

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2020-0005, In the Matter of Richard E. Clark, Esquire

On April 28, 2020, the Professional Conduct Committee (PCC) filed a recommendation that Attorney Richard E. Clark be suspended from the practice of law for a period of one year, with the suspension stayed for one year on the condition that Attorney Clark comply with certain requirements. The PCC also recommended that Attorney Clark be ordered to pay the costs associated with the investigation and enforcement of the disciplinary matter. The PCC's recommendation approved a stipulation signed by Attorney Clark and the Attorney Discipline Office's assistant disciplinary counsel in which Attorney Clark agreed that he had violated several Rules of Professional Conduct and further agreed that the appropriate sanction for these violations was a one-year suspension, with the suspension conditionally stayed for one year. Attorney Clark expressly waived his right to a hearing before the court. In accordance with Rule 37(16), because this matter was resolved by a dispositive stipulation, the court may consider this matter without further notice and hearing.

Based on the parties' stipulation, the PCC found that Attorney Clark violated the following Rules of Professional Conduct:

1. Rule 1.1, which requires a lawyer to provide competent and diligent representation to a client;
2. Rule 1.5, which prohibits a lawyer from entering into an agreement for, charging, or collecting an unreasonable fee;
3. Rule 1.8(a), which prohibits a lawyer from entering into a business arrangement with a client without advising the client of the desirability of seeking independent legal advice and without obtaining the client's informed consent;
4. Rule 1.15, which requires a lawyer to safeguard client property and to maintain records relating to client funds in the lawyer's possession;
5. Rule 3.3(a), which prohibits a lawyer from making a false statement of fact or law to a tribunal; and

6. Rule 8.4(a), which makes it misconduct to violate the Rules of Professional Conduct.

The court has reviewed the PCC's findings and rulings and concludes that they are supported by the record. The court accepts the PCC's recommendation for the appropriate sanction for this misconduct, and concludes that a one-year suspension from the practice of law, with the suspension conditionally stayed for one year, is warranted. The court approves the conditions of the stay, which are set forth in the stipulation and in a separate agreement to mandatory conditions and procedure for alleged violation of conditions (agreement to mandatory conditions). The stipulation and agreement to mandatory conditions also set forth a procedure to be followed if it is alleged that Attorney Clark has not complied with a condition or conditions.

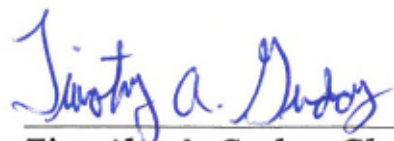
Accordingly, having approved the PCC's findings, rulings and recommended sanction, the court orders as follows:

- (1) Attorney Richard E. Clark is suspended from the practice of law in New Hampshire for a period of one year, with the suspension stayed for one year on the condition that Attorney Clark comply with the requirements set forth in the stipulation and the agreement to mandatory conditions; and
- (2) Attorney Clark is ordered to reimburse the Attorney Discipline Office for all costs and expenses incurred by the attorney discipline system in the investigation and prosecution of this matter.

Hicks, Bassett, Hantz Marconi, and Donovan, JJ., concurred.

DATE: August 5, 2020

ATTEST:


Timothy A. Gudas, Clerk

Distribution:
Professional Conduct Committee, 18-014
Richard E. Clark, Esq.
Elizabeth M. Murphy, Esq.
File

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. LD-2020-0005, In the Matter of Richard E. Clark, Esquire, the court on October 4, 2021, issued the following order:

On August 5, 2020, the court suspended Attorney Richard E. Clark from the practice of law in New Hampshire for a period of one year, with the suspension stayed for one year on the condition that Attorney Clark comply with the requirements set forth in the stipulation and the agreement to mandatory conditions that he reached with the Attorney Discipline Office (ADO).

On August 25, 2021, the ADO filed an assented-to motion to permanently stay the one-year suspension. The assented-to motion states that Attorney Clark has complied with all of the conditions and requirements of the stay.

The assented-to motion is granted. Accordingly, imposition of the one-year suspension is permanently stayed. The matter is closed.

MacDonald, C.J., and Hicks, Bassett, Hantz Marconi, and Donovan, JJ., concurred.

**Timothy A. Gudas,
Clerk**

Distribution:
Professional Conduct Committee, 18-014
Richard E. Clark, Esq.
Sara S. Greene, Esq.
Elizabeth M. Murphy, Esq.
File