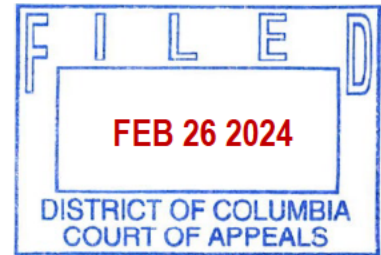


**District of Columbia
Court of Appeals**



No. 22-BG-0891

In re JEFFREY B. CLARK, ESQUIRE,
Respondent.

**BDN: 22-BD-39
DDN: 2021-D193**

BEFORE: Blackburne-Rigsby, Chief Judge, and Beckwith, Easterly, McLeese, Deahl,* Howard,* and Shanker, Associate Judges, and Glickman,* Senior Judge.

O R D E R

On December 6, 2023, a motions division*¹ granted petitioner Office of Disciplinary Counsel's ("ODC's") motion to enforce a subpoena *duces tecum* that it served on respondent Jeffrey B. Clark in connection with disciplinary charges pending against him before a hearing committee of the Board on Professional Responsibility. Mr. Clark has since filed (1) a motion to reconsider the December 6 order or extend the time to comply with the subpoena; (2) an unopposed motion to seal a supplement to his motion to reconsider; (3) an opposed petition for rehearing or rehearing en banc; (4) an unopposed motion to supplement his petition; and (5) an opposed motion to stay the December 6 order pending the resolution of his petition. On consideration of these motions, and the oral argument held before the motions division on February 23, 2024, it is

ORDERED that Mr. Clark's motion to supplement his petition for rehearing or rehearing en banc is granted. It is

FURTHER ORDERED by the motions division that Mr. Clark's petition for rehearing is granted, ODC's motion to enforce its subpoena is denied because it infringes on Mr. Clark's Fifth Amendment right not to be compelled to be a witness against himself, and an opinion will issue in due course. It is

¹ The judges asterisked compose the current motions division deciding the petition for rehearing. Associate Judge AliKhan was originally a member of the motions division. Following her appointment to the U.S. District Court for the District of Columbia, effective December 12, 2023, Judge Deahl was assigned to take her place.

No. 22-BG-0891

FURTHER ORDERED that Mr. Clark's petition for rehearing en banc is denied. It is

FURTHER ORDERED that Mr. Clark's remaining motions are denied as moot. With respect to his motion to seal, the referenced supplement was neither attached to any filed motion nor otherwise lodged with the court, such that there is nothing before the court to place under seal.

PER CURIAM

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