IN THE SUPREME COURT
STATE OF MISSOURI

IN RE:	)	
	)	
RANDALL DEAN CRAWFORD,	)	**Supreme Court # SC96010**
	)	
Bar No. 29443	)	
	)	
Respondent.	)	

RESPONDENT'S BRIEF

Respectfully submitted,

Rittman Law, LLC

Sara Rittman 29463
1709 Missouri Blvd Ste 2 #314
Jefferson City MO 65109-1788
573-584-9347
srittman@rittmanlaw.com
web fax 888-498-7535

Attorney for Respondent

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SUPPLEMENTAL STATEMENT OF FACTS

This matter began when OCDC received an overdraft notification. The particular overdraft was caused by payments to a credit card for personal expenses which were made from the trust account online by his wife. Respondent's wife did not realize that the payment to the credit card was coming from the trust account. Respondent had previously paid the credit card from the trust account by telephone. Unknown to Respondent and his wife, account information for the trust account had been entered into the credit card online account when he paid by telephone. Respondent's wife chose the only account that was visible, without realizing that two checking accounts were stored. (A361-A362: Exhibit 7, A168-A169, A261- A264, A306-A310: Tr. 11-12, 104-107, 149-153).

Respondent acknowledges that, on a few occasions, he deposited earned fees in to the trust account. This was not his standard practice. It occurred because, on those occasions, Respondent picked up the wrong deposit slip because he had the deposit slips for both accounts in the same drawer. He has separated them now. (A287: Tr. 131).

Informant alleged that Respondent did not wait sufficient time before disbursing funds based on deposits. Informant provided no proof of when those deposits were actually collected. Some of the deposits were made late in the day so that Respondent's bank statement shows the deposit on the next day. In one instance, the deposited check has the notation "Please post this payment for our mutual customer." (A463: Exhibit 14-A, A269: Tr. 112). Informant's witness, Kelly Dillon, acknowledged that an item may be collected on the same day if it is written on the same bank as the trust account. (A212-

A213: Tr. 55-56).

Respondent's wife is an accountant and has practiced accounting for many years in various responsible positions. Mrs. Crawford handled the accounting for Koelling and Crawford in the early years of the partnership. Over time, her full-time job and their young children required time such that she was unable to continue handling the accounting for the law firm. In 2015, Mrs. Crawford resumed handling the accounting for the law firm. Recently, Mrs. Crawford has specifically educated herself on the unique requirements of accounting for lawyer trust accounts. As a part of that education, Mrs. Crawford listened to a webinar presented by Kelly Dillon of OCDC. (A304-A306: Tr. 147-149). Mrs. Crawford prepared Exhibit B (a journal) (A507) and C (ledgers) (A508-A511) that comply with Rule 4-1.15. (A308-A309: Tr. 151-152). Mrs. Crawford will be handling the accounting for the law firm on an ongoing basis. (A310: Tr. 153).

The Honorable Steven D. Hudson has been the Associate Circuit Judge for Grundy County, Missouri for 18 years. Judge Hudson testified that he has known Respondent since childhood. He knows Respondent personally and Respondent appears before Judge Hudson on occasion. Judge Hudson thinks Respondent has outstanding character. Judge Hudson has never heard anyone say a bad word about Respondent, a fact Judge Hudson considers remarkable for any person. Judge Hudson considers Respondent to be very professional and credits Respondent's approach to cases as having facilitated resolution in a lot of cases. In particular, Judge Hudson credits Respondent's efforts with bringing all of the parties together to a satisfactory resolution in a probate case that would have been very involved and difficult. Respondent has also handled

traffic matters for some of Judge Hudson's family in recent years. (A240-A249: Tr. 83-92).

Gary Robb is an attorney and has known Respondent since 1975 when they were undergraduates together. For approximately the last 11 years, Mr. Robb and Anita Robb, his wife and law partner, have worked closely with Respondent on a complex case. Respondent always took the position that they should take the high road rather than responding in kind, even when they believed that the actions of the opposing side were questionable. Mr. Robb stated:

> I mean from having worked with him over an extended period of time, it is unimaginable to me that Randall would ever intentionally or consciously or deliberately violate any ethical rule, and I strongly believe that he would never do so. It's just not within his ability. It's not his composition. It's not the way he was raised and it's simply not who he is.

Mr. Robb testified that the local bar has so much trust and confidence in Respondent's integrity that it he was amazed and it was very impressive. Mr. Robb would trust Respondent unconditionally and without reservation. Mr. Robb voluntarily interrupted his vacation to fly back to Kansas City to testify live on Respondent's behalf. (A235-A239: Tr. 78-82). Anita Robb also wrote a letter echoing Mr. Robb's testimony. (A512: Exhibit D).

J. R. Hobbs is an attorney and has known Respondent since UMKC law school, from which they graduated in 1981. Mr. Hobbs has known Respondent personally and professionally since that time. Mr. Hobbs believes Respondent "is of the highest

integrity and of the highest ethics." Mr. Hobbs' personal opinion is consistent with Respondent's reputation in the legal community. Regarding Respondent, Mr. Hobbs stated:

> He would never do anything for his own aggrandizement. He's humble. In my view, we have a person in Randall that epitomizes helping out people, even if they don't have the resources to retain him.

Respondent has represented some people Mr. Hobbs referred for little or no money. (A249-A252: Tr. 92-95).

Thomas Koelling, Respondent's law partner in Koelling and Crawford, also graduated from UMKC Law School in 1981. Mr. Koelling believes Respondent is a very ethical attorney and would not intentionally violate the Rules of Professional Conduct. (A252-A254: Tr. 95-97).

POINT I

(A) RESPONDENT FAILED TO PROMPTLY REMOVE EARNED FEES FROM HIS TRUST ACCOUNT IN VIOLATION OF RULE 4-1.15(a);

(B) RESPONDENT INADVERTENTLY DEPOSITED EARNED FEES INTO HIS TRUST ACCOUNT, BY MISTAKENLY USING THE WRONG DEPOSIT SLIP, IN VIOLATION OF RULE 4-1.15(b);

(C) RESPONDENT PAID NON-CLIENT EXPENSES FROM HIS TRUST ACCOUNT USING EARNED FEES IN VIOLATION OF RULE 4-1.15(a);

(D) INFORMANT DID NOT PROVE THAT RESPONDENT DISBURSED CLIENT FUNDS FROM THE TRUST ACCOUNT PRIOR TO BEING COLLECTED BY THE FINANCIAL INSTITUTION IN VIOLATION OF RULE 4-1.15(a); AND

(E) RESPONDENT FAILED TO MAINTAIN COMPLETE RECORDS OF HIS TRUST ACCOUNT IN VIOLATION OF RULE 4-1.15(f).

Rule 4-1.15

Rule 5.15(d)

Rule 4-1.8(e)

POINT II

PREVIOUS DECISIONS OF THIS COURT AND THE ABA STANDARDS FOR IMPOSING LAWYER SANCTIONS INDICATE NOTHING MORE THAN A REPRIMAND WITH REQUIREMENTS IS APPROPRIATE IN THIS CASE.

In re Coleman, 295 S.W.2d 857 (Mo. banc 2009)

In re Sheth, SC95382 (3/15/16)

In re Martin, SC96121 (1/31/17)

In re Caranchini, 956 S.W.2d 910, 914 (Mo. banc 1997).

ABA Standards for Imposing Lawyer Sanctions, Standard 4.1

ABA Standards for Imposing Lawyer Sanctions, Standard 2.7

ABA Standards for Imposing Lawyer Sanctions, Definitions

ABA Standards for Imposing Lawyer Sanctions, Standard 9.32

ARGUMENT

POINT I

(A) RESPONDENT FAILED TO PROMPTLY REMOVE EARNED FEES FROM HIS TRUST ACCOUNT IN VIOLATION OF RULE 4-1.15(a);

(B) RESPONDENT INADVERTENTLY DEPOSITED EARNED FEES INTO HIS TRUST ACCOUNT, BY MISTAKENLY USING THE WRONG DEPOSIT SLIP, IN VIOLATION OF RULE 4-1.15(b);

(C) RESPONDENT PAID NON-CLIENT EXPENSES FROM HIS TRUST ACCOUNT USING EARNED FEES IN VIOLATION OF RULE 4-1.15(a);

(D) INFORMANT DID NOT PROVE THAT RESPONDENT DISBURSED CLIENT FUNDS FROM THE TRUST ACCOUNT PRIOR TO BEING COLLECTED BY THE FINANCIAL INSTITUTION IN VIOLATION OF RULE 4-1.15(a); AND

(E) RESPONDENT FAILED TO MAINTAIN COMPLETE RECORDS OF HIS TRUST ACCOUNT IN VIOLATION OF RULE 4-1.15(f).

(A) PROMPTLY REMOVING EARNED FEES

Respondent acknowledges that he did not always promptly remove earned fees from the trust account. He was unaware that he was required to do so and was unaware

of any potential that leaving earned funds in the trust account could put client funds at risk.

(B) DEPOSITING EARNED FEES IN TRUST

Respondent acknowledges that he used the wrong deposit slip, on occasion, and deposited earned fees into the trust account. These errors resulted from Respondent picking up the wrong deposit slip when he was keeping the deposit slips for both accounts in the same drawer. Respondent now stores them in separate locations.

(C) PAYING NON-CLIENT EXPENSES FROM TRUST ACCOUNT

Respondent acknowledges that he paid law firm expenses from the trust account using earned fees. Respondent also acknowledges that he paid client expenses from the trust account for clients whose funds had not been deposited in the trust account, using earned fees. Both of these are examples of one type of violation. The Rules permit Respondent to advance expenses for clients. Rule 4-1.8(e).

Respondent's wife, unknowingly, attempted to use the trust account to pay the Cabela's Visa by ACH. Respondent did not know that more than one checking account was associated with the Visa account online. Respondent had used the trust account to pay appropriate client expenses and had paid those credit card charges by telephone. Respondent only paid by telephone so he was not familiar with the process for paying the card online. He had no idea that, when he paid by phone, the trust account was entered into the online account. These attempted payments resulted in overdrafts rather than payment.

These attempted ACH transfers were purely mistakes resulting from a misunderstanding – not Respondent's negligence. They were not a part of Respondent's normal practice in handling his trust account. They were not a result of lack of knowledge of the trust account rules on Respondent's part. They should not be considered violations for purposes of imposing discipline. An attorney who makes a human mistake, based on a misunderstanding, that results in no harm to clients should not be found in violation for those acts. Attorneys trying to comply with the complex trust account rules already live in fear. Such a finding would result in terror. This Court should find no violations of Rule 4-1.15(a) based on the attempted ACH transfers.

(D) NO EVIDENCE OF DISBURSING FUNDS NOT YET COLLECTED

Informant failed to meet its burden of proof regarding its argument that Respondent disbursed funds based on deposits before they were actually collected or, in other words, became "good funds." Informant did not produce any evidence regarding when these items were actually collected. Informant's witness agreed that sometimes a deposit can actually be collected the same day. Rule 4-1.15(a)(6) requires that attorneys must wait a reasonable time but does not, in any way, specify the waiting period. Unless there is proof that the item was not collected before the funds were actually disbursed, the elapsed period must be considered reasonable. There is no proof that the items were not actually collected. The burden of proof is on Informant. Rule 5.15(d).

Informant misconstrues the DHP's finding on this issue: "lack of complete records and a lack of a clear standard for defining 'good funds' makes this situation difficult to address and does not allow us to reach a definite conclusion." (A588). The DHP's

finding reflects a lack of bank records presented by Informant, not a lack of records of Respondent. This is not an area in which Respondent's records were lacking. Even if Respondent did not have complete records, Informant could easily obtain the dates of deposit and the dates of disbursements. The missing records are those that show the date the deposit was actually collected. These records would be strictly bank records.

Respondent does not know what records banks have that show actual collection of a deposit but there are certainly times when a deposit is dishonored or returned for such things as faulty endorsements. In those instances, if a disbursement had occurred, a violation of Rule 4-1.15(a)(6) could be established.

(E) INCOMPLETE RECORDKEEPING

Respondent acknowledges that he did not keep complete records. His records will be maintained by his wife, who is an accountant, in the future.

POINT II

PREVIOUS DECISIONS OF THIS COURT AND THE ABA STANDARDS FOR IMPOSING LAWYER SANCTIONS INDICATE NOTHING MORE THAN A REPRIMAND WITH REQUIREMENTS IS APPROPRIATE IN THIS CASE.

Informant argues that this Court should suspend Respondent indefinitely for a minimum of six months, stay the suspension, and place Respondent on probation for one year. Informant primarily relies on *In re Coleman,* 295 S.W.2d 857 (Mo. banc 2009), for this argument. While *Coleman* is the case that establishes that writing a check out of the

trust account on earned fees is commingling, that case has many differences from the instant case when it comes to determining discipline. It is not an appropriate reference for establishing the level of discipline for the instant case.

Coleman had previously received two admonitions and a reprimand. Coleman committed numerous violations, in addition to commingling funds in his trust account. Coleman violated Rule 4-1.2 by acting contrary to his client's directives. He also attempted to abrogate his obligations to follow his client's directives by including terms in his fee agreement that gave him the sole right to settle. He settled a case contrary to his client's directives and then filed a motion to enforce the settlement. He engaged in conflicts of interest in violation of Rule 4-1.7 when he included the language contrary to the client's interests in his fee agreement and when accepted a settlement despite his client's refusal to settle. Coleman violated Rule 4-1.16 by failing to notify his client when he sought to withdraw and failing to take all reasonable steps to mitigate the effects of his withdrawal. Coleman violated Rule 4-8.4(d) by wasting judicial resources. This Court further found that his actions caused his client harm. Coleman's discipline was a stayed suspension of at least one year and one year probation.

Respondent has no prior discipline, committed fewer violations than Coleman, and did not engage in violations clearly adverse to his clients. His discipline should be far less than that imposed in *Coleman.*

In the instant case, no client was harmed and Respondent did not intentionally or knowingly violate the rules. Respondent's lack of knowledge of the requirements, and

interpretations, of the rules does not excuse his conduct but his mental state is important in determining the appropriate discipline.

Respondent's conduct arose out of ignorance, did not come from a selfish motive, and did not harm clients. Testimony from respected members of the bench and bar established that Respondent is an ethical and professional attorney. Gary Robb testified that it is simply not within Respondent's composition or ability to intentionally or consciously violate an ethical rule. J.R. Hobbs testified that Respondent "is of the highest integrity and of the highest ethics" and that Respondent "epitomizes helping out people, even if they don't have the resources to retain him."

The hearing panel found:

> In the final analysis, this is a straightforward case where Respondent admits that he had not managed his trust account in accordance with the Rules and had not maintained sufficient records with respect to the account. While Informant makes numerous allegations with respect to specific transactions/violations, for the most part, those allegations arise out of only two situations: (a) Respondent's longtime, uninformed, practice of retaining earned fees in the trust account and drawing against those fees for personal or client needs, and (b) Respondent's wife's unintentional payment of a credit card bill from the trust account, causing the account to be overdrawn.

Respondent made the extremely common error of writing checks directly from his trust account to pay firm expenses, using earned fees. While this Court has found that

conduct to constitute commingling, that concept is hardly intuitive. Most attorneys are not accountants and they think in terms of doing right by the client. That is the situation here. Respondent knew he was not improperly using clients' funds. He had no idea that leaving his funds in the trust account put client funds at any risk. In fact, the funds are really only at risk if Respondent has debts that creditors may seek to collect from the trust account. There is no evidence that Respondent has debts that creditors would have a basis for seeking to collect in that manner.

The overdraft status was caused by an error unrelated to improper handling of the trust account. A credit card had legitimately been used to pay client expenses and those charges on the credit card had been paid from the trust account. On those occasions, Respondent paid by telephone and neither Respondent nor his wife knew that the credit card company had stored the trust account's account number online in connection with the credit card. When Respondent's wife paid the credit card online, she didn't realize that she needed to click the drop down list to choose the proper account. She thought only one account number was stored online. The overdraft status resulted from this purely inadvertent mistake.

Reprimand with Requirements Supported by Prior Cases

This Court has issued orders in two cases, since Respondent submitted his proposed findings to the DHP, that indicate nothing higher than a Reprimand with Requirements is the appropriate discipline in this case.

In *In re Sheth*, SC95382 (3/15/16), this Court issued a reprimand with requirements for an attorney who had an overdraft on his trust account because he used

personal funds in the trust account, which were not sufficient, supplemented by the funds of other clients to advance costs on a case by writing a check from his trust account. However, it appears that the funds were not actually disbursed because the parties agree that no clients were harmed. Sheth was found to have engaged in several other violations, including paying expenses from the trust account using his own funds that were in the account. The *Sheth* reprimand Order dated March 15, 2016, found that Sheth violated Rule 4-1.15(a), 4-1.15(b), 4-1.15(f) and 4-8.4(d). *Sheth* is much closer than *Coleman*, upon which Informant relies. As in *Sheth,* Respondent's conduct was, at most, negligent. As Sheth noted in his brief, this Court had issued reprimands in several prior cases involving trust account violations: *In re Collins*, SC93645 (9/28/13), *In re Hess*, SC93013 (1/29/13), and *In re Armano*, SC91601 (10/4/11).

In *In re Martin,* SC96121 (1/31/17), this Court reprimanded the respondent, with requirements, for violating Rules 4-1.15(a)(6), 4-1.15(a)(7), 4-1.15(b) and 4-1.15(c). According to the DHP decision in that case, Martin did not withdraw earned fees in a timely manner, disbursed earned fees directly to third parties unrelated to the client or as cash, and did not wait a reasonable time to disburse funds after a deposit. No clients were harmed. Martin had retained an accounting firm one week prior to his hearing.

The requirements imposed should be similar to those in *Sheth*: 1. Respondent shall not engage in conduct that violates the Rules of Professional Conduct. **2.** For a period of one year following the Court's order, Respondent shall submit to reasonable examination of Respondent's trust account conducted by the Office of Chief Disciplinary Counsel or

an examiner of the Chief Disciplinary Counsel's choice. The examinations shall be at Respondent's expense and may be conducted at random times.

ABA Standards

In addition to considering its prior decisions, this Court frequently looks to the ABA Standards for Imposing Lawyer Sanctions (Standards). *Coleman* at 869. Under those Standards, this Court should consider four questions. First, what duty (or rule) did the attorney violate. Second, what was the attorney's mental state? Third, what was the extent of the actual or potential injury caused by the violation? Fourth, are there any aggravating or mitigating circumstances?

Respondent's conduct violated rules relating to preserving client's property. The Standards generally address the analysis of the first three questions in relation to this type of violation in ABA Standard 4.1. The relevant portions of ABA Standard 4.1 are:

> 4.12 Suspension is generally appropriate when a lawyer knows or should know that he is dealing improperly with client property and causes injury or potential injury to a client.
>
> 4.13 Reprimand is generally appropriate when a lawyer is negligent in dealing with client property and causes injury or potential injury to a client.
>
> 4.14 Admonition is generally appropriate when a lawyer is negligent in dealing with client property and causes little or no actual or potential injury to a client.

The ABA Standards Definitions define "knowledge" and "negligence" as:

> "Knowledge" is the conscious awareness of the nature or attendant circumstances of the conduct but without the conscious objective or purpose to accomplish a particular result.
>
> "Negligence" is the failure of a lawyer to heed a substantial risk that circumstances exist or that a result will follow, which failure is a deviation from the standard of care that a reasonable lawyer would exercise in the situation.

As the DHP found, Respondent did not intentionally or knowingly violate the rules. (A593).

Mitigating Factors

The following mitigating factors found in ABA Standard 9.32 apply in this case:

(a) absence of a prior disciplinary record;

(b) absence of a dishonest or selfish motive;

* * * *

(e) full and free disclosure to disciplinary board or cooperative attitude toward proceedings;

* * * *

(g) character or reputation;

* * * *

(l) remorse;

The mitigating factors are substantial and significant. As found by the DHP (A594):

> With respect to mitigating factors: There is no evidence of a prior disciplinary record for Respondent. We do not believe that Respondent acted out of a dishonest or selfish motive and there is no evidence of loss or harm suffered by any client. Other than the deficits in the account due to the mistaken payments on the Cabela's credit card, the trust account maintained a balance sufficient to cover all client funds. Respondent was forthcoming and cooperative throughout the OCDC's investigation. Respondent's character witnesses established that Respondent is of excellent character and demonstrates honesty, integrity, professionalism, and ethical conduct. They also testified that in the legal community he has an excellent reputation for those same qualities and is viewed by the bar as a respected and valuable member of the legal profession. Finally, Respondent is clearly remorseful with respect to these violations.

Based on this Court's prior Orders, the lack of intentional or knowing violations, the lack of client harm and the many mitigating factors, this Court should impose no more than a reprimand with requirements.

Probation

Respondent did not argue for a reprimand in response to this Court's show cause order because Respondent's counsel did not believe that it would be within the parameters of the Order. However, considering that the DHP initially issued an

admonition and considering this Court's recent reprimand orders, a reprimand would be more appropriate than probation.

If this Court does not reprimand Respondent, stand-alone probation is the most appropriate discipline.

Respondent's mistakes regarding his trust account do not warrant any kind of suspension, even a stayed suspension. Respondent has turned the management of the trust account over to his wife, who is an accountant. She obtained and listened to the trust account CLE presented by Kelly Dillon, OCDC's trust account paralegal, and has studied the trust account requirements. Respondent has opened a new trust account so that the funds in the trust account are not tainted by prior commingling.

The hearing panel took into consideration the manner in which the violations occurred and the many mitigating factors and found that leniency was appropriate. Once OCDC rejected the admonition that the Panel initially issued, the Panel recommended one year of stand-alone probation and informed the Court: "We do not believe it is appropriate to impose any more stringent sanction on Respondent."

Stand-alone probation is a more appropriate discipline than probation with a stayed suspension in this case.

Advantages of Stand-Alone Probation as Discipline

Informant argues for a stayed suspension with probation. In the legal community, there is a tendency to think of probation in connection with the criminal justice model. In that model, probation is always combined with a stayed imposition or execution of a specific sentence. There is no reason that attorney discipline must, or even should,

follow the criminal model. This Court has clearly established that attorney discipline proceedings are neither criminal nor civil, but are sui generis. *In re Mills*, 539 S.W.2d 447, 450 (Mo. banc 1976). Disciplinary actions are remedial, rather than punitive. *In re Caranchini*, 956 S.W.2d 910, 914 (Mo. banc 1997).

In two other disciplinary models, probation is commonly used alone, rather than in combination with another sanction. In academic and employment settings, which deal with discipline rather than punishment for a crime, probation is rarely combined with a specific harsher sanction that is stayed. If the subject of the proceeding violates a condition of probation, the ultimate disciplinary action is determined and taken when the violation is established.

Such an approach is consistent with the remedial function of professional discipline. In fact, the ABA Standards for Imposing Lawyer Sanctions, which this Court frequently cites with approval, recognize probation as a sanction that can be used alone or in combination with other sanctions:

> ABA Standard 2.7 Probation
>
> Probation is a sanction that allows a lawyer to practice law under specified conditions. *Probation can be imposed alone* or in conjunction with a reprimand, an admonition or immediately following a suspension. Probation can also be imposed as a condition of readmission or reinstatement.

(Emphasis added).

Stand-alone probation (or "straight" probation) has advantages for the attorney discipline system and the Respondent. It is better for the discipline system because it leaves the Court's options open. The Court may not believe that the original stayed suspension is the right sanction, once an attorney has violated probation. In some instances, depending on the nature and severity of the probation violation, the Court may conclude that a longer minimum period of suspension or even disbarment is the correct sanction. A stand-alone probation allows this result while a predetermined stayed suspension does not. Similarly, an extension of probation, on the same or different conditions may be best. This Court has taken such action, in some cases, despite the stayed suspension. Stand-alone probation is better from the perspective of the attorney discipline system because it allows the Court to make the decision regarding the ultimate discipline after the Court has all of the facts.

Stand-alone probation is a better motivator for the respondent attorney because of the open-ended consequences for noncompliance and it does not carry the stigma of having "suspension" associated with the respondent attorney's misconduct. A respondent attorney whose misconduct results in probation does not need the specter of a stayed suspension as motivation to comply with the conditions of probation. A stand-alone probation with unknown discipline resulting from a violation is actually more significant to a respondent attorney.

Respondent attorneys placed on probation are good members of the legal profession who have made mistakes. This Court historically has not placed attorneys on probation for knowingly or intentionally violating the Rules. Therefore these respondent

attorneys, like the respondent in this case, are attorneys who have acted out of ignorance or negligence. Avoiding the stigma of a "suspension" recognizes that these attorneys have not committed the kind of acts for which a suspension is necessary. They usually have already been demoralized by the fact that they made mistakes and the disciplinary process itself.

A suspension, even if the suspension is stayed, is primarily punitive in the context of respondent attorneys who have committed unknowing and unintentional violations. Even with a stayed suspension, the essence of the discipline is probation. When the essence of the sanction is probation, the label of suspension does nothing to protect the public or the integrity of the legal profession. A stayed suspension provides no additional deterrent effect for an attorney who commits unknowing and unintentional violations.

CONCLUSION

This Court should recognize the unknowing, unintentional nature of Respondent's violations, the lack of client harm, and the many mitigating factors and impose no more than a reprimand with requirements.

Respectfully submitted,

Rittman Law, LLC

Sara Rittman 29463
1709 Missouri Blvd Ste 2 #314
Jefferson City MO 65109-1788
573-584-9347
web fax 888-198-7535
srittman@rittmanlaw.com

ATTORNEY FOR RESPONDENT

CERTIFICATE OF SERVICE

I certify I signed the "original" in accordance with Rule 103.04 and that this 8th day of May, 2017, I have served a true an accurate copy of the foregoing via efiling to:

Alan D. Pratzel, Attorney for Informant.

Sara Rittman

CERTIFICATION: RULE 84.06(c)

I certify to the best of my knowledge, information and belief, that this brief:

1. Includes the information required by Rule 55.03;

2. Complies with the limitations contained in Rule 84.06(b);

3. Contains 4,769 words, exclusive of the cover, certificate of service, Rule 84.06 certificate, and signature block, according to Microsoft Word, which is the word processing system used to prepare this brief.

Sara Rittman