

The Supreme Court of the State of Louisiana

IN RE: ELIZABETH H. ICAMINA

No. 2021-B-01449

IN RE: Office of Disciplinary Counsel - Applicant Other; Elizabeth H. Icamina -
Applicant Other; Joint Petition for Consent Discipline;

December 21, 2021

Joint petition for consent discipline accepted. See per curiam.

JLW

JDH

SJC

JBM

PDG

Genovese, J., dissents in part and assigns reasons.

Crain, J., dissents.

Supreme Court of Louisiana

December 21, 2021



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

NO. 2021-B-1449

IN RE: ELIZABETH H. ICAMINA

ATTORNEY DISCIPLINARY PROCEEDINGS

PER CURIAM

The Office of Disciplinary Counsel (“ODC”) commenced an investigation into allegations that respondent mismanaged her client trust account, resulting in commingling and conversion. Prior to the filing of formal charges, respondent and the ODC submitted a joint petition for consent discipline in which the parties stipulated that respondent has violated Rules 1.15(a)(d)(f), 5.3, 8.4(a), and 8.4(c) of the Rules of Professional Conduct. Having reviewed the petition,

IT IS ORDERED that the Petition for Consent Discipline be accepted and that Elizabeth H. Icamina, Louisiana Bar Roll number 30906, be suspended from the practice of law for a period of three years, with eighteen months deferred.¹ This suspension shall be retroactive to June 22, 2021, the date of respondent’s interim suspension.

IT IS FURTHER ORDERED that all costs and expenses in the matter are assessed against respondent in accordance with Supreme Court Rule XIX, § 10.1, with legal interest to commence thirty days from the date of finality of this court’s judgment until paid.

¹ Although we feel respondent may benefit from a period of probation, we decline to impose probation at this time because the actual period of suspension is greater than one year and one day, thereby necessitating a formal application for reinstatement. This court has “typically declined to impose probationary periods or conditions in cases in which the sanction will require application for and reinstatement to the practice of law.” *In re: Hollis*, 13-2568 (La. 3/14/14), 135 So. 3d 596, 599 n.2. Imposition of probation and conditions of probation may be considered if and when respondent applies for reinstatement after becoming eligible to do so.

SUPREME COURT OF LOUISIANA

NO. 2021-B-1449

IN RE: ELIZABETH H. ICAMINA

ATTORNEY DISCIPLINARY PROCEEDINGS

Genovese, J., dissents in part and assigns reasons.

Although I agree with the majority's sanction of suspending respondent from the practice of law for a period of three years, with eighteen months deferred, I find fault in the sanction as it fails to order any probationary period.¹ A deferred suspension without a conditioned probationary period is the equivalent of a saw without teeth. I would order, in addition to the sanction imposed by the majority, at least a two-year probationary period with conditions that address respondent's mismanagement of her trust account, commingling, and conversion. *Cf. In re LaHatte*, 03-0437, p. 7 (La. 6/27/03), 851 So.2d 1024, 1028 (wherein this Court, considering respondent's misconduct of commingling and/or converting third-party funds along with mitigating factors, concluded the appropriate discipline was a two-year suspension, with a deferral of eighteen months, and a probationary period of four years, subject to specified conditions).

¹ "In determining a sanction, we are mindful that disciplinary proceedings are designed to maintain high standards of conduct, protect the public, preserve the integrity of the profession, and deter future misconduct," and "[t]he discipline to be imposed depends upon the facts of each case and the seriousness of the offenses involved, considered in light of any aggravating and mitigating circumstances." *In re LaHatte*, 03-0437, p. 6 (La. 6/27/03), 851 So.2d 1024, 1028 (citations omitted).