

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:

- i. any address change;
- ii. any arrests of Respondent;
- iii. any criminal charges brought against Respondent;
- iv. any criminal conviction of Respondent;
- v. any civil lawsuit filed against Respondent;
- vi. any civil judgment entered against Respondent;
- vii. a description of any disputes with clients;
- viii. 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
- ix. 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 5.175(f). 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. 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 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. Proof of attendance shall be provided to the probation monitor within 10 days of attendance.

5. Change of Employment: Respondent shall notify OCDC within 14 days of any change of employment.
6. Client Trust Account Mentor:
 - a. Respondent shall, within 30 days of the order of probation, propose to the probation monitor a mentor attorney to serve as Respondent's mentor to set up and organize a client trust account that complies with the Rules of Professional Conduct and IOLTA;
 - b. The probation monitor shall have the authority to accept or reject any mentor Respondent proposes. If the probation monitor rejects the proposed mentor, the probation monitor and Respondent shall make every effort to find and agree to a mutually acceptable mentor;
 - c. Respondent shall meet with the mentor no later than one week after the mentor's retention. Respondent shall meet with the mentor as often as needed so that all systems will be in place for an appropriate client trust account within 30 days of the mentor's retention;
 - d. Respondent shall meet with the mentor at least once every quarter thereafter to discuss issues regarding the client trust account and so the mentor can verify that Respondent is handling the client trust account appropriately; and
 - e. The mentor immediately shall advise the probation monitor of any issues that arise pertaining to Respondent's client trust account that appear to be

a violation of the Rules of Professional Conduct or the IOLTA requirements.

7. Client Trust Account Monitor:

a. Respondent shall retain an accountant or bookkeeper to act as a client trust account monitor and review Respondent's trust account records on a monthly basis throughout the probation term;

b. The probation monitor shall have the authority to accept or reject any client trust account monitor Respondent proposes. If the probation monitor rejects the proposed client trust account monitor, the probation monitor and Respondent shall make every effort to find and agree to a mutually acceptable client trust account monitor;

c. Respondent shall be responsible for paying the client trust account monitor on a monthly basis. Failure to timely pay the client trust account monitor will be considered a violation of the conditions of probation;

d. The client trust account monitor shall have access to Respondent's law office at all reasonable times during normal business hours with or without notice;

e. For purposes of inspection and review, Respondent shall provide the client trust account monitor with all bank statements, prior reconciliations, and financial records showing the receipt or disbursement of client funds.

Respondent shall also provide any client files the client trust account monitor requests. Further, Respondent shall provide to the client trust account monitor all documents and other information the client trust account monitor

believes necessary to fulfill the monitor's obligations under this condition of probation; and

f. In the event Respondent receives any bank overdraft notices, the same shall be promptly delivered to the client trust account monitor and the probation monitor.

8. 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:

i. Respondent has maintained a bank account in a bank authorized to do business in Missouri, at a branch located in Missouri, and that such account is designated as a "Client Trust Account" or "Client Escrow Account";

ii. 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. A general ledger;

D. All bank statements and copies of cancelled checks, deposit slips, and deposited items for each client trust account; and

E. Each monthly reconciliation 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;

iii. 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; and

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

9. 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.

10. 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.

11. 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; and

b. Respondent shall provide the probation monitor with proof of insurance within 30 days of the date of commencement of the probation term.

12. Disability/Disaster Plan: Respondent shall, within 90 days of the order of probation, prepare and deliver to the probation monitor for approval a disability and/or disaster plan to protect clients in the event of a personal problem or natural disaster that

prohibits Respondent from practicing law. Respondent's plan shall include the designation of a trustee as contemplated by Rule 5.26(b), *i.e.* Respondent shall, at the time of the next annual enrollment statement required by Rule 6.01, designate a trustee by specifying the name and the bar number of the trustee and certifying that the trustee has agreed to the designation in a writing in possession of both Respondent and the trustee. Respondent shall provide the probation monitor a copy of the annual enrollment statement reflecting compliance with this requirement by February 15, 2024.

13. 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 5.175(e) to revoke probation and to enter an order imposing further discipline.