

**IN THE SUPREME COURT OF MISSOURI
EN BANC**

IN RE:)	
)	
JOHN A. LEWRIGHT,)	
)	Supreme Court No. SC96265
Missouri Bar No. 30484)	
)	
Respondent.)	

CONDITIONS OF PROBATION

The conditions of the probation shall be satisfied prior to termination of the probation. The conditions are:

1. Probation Monitor: The Probation Monitor for the term of probation shall be Carl Schaeperkoetter of the OCDC, or such other person as the Chief Disciplinary Counsel shall designate in his stead;

2. Quarterly Reporting Responsibility:

a. Respondent shall submit written quarterly reports to the Probation Monitor concerning the status of Respondent's practice of law and the extent and nature of Respondent's compliance with the conditions of probation. The quarterly reports shall be due as of March 31, June 30, September 30, and December 31 of each calendar year during the probation term. If the first report would cover less than thirty (30) days, that report shall be submitted on the following quarter and shall cover the extended period. Each quarterly report shall include:

- (1.) any address change;
- (2.) any arrests of Respondent;
- (3.) any criminal charges brought against Respondent;
- (4.) any criminal conviction of Respondent;
- (5.) any civil lawsuit filed against Respondent;
- (6.) any civil judgment entered against Respondent;
- (7.) a description of any disputes with clients;
- (8.) a written statement under penalty of perjury regarding whether Respondent has complied with the Rules of Professional Conduct and all conditions of probation during the preceding calendar quarter; and
- (9.) Notification to the OCDC of any investigation of the Respondent, or any action taken by the Respondent, which would raise a question as to Respondent's fitness to practice law.

b. In addition to all quarterly reports, a final report containing the same information, is due no earlier than thirty (30) days or less than fifteen (15) days prior to the last day of the probation period. With the final report, Respondent may file an application with the Court for an order of successful completion of probation as set forth in Rule 5.225(g). The application shall be accompanied by an affidavit that Respondent has complied with all terms of probation. A copy of the application and affidavit shall be served on the Office of Chief Disciplinary Counsel.

3. Compliance with Rules of Professional Conduct:

- a. Respondent shall not engage in conduct that violates the Rules of Professional Conduct;
- b. Receipt of a complaint by the OCDC during the probation term alleging that Respondent has violated the Rules of Professional Conduct does not, in itself, constitute a violation of the terms of probation;
- c. In the event that the OCDC receives a complaint during the Respondent's participation in the probation program, the term of the probation shall be extended until such charge has been investigated and a determination made by the OCDC regarding disposition of such charge.

4. Keeping Your Law Practice on Track. During the term of probation, Respondent shall attend and fully participate in all aspects of the program known as ***“Keeping Your Law Practice on Track”*** developed and offered by The Missouri Bar and the OCDC. Participation includes, but is not limited to, attendance at all in-person and webinar sessions, and all follow-up programs such as the Practice Improvement Discussion Group. Attendance may be counted toward the CLE requirements set forth in Rule 15.05.

5. Mental Health Evaluation and Treatment:

- a. Respondent shall obtain an evaluation by an independent mental health professional within sixty (60) days of the date of the Court's order placing Respondent on probation. The independent mental health professional shall be designated by the Probation Monitor and shall not be Respondent's treating professional. The Probation Monitor may solicit

and consider recommendations of the Respondent for the independent mental health professional for the evaluation, but the final decision shall be made by the Probation Monitor. Respondent shall authorize the independent mental health professional to discuss and report the evaluation to the OCDC and any health care professional treating Respondent.

- b. The mental health evaluation shall provide the following information:
 - (1.) the history of Respondent's mental health issues;
 - (2.) an analysis of the efforts expended by Respondent toward a sustained rehabilitation;
 - (3.) current status of any mental health problems;
 - (4.) diagnosis and prognosis;
 - (5.) risk to clients from any mental health problems; and
 - (6.) recommendation for continued treatment, if any.
- c. Respondent shall follow the independent mental health professional's recommendations for therapy or treatment, if any. If the evaluation does not result in a recommendation for therapy or treatment, Respondent need not comply with paragraphs 5 d-h;
- d. Respondent shall provide the Probation Monitor with the name, telephone number, and address of any mental health care professional providing treatment to Respondent during the period of probation. Respondent shall

notify the OCDC within fourteen (14) days of any change in treatment professionals;

- e. Upon selection of a mental health professional to provide treatment, Respondent shall execute a release permitting the mental health professional to advise the Probation Monitor at least once every quarter that Respondent has obtained the recommended treatment and that Respondent's mental health condition does not substantially impede occupational functioning as a lawyer. The independent and treating mental health professionals shall be expected to advise the Probation Monitor at any time of conduct that raises a substantial question as to Respondent's honesty, trustworthiness, or fitness as a lawyer;
- f. Respondent shall, within ninety days of the date of the Court's order placing Respondent on probation, provide to the Probation Monitor a list of at least two individuals who will serve as personal observers of the Respondent's functioning. The personal observers may be family members, friends, co-workers, and/or others who have frequent personal contact with Respondent. The primary purpose of the personal observers shall be to provide constructive feedback to the Respondent regarding the Respondent's management of the condition. The personal observers shall also be expected to report to the Probation Monitor observations which raise concern about Respondent's management of the condition or risk to

clients. The Probation Monitor also may request reports from the personal observers;

- g. Respondent shall, within ninety days of the date of the Court's order placing Respondent on probation, prepare and deliver to the Probation Monitor for approval a disability and/or disaster plan to protect clients in the event of a personal problem or natural disaster that prohibits the Respondent from practicing law;
- h. Respondent shall, at least ninety days prior to any motion to terminate probation, provide the Probation Monitor with a maintenance treatment plan which Respondent intends to follow to sustain the treatment gains.

6. Mentor:

- a. Respondent shall, within sixty days of the Court's order of probation, propose to the Probation Monitor a mentor attorney to serve as Respondent's mentor for law practice management and organization;
- b. The Probation Monitor shall have the authority to accept or reject the mentor proposed by the Respondent. If rejected, the Respondent and Probation Monitor shall make every effort to agree to a mutually acceptable mentor. If they cannot agree within ninety days of the date of the Court's order placing Respondent on probation, at that time they shall request that the coordinator of the Missouri Bar's mentoring program designate a mentor for Respondent;
- c. Respondent shall meet with the Mentor at least once every month;

- d. Upon designation of the Mentor, Respondent shall execute a release permitting the Mentor to advise the Probation Monitor at least four times regarding Respondent's implementation of the suggested law practice management and organization changes recommended by the Mentor.
- e. The Mentor shall advise the Probation Monitor at any time of conduct the Mentor becomes aware of that raises a substantial question as to the Respondent's honesty, trustworthiness or fitness as a lawyer.

7. Costs of Participating in the Probation Program: Respondent shall pay all costs incurred in connection with participation in the probation program. The Office of Chief Disciplinary Counsel shall not be responsible for payment of costs.

8. Breach of Probation: Failure to comply with any of the terms of probation shall constitute a probation violation. Upon violation, the OCDC may move the Court, pursuant to Rule 5.225(f), for termination of the stayed suspension and for Respondent's license to practice law to be suspended.