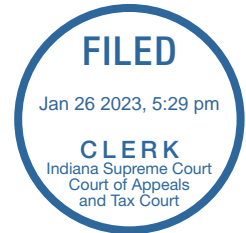


In the Indiana Supreme Court

In the Matter of: Eric O. Clark,
Respondent

Supreme Court Case No.
22S-DI-376



Published Order Accepting Resignation and Concluding Proceeding

A disciplinary complaint against Respondent was filed on November 9, 2022, alleging he hugged and kissed a potential client and solicited sexual favors from her in exchange for a discount on his attorney fees. Later, the complaint alleges, Respondent offered to represent her for free if she did not report his misconduct. Respondent has now tendered to this Court an affidavit of resignation from the bar of this State, pursuant to Indiana Admission and Discipline Rule 23(17), which requires an acknowledgement that the material facts alleged are true and that Respondent could not successfully defend himself if prosecuted.

Respondent's admitted misconduct is egregious, a flagrant abuse of his position, and a betrayal of the trust the public places in members of Indiana's bar and the profession. Respondent would likely face disbarment if the allegations were tried and proven. It is only in the interest of more immediately removing Respondent from practice and sparing his victim from having to testify in these disciplinary proceedings that we accept Respondent's resignation. Moreover, absent a request from the Commission, the Admission and Discipline Rules do not provide a mechanism for this Court to sua sponte order an interim suspension to protect the public while seeking disbarment here.

IT IS THEREFORE ORDERED that the resignation from the bar of this State tendered by Respondent is accepted effective immediately. The Clerk of this Court is directed to record Respondent's resignation on the Roll of Attorneys. Respondent shall fulfill all the applicable duties under Admission and Discipline Rule 23(26)(d).

IT IS FURTHER ORDERED that any attorney disciplinary proceedings pending against Respondent are hereby dismissed as moot because of Respondent's resignation.

Respondent shall be ineligible to petition for reinstatement to the practice of law for five years from the date of this order. *See* Admis. Disc. R. 23(18)(b). If Respondent seeks reinstatement, the misconduct admitted in Respondent's affidavit of resignation, as well as any other allegations of misconduct, will be addressed in the reinstatement process. Approval of a petition for reinstatement is discretionary and may be granted only if Respondent could meet the most stringent burden of proving by clear and convincing evidence all the requirements of Admission and Discipline Rule 23(18)(b), including without limitation that Respondent can safely be recommended to the legal profession, the courts, and the public as a person fit to represent them and otherwise act in matters of trust and confidence. Acceptance of

Respondent's resignation from the bar serves only to remove Respondent from the practice of law and does not relieve Respondent from any liability he might have for his misconduct under civil or criminal law.

The costs of this proceeding are assessed against Respondent.

Done at Indianapolis, Indiana, on 1/26/2023.

FOR THE COURT

A handwritten signature in black ink, appearing to read "Loretta H. Rush", is written over a horizontal line.

Loretta H. Rush

Chief Justice of Indiana

All Justices concur, except Rush, C.J., who believes disbarment is warranted.