



**Supreme Court of Missouri  
en banc**

February 8, 2022

**In re: Mark T. McCloskey,** )  
 ) **No. SC99301**  
**Respondent.** ) **MBE No. 36144**

**TERM AND CONDITIONS OF PROBATION**

**TERM OF PROBATION**

Term of probation: Respondent shall be on probation for one year from the date of the disciplinary order to which these conditions are attached.

**CONDITIONS OF PROBATION**

The conditions are:

1. Probation Monitor: The probation monitor for the term of probation shall be Melody Nashan of the Office of Chief Disciplinary Counsel (OCDC) or such other persons as OCDC shall designate in her 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 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 of any investigation of Respondent or any action taken by Respondent that 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 30 days or less than 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 conditions of probation. A copy of the application and affidavit shall be served on OCDC.

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 OCDC during the probation term alleging that Respondent has violated the Rules of Professional Conduct does not, in itself, constitute a violation of the conditions of probation.

c. In the event that OCDC receives a complaint during 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 OCDC regarding disposition of such charge.

4. Change of Employment: Respondent shall notify OCDC within 14 days of any change of employment.

5. Client Trust Account Audits: Respondent may be required to submit to one or more examinations of practices and records related to compliance with Rules 4-1.145, 4-1.15, and 4-1.155 governing safekeeping property, IOLTA, and trust accounts. Such audits shall be 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 term of probation.

The timing of any audit shall be determined by OCDC.

6. Pro Bono Legal Services: Respondent is required to provide 100 hours of pro bono legal services during the term of probation for any approved legal assistance organizations as defined under Rule 6.01(o).

7. 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.

8. Breach of Probation: Failure to comply with any of the conditions of probation shall constitute a probation violation. Upon violation, OCDC may move the Court pursuant to Rule 5.225(f) to revoke probation and to enter an order imposing further discipline.