

SUPREME COURT OF IOWA

Iowa Supreme Court Attorney Disciplinary Board v. Stephen J. Lickiss

Lickiss · No. No. 10–0363 · Decided August 6, 2010

SUMMARY

The Iowa Supreme Court reviewed disciplinary proceedings involving attorney Stephen J. Lickiss and found multiple ethical violations in four probate matters. The violations included neglect, failure to communicate with clients, collecting probate fees without prior court approval, failure to notify clients that representation had ended, and failure to respond to disciplinary inquiries. The court indefinitely suspended Lickiss’s license with no possibility of reinstatement for three months and required a health-care evaluation and return of client property before reinstatement.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Ternus, Chief Justice
JURISDICTION	Iowa
DECIDED	August 6, 2010
DOCKET	No. 10–0363
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding reviewing a Grievance Commission report recommending a three-month suspension.
STANDARD OF REVIEW	Attorney disciplinary proceedings are reviewed de novo. The Grievance Commission's findings and recommendations receive respectful consideration but are not binding, and the Board must prove misconduct by a convincing preponderance of the evidence.
PRECEDENTIAL VALUE	published
PARTIES	Iowa Supreme Court Attorney Disciplinary Board v. Stephen J. Lickiss

TOPICS

- probate procedure
- probate
- guardianships
- conservatorship
- estate administration

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Lickiss committed the alleged violations of the Iowa Rules of Professional Conduct through neglect of four probate matters, failure to communicate with clients, collection of probate fees without prior court approval, failure to notify clients that he ceased representation, and failure to respond to the disciplinary board.
2. What sanction was appropriate in light of the number and nature of the violations, Lickiss's prior public reprimand, his temporary suspension, his voluntary cessation of practice, and his depression.
3. Whether Lickiss's period of voluntary cessation of practice and temporary suspension should be credited against the suspension imposed.
4. What conditions should apply before reinstatement of Lickiss's law license.

HOLDINGS

1. The Supreme Court of Iowa reviews attorney disciplinary proceedings de novo; the Grievance Commission's findings and recommendations are given respectful consideration but are not binding; and the Board must prove misconduct by a convincing preponderance of the evidence.
2. Consistently failing to perform assumed obligations in probate, guardianship, and conservatorship matters—including failing to secure bonds, publish required notices, file required reports, and cure delinquencies—violated Iowa Rules of Professional Conduct 32:1.1, 32:1.3, and 32:3.2.
3. Repeated failure to advance guardianship, conservatorship, and estate proceedings, resulting in delays and unnecessary administrative oversight, violated Iowa Rule of Professional Conduct 32:8.4(d).
4. An attorney violates Iowa Rule of Professional Conduct 32:1.5(a) by collecting probate fees without a prior court order approving those fees.
5. Failure to keep clients informed, respond to reasonable requests for information, and notify clients that the attorney had ceased representing them violated Iowa Rules of Professional Conduct 32:1.4(a)(3) and 32:1.4(a)(4). Failure to respond to the disciplinary board violated Rule 32:8.1(b).
6. The appropriate sanction was an indefinite suspension of Lickiss's license to practice law, with no possibility of reinstatement for three months, subject to specified reinstatement conditions.

KEY QUOTATIONS

“We review attorney disciplinary proceedings de novo.” (2)

“neglect involves ‘a consistent failure to perform those obligations that a lawyer has assumed, or a conscious disregard for the responsibilities a lawyer owes to a client.’” (9)

“Because Lickiss has violated ethical rules by neglecting four probate matters, failing to respond to clients’ inquiries for information, taking probate fees without prior court approval, and failing to notify his clients that he would no longer be representing them, we suspend Lickiss’s license to practice law indefinitely with no possibility of reinstatement for three months.” (18)

FACTUAL BACKGROUND

Lickiss, a sole practitioner admitted to the Iowa bar in 1995, handled four probate matters despite having no prior experience with adult conservatorships, adult guardianships, or estates. In three guardianship and conservatorship matters and one estate matter, he failed to secure required bonds, publish and mail required notices, file inventories and reports, cure repeated delinquencies, communicate with clients, and notify clients that he had ceased practicing. He also collected probate fees without prior court approval and failed to respond to disciplinary-board inquiries. Lickiss had previously received a public reprimand for neglect involving three of the same matters, and presented depression and voluntary cessation of private practice as mitigating circumstances.

PROCEDURAL HISTORY

The Iowa Supreme Court Attorney Disciplinary Board filed an amended complaint alleging ethical violations in four probate matters. Lickiss failed to answer or respond to board inquiries, so the allegations were deemed admitted under Iowa Court Rule 36.7. After a hearing limited to the appropriate discipline, the Grievance Commission recommended a three-month suspension. The Supreme Court of Iowa reviewed the matter de novo and imposed an indefinite suspension with no possibility of reinstatement for three months.

DISPOSITION

other

CASES CITED

- Iowa Supreme Ct. Att’y Disciplinary Bd. v. Wagner, 768 N.W.2d 279 (Iowa 2009)
- Iowa Supreme Ct. Att’y Disciplinary Bd. v. Casey, 761 N.W.2d 53 (Iowa 2009)
- Iowa Supreme Ct. Att’y Disciplinary Bd. v. Conrad, 723 N.W.2d 791 (Iowa 2006)
- Iowa Supreme Ct. Att’y Disciplinary Bd. v. Rickabaugh, 728 N.W.2d 375 (Iowa 2007)
- Iowa Supreme Ct. Bd. of Prof’l Ethics & Conduct v. Lett, 674 N.W.2d 139 (Iowa 2004)
- Iowa Supreme Ct. Bd. of Prof’l Ethics & Conduct v. Moorman, 683 N.W.2d 549 (Iowa 2004)
- Iowa Supreme Ct. Bd. of Prof’l Ethics & Conduct v. Steffes, 588 N.W.2d 121 (Iowa 1999)
- Iowa Supreme Ct. Att’y Disciplinary Bd. v. Templeton, 784 N.W.2d 761 (Iowa 2010)
- Iowa Supreme Ct. Att’y Disciplinary Bd. v. Earley, 729 N.W.2d 437 (Iowa 2007)
- Iowa Supreme Ct. Att’y Disciplinary Bd. v. Marks, 759 N.W.2d 328 (Iowa 2009)
- Iowa Supreme Ct. Att’y Disciplinary Bd. v. Lesyshen, 712 N.W.2d 101 (Iowa 2006)
- Iowa Supreme Ct. Att’y Disciplinary Bd. v. Earley, 774 N.W.2d 301 (Iowa 2009)
- Iowa Supreme Ct. Bd. of Prof’l Ethics & Conduct v. Jones, 606 N.W.2d 5 (Iowa 2000)
- Iowa Supreme Ct. Bd. of Prof’l Ethics & Conduct v. Ruth, 636 N.W.2d 86 (Iowa 2001)
- Comm. on Prof’l Ethics & Conduct v. McDermott, 405 N.W.2d 824 (Iowa 1987)
- Iowa Supreme Ct. Att’y Disciplinary Bd. v. Curtis, 749 N.W.2d 694 (Iowa 2008)
- Iowa Supreme Ct. Att’y Disciplinary Bd. v. McCann, 712 N.W.2d 89 (Iowa 2006)

- Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Scheetz, 549 N.W.2d 828 (Iowa 1996)
- Iowa Supreme Ct. Att'y Disciplinary Bd. v. Kirlin, 741 N.W.2d 813 (Iowa 2007)
- Comm. on Prof'l Ethics & Conduct v. Mahoney, 402 N.W.2d 434 (Iowa 1987)

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