respondent was retained to represent a woman in an effort to obtain custody of her grandchildren. Respondent accepted a deposit of \$2,000 against hourly fees earned. Respondent filed a petition of intervention, but failed to keep his client apprised of the matter and failed to return phone calls. It appears from the record before us that a portion of the fee was earned since Respondent filed a petition of intervention and appears to have attended a hearing. No accounting has been provided nor has any evidence been presented to provide this Committee with assistance in determining what portion of the fee was earned and what portion was unearned. The evidence does establish, however, the Respondent did not provide an accounting to his client. The Committee finds that Respondent failed to timely and reasonably communicate with his client and failed to provide an accounting when requested in violation of Rules 1.4 and 1.5 (f)(3), 1.15(d) and 1.16.

B. Count II

With regard to Count II, the Committee considered the factual allegations contained in the formal charge and Exhibits 2 and 3. The Committee finds that upon notice that Respondent's client's ex-husband was filing an emergency custody petition based on his client's abuse of illicit drugs (reported by his client's mother to the ex-husband), the Respondent and his client traveled to a health store seeking a "hair stripper" or detox shampoo. The Respondent purchased the

product, Zydor UltraClean hair treatment, and then traveled to his client's home where he remained until sometime after 6:40 pm. The following day, counsel for the ex-husband presented the emergency custody petition, and the presiding judge conducted a pre-trial conference in chambers. In the pre-trial conference, Respondent denied that his client was using drugs. The court ordered Respondent's client to submit to cuticle, urine and hair follicle drug screens. The hair follicle screen was negative, but the urine screen was positive for marijuana, and the cuticle screen was presumed positive for marijuana, amphetamines and methamphetamines. Based on these circumstances, the Committee finds that Respondent purchased the detox shampoo for use by his client in order to avoid a positive result on a hair follicle drug screen that Respondent anticipated would be ordered by the district court after the emergency petition for custody was presented to the court.

The Committee finds that Respondent violated rule 3.3(a) because he made a false statement to the district court. His purchase of a masking agent for his client's hair when an order for a drug test the next day was probable indicates that he possessed knowledge or a strong suspicion that his client had been abusing drugs. His statements to the district court during the pre-trial conference "adamantly denying" that his client used drugs were false. The Committee also finds that Respondent violated Rule 3.4(b) by falsifying evidence because he purchased the detox shampoo for his client to use before a probable court ordered drug screen. The Committee also finds that Respondent violated Rules 8.4(c) and (d) because Respondent's purchase of the detox shampoo for his client involved dishonesty, fraud, deceit and misrepresentation and was intended to prejudice the administration of justice.

C. Count III

Count III involves a domestic case that Respondent accepted for a flat fee of \$1000. Respondent did not file any pleadings, did not return his client's phone call, and did not return the fee. The Committee finds that Respondent violated rules 1.3 and 1.4 by failing to represent his client with diligence and failing to communicate with his client in a timely and reasonable manner. Respondent violated rule 1.5(f)(2) and rule 1.16(d) because there is no evidence that he performed any work at all on the case and he did not return her fee. See Formal Charges, Counts III and Exhibit 4.

D. Count IV

The Committee finds that Respondent was ineligible to practice law from September 19, 2012 through January 10, 2014.⁴ However, Respondent engaged in the practice of law while his license was suspended by filing a Petition on October 15, 2012 and by attempting to appear on behalf of a client at a hearing on October 25, 2012. See ODC Exh. 5 and 6. The Committee finds that Respondent violated Rule 5.5(a) because he engaged in the practice of law in violation of the regulation of the legal profession in this state.

E. Count V

The Committee finds that Respondent entered pleas of guilty to theft of utility services and theft. (Exh. 7). Not only are these crimes, these acts reflect adversely on Respondent's honesty and trustworthiness. The Committee finds that Respondent violated Rule 8.4 (b).

F. Count VI

⁴ While Respondent violated rule 1.1(c) and 3.4(c) by failing to pay his dues, he was previously sanctioned through the suspension of his license, and this Committee will not again sanction him for the same conduct.

Respondent was served with the complaints associated with Counts I through V, although he refused service of the complaint for Count III. (Formal Charge and Exh. 8-13, 15). Respondent was served with a subpoena to provide a sworn statement and produce documents to ODC. Respondent did not appear on the date identified on the subpoena due to a reported automobile accident. The sworn statement was rescheduled for January 15, 2013 and Respondent was asked to bring documentation of his auto accident on that date. (Exh. 16). Respondent did not appear for the January 15, 2013 sworn statement. (Exh. 17). The sworn statement was scheduled a third time, for February 18, 2013 in Lake Charles, a date agreed to by Respondent and a location requested by Respondent. Respondent did not appear on February 18. (Exh. 18). The Committee finds that Respondent's refusal to comply with the subpoena and his refusal to provide a sworn statement to ODC constitute violations of Rule 8.1.

SANCTION

Louisiana Supreme Court Rule XIX, Section 10(C) states that in imposing a sanction after a finding of lawyer misconduct, the court or board shall consider the following factors:

1. whether the lawyer has violated a duty owed to a client, to the public, to the legal system, or to the profession;
2. whether the lawyer acted intentionally, knowingly, or negligently;
3. the amount of actual or potential injury caused by the lawyer's misconduct; and
4. the existence of any aggravating or mitigating factors.

The Louisiana Supreme Court also relies on the *ABA Standards for Imposing Lawyer Sanctions* ("ABA Standards") to determine the baseline sanctions for the violations. For each violation, the baseline sanction is suspension. However, given the pattern of conduct and harm caused, the Committee recommends that Respondent be disbarred. See *In re Jones*, 2004-0437 (La. 06/18/2004), 878 So.2d 506.

Respondent's violations of rules 1.3 and 1.4, failing to exercise diligence and failing to communicate with his clients, were at least neglectful and perhaps knowing violations and

caused injury or potential injury to his clients.. The baseline sanction is suspension. ABA Standard 4.42. Respondent's violations of 1.5(f)(2), 1.15(f)(3), 1.15(d), and 1.16(d) in two instances were knowing and caused injury to his clients because they were deprived of the use of the funds they paid to Respondent. Consequently, suspension is the baseline sanction. ABA Standard 4.12.

The Committee finds that Respondent's false statements to the tribunal and falsification of evidence were designed to deceive the court and could have caused serious or potentially serious injury to his client's child. The baseline sanction for these violations is suspension. ABA Standards 6.12. Respondent's violation of Rule 5.5(a) was knowing, and he interfered with legal proceedings. The baseline sanction is suspension. ABA Standard 6.22.

Respondent's conviction for theft and his failure to cooperate damaged the profession. Further, the time and resources of the Office of Disciplinary counsel were wasted by Respondents refusal to appear for the sworn statements and refusal to participate in this disciplinary process. The baseline sanction for this conduct is suspension. ABA Standard 7.2.

Given the number of violations, the danger Respondent poses to the public, the legal system, and the profession, we believe disbarment is the appropriate sanction and recommend that Respondent be disbarred from the practice of law. We find that his pattern of misconduct, multiple offenses, deceptive practices and total disregard for the disciplinary process are aggravating factors supporting disbarment. The Committee does not believe that any of the mitigating factors are applicable in light of Respondent's behavior.

The Committee also recommends that Respondent be ordered to provide restitution in the amount of the entire fees paid by his clients in Counts I and III, and be ordered to reimburse all

expenses incurred by the Office of Disciplinary Counsel for its efforts at personal service on the Respondent and the scheduling and rescheduling of the sworn statements.

CONCLUSION

Respondent has engaged in an escalating pattern of conduct followed by a complete disregard for the disciplinary process. He has shown no remorse for his conduct and no concern for the harm he has caused to his clients, the administration of justice or his profession. We recommend that Respondent be disbarred and ordered to make restitution for the financial harm he has caused.

Lafayette, Louisiana, this 1st day of December, 2014.

**Louisiana Attorney Disciplinary Board
Hearing Committee #19**

**Melissa L. Theriot, Committee Chair
Owen Murrah Goudelocke, Lawyer Member
Susan P. DesOrmeaux, Public Member**


BY: **Melissa L. Theriot, Committee Chair
FOR THE COMMITTEE**

APPENDIX

RULE 1.1 COMPETENCE

(b) A lawyer is required to comply with the minimum requirements of continuing legal education as prescribed by Louisiana Supreme Court rule.

RULE 1.3. DILIGENCE

A lawyer shall act with reasonable diligence and promptness in representing a client.

RULE 1.4 COMMUNICATION

(a) A lawyer shall:

- (1) Promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(e), is required by these Rules;
- (2) Reasonably consult with the client about the means by which the client's objectives are to be accomplished;
- (3) Keep the client reasonably informed about the status of the matter;
- (4) Promptly comply with reasonable requests for information; and
- (5) Consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.

(b) The lawyer shall give the client sufficient information to participate intelligently in decisions concerning the objectives of the representation and the means by which they are to be pursued.

(c) A lawyer who provides any form of financial assistance to a client during the course of a representation shall, prior to providing such financial assistance, inform the client in writing of the terms and conditions under which such financial assistance is made, including but not limited to, repayment obligations, the imposition and rate of interest or other charges, and the scope and limitations imposed upon lawyers providing financial assistance as set forth in Rule 1.8(e).

RULE 1.5 FEES

(f) Payment of fees in advance of services shall be subject to the following rules:

- (1) When the client pays the lawyer a fee to retain the lawyer's general availability to the client and the fee is not related to a particular representation, the funds become the property of the lawyer when paid and may be placed in the lawyer's operating account.
- (2) When the client pays the lawyer all or part of a fixed fee or of a minimum fee for particular representation with services to be rendered in the future, the funds become the property of the lawyer when paid, subject to the provisions of Rule 1.5(f)(5). Such funds need not be placed in the lawyer's trust account, but may be placed in the lawyer's operating account.
- (3) When the client pays the lawyer an advance deposit against fees which are to accrue in the future on an hourly or other agreed basis, the funds remain the property of the client and must be placed in the lawyer's trust account. The lawyer may transfer these funds as fees are earned from the trust account to the operating account, without further authorization from the client for each

transfer, but must render a periodic accounting for these funds as is reasonable under the circumstances.

(4) When the client pays the lawyer an advance deposit to be used for costs and expenses, the funds remain the property of the client and must be placed in the lawyer's trust account. The lawyer may expend these funds as costs and expenses accrue, without further authorization from the client for each expenditure, but must render a periodic accounting for these funds as is reasonable under the circumstances.

(5) When the client pays the lawyer a fixed fee, a minimum fee or a fee drawn from an advanced deposit, and a fee dispute arises between the lawyer and the client, either during the course of the representation or at the termination of the representation, the lawyer shall immediately refund to the client the unearned portion of such fee, if any. If the lawyer and the client disagree on the unearned portion of such fee, the lawyer shall immediately refund to the client the amount, if any, that they agree has not been earned, and the lawyer shall deposit into a trust account an amount representing the portion reasonably in dispute. The lawyer shall hold such disputed funds in trust until the dispute is resolved, but the lawyer shall not do so to coerce the client into accepting the lawyer's contentions. As to any fee dispute, the lawyer should suggest a means for prompt resolution such as mediation or arbitration, including arbitration with the Louisiana State Bar Association Fee Dispute Program.

RULE 1.15. SAFEKEEPING PROPERTY

(d) Upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. For purposes of this rule, the third person's interest shall be one of which the lawyer has actual knowledge, and shall be limited to a statutory lien or privilege, a final judgment addressing disposition of those funds or property, or a written agreement by the client or the lawyer on behalf of the client guaranteeing payment out of those funds or property. Except as stated in this rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property.

Rule 1.16. DECLINING OR TERMINATING REPRESENTATION

(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. Upon written request by the client, the lawyer shall promptly release to the client or the client's new lawyer the entire file relating to the matter. The lawyer may retain a copy of the file but shall not condition release over issues relating to the expense of copying the file or for any other reason. The responsibility for the cost of copying shall be determined in an appropriate proceeding.

RULE 3.3 CANDOR TOWARD THE TRIBUNAL

(a) A lawyer shall not knowingly:

(1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;

(3) offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.

RULE 3.4. FAIRNESS TO OPPOSING PARTY AND COUNSEL

(a) unlawfully obstruct another party's access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value. A lawyer shall not counsel or assist another person to do any such act;

(b) falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law;

RULE 8.1. BAR ADMISSION AND DISCIPLINARY MATTERS

An applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not:

(c) Fail to cooperate with the Office of Disciplinary Counsel in its investigation of any matter before it except for an openly expressed claim of a constitutional privilege.

RULE 8.4. MISCONDUCT

It is professional misconduct for a lawyer to:

(a) Violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

(b) Commit a criminal act especially one that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;

(c) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

(d) Engage in conduct that is prejudicial to the administration of justice;