



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

October 31, 2017

IN RE:

Lamar E. Ottsen, Jr.,

Respondent.

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Supreme Court No. SC96272

**TERM AND CONDITIONS OF PROBATION**

Term of probation: Respondent shall be on probation for one year. The probation period shall begin to run upon the issuance of the order of probation by the Supreme Court of Missouri.

**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. 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.

3. Client trust account records:

- a. If Respondent possesses client funds at any time during the period of probation, Respondent shall, upon completion of probation, certify 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 of probation, Respondent must so state under penalty of perjury in a report filed with the probation monitor for the period of probation.

c. The requirements of this condition are in addition to those set forth in Rule 4-1.15 of the Rules of Professional Conduct.

4. 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.

5. 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.

6. 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 for further discipline.

7. Rule 5.225 Probation: In addition to the requirements set forth above, Respondent shall comply with all requirements of Rule 5.225.