



Supreme Court of Missouri
en banc

In re: Paul Edwin Torlina,)
) **No. SC100245**
Petitioner.) **MBE No. 52798**

TERM AND CONDITIONS OF PROBATION

TERM OF PROBATION

Petitioner 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 Melody Nashan of the OCDC, or such other person as the Chief Disciplinary Counsel shall designate in her stead.
2. **Quarterly Reporting Responsibility:** Petitioner shall submit written quarterly reports to the Probation Monitor. 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. Each report shall include the following:

- a. Dates and amounts of Petitioner's payments to the Internal Revenue Service (IRS) and the remaining balance owed to that entity;
- b. Dates and amounts of Petitioner's payments to the Missouri Department of Revenue and the remaining balance owed to that entity;
- c. any address change;
- d. any arrests of Petitioner;
- e. any criminal charges brought against Petitioner;
- f. any criminal conviction of Petitioner;
- g. any civil lawsuit filed against Petitioner;
- h. any civil judgment entered against Petitioner;
- i. a description of any disputes with clients;
- j. a written statement under penalty of perjury regarding whether Petitioner has complied with the Rules of Professional Conduct and all conditions of probation during the preceding calendar quarter;
- k. notification to the OCDC of any investigation of Petitioner, or any action taken by Petitioner, which would raise a question as to Petitioner's fitness to practice law; and
- l. a report on the status of conditions nos. 5 – 7 below.

3. Final report and application for order of successful completion of probation:

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, Petitioner 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 Petitioner has complied with all terms of probation. A copy of the application and affidavit shall be served on the Office of Chief Disciplinary Counsel.

4. Compliance with Rules of Professional Conduct:

- a. Petitioner 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 Petitioner 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 Petitioner'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.

5. Payments to the IRS and the Missouri Department of Revenue: Petitioner shall remain current in his payments to the IRS and the Missouri Department of Revenue pursuant to his current agreements with those entities. Failure to timely make payments shall be considered a probation violation.

6. Client Trust Account Audits: Petitioner's current work does not require a client trust account. If, during the course of his probation, Petitioner changes jobs to a law practice which does require him to open a client trust account, Petitioner shall submit to audits of Petitioner's trust account, conducted by OCDC or an auditor of OCDC's designation. The audits shall be at Petitioner's expense and may be conducted at random times during the period of probation. The timing of any audit shall be determined by OCDC.

7. Disability/Disaster Plan. Petitioner shall, within 90 days of the commencement of the diversion term, 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 Petitioner from practicing law. Petitioner's plan shall include the designation of a trustee and Petitioner 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 the lawyer and the trustee. Respondent shall provide the Probation Monitor a copy of the annual enrollment statement reflecting compliance with this requirement.

8. Costs of Participating in the Probation Program: Petitioner 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, OCDC may move the Court, pursuant to Rule 5.175(e), for termination of the probation and for Petitioner's license to practice law to be suspended for a period of time to be determined by this Court.