



# **SUPREME COURT OF MISSOURI**

## **en banc**

January 15, 2019

In re: )  
 )  
R. Scott Gardner, )  
 ) Supreme Court No. SC97207  
 )  
Respondent. )

### **TERM AND CONDITIONS OF PROBATION**

#### **TERM OF PROBATION**

Respondent is hereby suspended from the practice of law and no petition for reinstatement shall be considered for a period of six months from the date of the opinion of this Court herein delivered. Said suspension is stayed and Respondent shall be on probation for one year from the date of the opinion of this Court.

#### **CONDITIONS OF PROBATION**

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

1. Probation Monitor: The probation monitor for the term of probation shall be Carl Schaeperkoetter of the Office of Chief Disciplinary Counsel (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 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. Malpractice Insurance:
- a. Respondent shall maintain malpractice insurance in an amount of not less than \$100,000 per occurrence and an aggregate amount of not less than \$300,000.
  - b. Respondent shall provide the probation monitor with proof of insurance within thirty (30) days of the date of commencement of the probation term.
4. Change of Employment: Respondent shall notify the Chief Disciplinary Counsel within fourteen (14) days of any change of employment.
5. Costs of Participating in the Probation Program: Respondent shall pay all costs incurred in connection with participation in the probation program. OCDC 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, OCDC may move the Court,

pursuant to Rule 5.225(f), for probation to be extended or for termination of probation and for the suspension to take effect.

7. Rule 5.225 Probation: In addition to the requirements set forth above, Respondent shall comply with all requirements of Rule 5.225.
8. Payment of Fees and Costs: Fee pursuant to Rule 5.19(h) in the amount of \$1,500.00 payable by Respondent to the Clerk of this Court to the credit of the Advisory Committee. All costs are likewise taxed to Respondent.