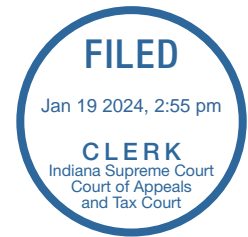


In the Indiana Supreme Court

In the Matter of: Michael P. Irk,
Respondent

Supreme Court Case No.
23S-DI-385



Published Order Approving Statement of Circumstances and Conditional Agreement for Discipline

Pursuant to Indiana Admission and Discipline Rule 23(12.1)(b), the Indiana Supreme Court Disciplinary Commission and Respondent have submitted for approval a “Statement of Circumstances and Conditional Agreement for Discipline” stipulating agreed facts and proposed discipline as summarized below.

Stipulated Facts: Respondent represented “Adoptive Parents” in adoption proceedings that were anticipated to be uncontested. In January 2021, Respondent filed documents in court to begin the adoption, one of which was an “Agency Consent” form. That form purported to bear the signature of the adoption agency’s director. Respondent notarized the signature and indicated the director had signed the form in Respondent’s presence. Later, a “Prior Written Approval” form was distributed among the parties that also purported to bear the director’s signature, which Respondent again had notarized. In fact, the director had not signed either of these forms; rather, Respondent had cut-and-pasted her signature without her permission from another document.

Violations: The parties agree that Respondent violated these Indiana Professional Conduct Rules prohibiting the following misconduct:

3.3(a)(1): Knowingly making a false statement of fact to a tribunal.

8.4(c): Engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

8.4(d): Engaging in conduct prejudicial to the administration of justice.

Discipline: The parties propose the appropriate discipline is a 30-day suspension with automatic reinstatement. This discipline is within the range imposed in other cases involving similar misconduct. *See Matter of Browning*, 39 N.E.3d 685 (Ind. 2015). The Court, having considered the submissions of the parties, now approves the agreed discipline.

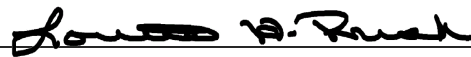
For Respondent’s professional misconduct, the Court **suspends Respondent from the practice of law for a period of 30 days, beginning April 1, 2024**. Respondent shall not undertake any new legal matters between service of this order and the effective date of the suspension, and Respondent shall fulfill all the duties of a suspended attorney under Admission and Discipline Rule 23(26). At the conclusion of the period of suspension, provided there are no

other suspensions then in effect, Respondent shall be automatically reinstated to the practice of law, subject to the conditions of Admission and Discipline Rule 23(18)(a).

The costs of this proceeding are assessed against Respondent. Pursuant to the parties' stipulation, the Court hereby orders Respondent to pay \$266.40 by check made payable and transmitted to the Clerk of the Indiana Supreme Court. Upon receipt, the Clerk is directed to disburse those funds as follows: (1) \$16.40, payable to the Commission as reimbursement for investigative expenses incurred; and (2) \$250.00, payable to the Clerk for court costs.

Done at Indianapolis, Indiana, on 1/19/2024.

FOR THE COURT



Loretta H. Rush
Chief Justice of Indiana

Massa, Slaughter, and Molter, JJ., concur.

Rush, C.J., and Goff, J., dissent, believing the proposed discipline to be inadequate under the circumstances. As Chief Justice Dickson wrote in *Matter of Robison*, 985 N.E.2d 336 (Ind. 2013):

Much of our legal system is predicated on the authenticity and reliability of signatures. For a lawyer to affix a false signature is a deception that gravely undermines public trust, respect, and confidence in the legal profession. Such inexcusable misconduct is not justified or excused by considerations of client convenience, expediency, or lack of personal gain. Affixing a false signature is manifestly dishonest and an absolute ethical transgression. For this offense, I favor a substantial period of suspension.

Id. at 336-37 (Dickson, C.J., and Rush, J., dissenting); *see also Matter of Beeson*, 997 N.E.2d 336, 337 (Ind. 2013) (Dickson, C.J., dissenting) (writing the same with respect to falsely notarizing a signature).