

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

IN RE:)
)
WILLIAM F. O'SULLIVAN)
800 Traders on Grand) Supreme Court No.
1125 Grand)
Kansas City, MO 64106-2503)
)
MO Bar #23384)
)
Respondent.)

090235

TERM AND CONDITIONS OF PROBATION

TERM OF PROBATION

The term of this probation shall be as follows:

Suspension of license: Respondent's license shall be suspended for one year. The suspension shall be stayed for a one year term of probation.

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

CONDITIONS OF PROBATION

The following conditions of 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 Office of Chief Disciplinary Counsel, or such other person as the Chief Disciplinary Counsel shall designate in his 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 thirty (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; and
- (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.

b. 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, Respondent may file an application with the Court for an order of successful completion of probation. The application shall be accompanied by an affidavit that Respondent has complied with all terms of probation. A copy of the application and affidavit shall be served on the Office of Chief Disciplinary Counsel.

3. Compliance with the 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.

4. Change of employment: Respondent shall notify the Chief Disciplinary Counsel within fourteen (14) days of any change in employment.

5. Random drug testing: Respondent shall, upon request by the probation monitor, submit to random substance abuse testing at a facility approved by the probation monitor, within eight (8) hours of receiving notice from the probation monitor that the Respondent shall submit to testing. Notice may be given in person, by telephone, via e-mail, or in writing by first class mail. The results of the tests shall be reported to the probation monitor. Respondent shall pay any and all costs related to such testing.

6. Substance abuse conditions:

a. Respondent shall abstain from the use of alcoholic beverages, and shall not use or possess any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription.

b. Respondent shall attend at least four (4) meetings per month of Alcoholics Anonymous. As a separate reporting requirement, Respondent shall provide to the probation monitor satisfactory proof of attendance during each month on or before the tenth (10th) day of the following month during the probation term.

7. 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.

8. 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,

pursuant to Rule 5.225(f), for termination of the stayed suspension and for Respondent's license to practice law to be suspended for a term of one year.