

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

IN RE:)	
)	
RITA KAY SANDERS,)	
3023 S. Kimbrough Ave.)	Supreme Court No. SC96078
Springfield, MO 65807)	October 5, 2017
)	
Missouri Bar No. 51565)	
)	
Respondent.)	

CORRECTED TERM AND CONDITIONS OF PROBATION

TERM OF PROBATION

The term of this probation shall be as follows:

Suspension of license: Respondent's license shall be suspended indefinitely with no leave to reapply for at least one year. The suspension shall be stayed.

Term of probation: Respondent shall be on probation for two years. The probation period shall begin to run upon the entry of an order by the Missouri Supreme Court.

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;
- (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; and

(10.) A report on the status of compliance with the conditions in this Order

- 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. Client Trust Account Monitor:

- a. Respondent consents and agrees to appointment of Trust Account Monitor to review Respondent’s trust account records on a monthly basis throughout the probation term. The monitor shall be an accountant or bookkeeper approved by the Probation Monitor;
- b. The Probation Monitor shall have the authority to accept or reject any Trust Account Monitor proposed by the Respondent. If rejected, the Respondent and Probation Monitor shall make every effort to agree to a mutually acceptable Trust Account Monitor. If they cannot agree within sixty 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 Trust Account Monitor for Respondent;

- c. The Trust Account Monitor shall receive reasonable compensation for services rendered in monitoring the Respondent's trust account on a monthly basis. If the Trust Account Monitor and Respondent cannot agree on the reasonable amount of compensation, in that instance the Probation Monitor will advise Respondent of the monetary sum to be paid to the Trust Account Monitor. Failure to pay the Trust Account Monitor the reasonable monetary compensation will be considered a violation of the probation terms;
- d. Respondent hereby authorizes and agrees that the Trust Account Monitor will have access to his/her law office at all reasonable times during normal business hours with or without notice;
- e. Respondent shall provide to the Trust Account Monitor, for inspection and review, all bank statements and prior reconciliations and all financial records showing the receipt and disbursement of client funds as well as any client files requested by the Trust Account Monitor. Further, in any matter in which the Trust Account Monitor believes it is necessary to fulfill obligations under the terms of the probation, Respondent shall provide to the Trust Account Monitor for inspection and review all documents and other information requested by the Trust Account Monitor. In the event Respondent receives any Bank overdraft notices the same shall be promptly delivered to the Trust Account Monitor and Probation Monitor.

6. Client Trust Account Records:

a. If Respondent possesses client funds at any time during the period covered by any required quarterly report, Respondent shall file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Probation Monitor, certifying that:

(1.) Respondent has maintained a bank account in a bank authorized to do business in the State of Missouri, at a branch located in the State of Missouri, and that such account is designated as a “Client Trust Account” or “Client Escrow Account”;

(2.) Respondent has kept and maintained the following;

(a.) A written ledger for each client on whose behalf funds are being held that sets forth:

- (i) The name of each client;
- (ii) The date, amount, and source of all funds received on behalf of such client;
- (iii) The date, amount, payee, and purpose of each disbursement made on behalf of such client; and
- (iv) The current balance for each client.

(b.) A written journal for each client trust fund account that sets forth:

- (i) The name of such account;

- (ii) The date, amount, and client affected by each debit and credit; and
 - (iii) The current balance in such account;
 - (c.) All bank statements and cancelled checks for each client trust account; and
 - (d.) Each monthly reconciliation (balancing) of (a), (b), and (c), above, and if there are any differences between the monthly total balances reflected in (a), (b), and (c), above, the reasons for the differences.
- (3.) Respondent has maintained a written journal of securities or other properties held for clients that specifies:
- (a.) Each item of security/property held;
 - (b.) The person on whose behalf the security/property is held;
 - (c.) The date of receipt of the security/property;
 - (d.) The date of distribution of the security/property; and
 - (e.) The person to whom the security/property was distributed.
- b. If Respondent does not possess any client funds, property, or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Probation Monitor for that reporting period.
- c. The requirements of this condition are in addition to those set forth in Rule 4-1.15 of the Rules of Professional Conduct.

7. Client Trust Account Audits: Respondent shall submit to audits of Respondent's trust account, conducted by OCDC or an auditor of OCDC's designation. The audits shall be at Respondent's expense and may be conducted at random times during the period of probation. The timing of any audit shall be determined by OCDC.

8. 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.

9. 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 indefinitely, with no leave to apply for reinstatement for at least one year.