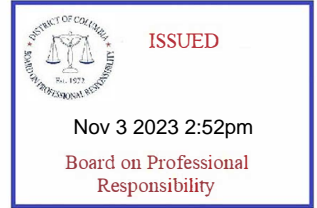


DISTRICT OF COLUMBIA COURT OF APPEALS  
BOARD ON PROFESSIONAL RESPONSIBILITY



In the Matter of: :  
 :  
 JEFFREY B. CLARK, :  
 :  
 Respondent. : Board Docket No. 22-BD-039  
 : Disciplinary Docket No. 2021-D193  
 A Member of the Bar of the :  
 District of Columbia Court of Appeals :  
 (Bar Registration No. 455315) :

ORDER

Pending before the Board are Respondent’s Renewed Request for Deferral Under Board Rule 4.2 (and Related Rule 4.1), Disciplinary Counsel’s Opposition, Respondent’s Reply, Respondent’s Post-Oral Argument Supplemental Brief on Deferral, Disciplinary Counsel’s Response to October 20, 2023 Filing, Respondent’s Reply in Support of Post-Oral Argument Request for Discovery, and the recommendation of the Chair of Hearing Committee Number Twelve that Respondent’s motion for deferral be denied.

The Chair of the Board is authorized to defer disciplinary proceedings “when there is a substantial likelihood” that the resolution of a related ongoing criminal investigation or related pending criminal or civil litigation “will help to resolve material issues involved in the pending disciplinary matter.” Board Rules 4.1 and 4.2. As is discussed in the Hearing Committee Chair’s comprehensive Report and

Recommendation, which carefully examined the parties' arguments, Respondent argues that the case should be deferred for the following reasons:

(1) "to await the outcome of *State of Georgia v. Donald J. Trump et al.*, in which Mr. Clark is named as a co-defendant";

(2) to permit him to gather evidence in the Georgia prosecution, or obtain a legal ruling that might help with his defenses here;

(3) to avoid having to simultaneously defend himself here to save his family's livelihood, and in the Georgia prosecution, while also avoiding a potential indictment by the Special Counsel (he is Unindicted Coconspirator #4 in the indictment filed against former President Trump (*United States v. Trump, et al.*, 1:23-cr-00257 (D.D.C.)));

(4) to permit him to testify in this proceeding without fear that his testimony could be used against him in the Georgia prosecution or the Special Counsel investigation;

(5) to avoid a break from prior precedent where disciplinary proceedings against members of the D.C. Bar charged with a crime follow the resolution of the criminal prosecution;

(6) to save the cost of defending against Disciplinary Counsel's charges, while also defending himself before other tribunals; and,

(7) to permit the resolution of his argument to the D.C. Court of Appeals that this matter should be stayed, and his argument to the District of Columbia Circuit, that the United States District Court for the District of Columbia erred in granting Disciplinary Counsel's motion to remand this case or denying Respondent a stay of that remand pending appeal.

Disciplinary Counsel opposes the motion, arguing that these are not appropriate grounds for deferral. The Hearing Committee Chair agreed with Disciplinary Counsel and has recommended that the motion to defer be denied.

Substantially for the reasons set forth in the recommendation of the Chair of Hearing Committee Number Twelve, which is adopted and incorporated by reference herein, the Board, acting through its Chair pursuant to Board Rules 4.1 and 4.2, concludes that Respondent has not met the standard for deferral.

Upon consideration of the foregoing, it is hereby

ORDERED that Respondent's Renewed Request for Deferral Under Board Rule 4.2 (and Related Rule 4.1) is denied.

BOARD ON PROFESSIONAL RESPONSIBILITY

By: *Bernadette C. Sargeant*  
Bernadette C. Sargeant  
Chair

cc:

Jeffrey Clark, Esquire  
c/o Charles Burnham, Esquire  
Robert A. Destro, Esquire  
Harry W. MacDougald, Esquire  
[charles@burnhamgorokhov.com](mailto:charles@burnhamgorokhov.com)  
[robert.destro@protonmail.com](mailto:robert.destro@protonmail.com)  
[hmacdougald@ccedlaw.com](mailto:hmacdougald@ccedlaw.com)

Hamilton P. Fox, III, Esquire  
Jason R. Horrell, Esquire  
Office of Disciplinary Counsel  
[foxp@dcodc.org](mailto:foxp@dcodc.org)  
[horrellj@dcodc.org](mailto:horrellj@dcodc.org)