

**BEFORE THE BOARD OF DISCIPLINARY APPEALS  
APPOINTED BY  
THE SUPREME COURT OF TEXAS**



**FILED**  
**Oct. 26, 2021**

THE BOARD of DISCIPLINARY APPEALS  
Appointed by the Supreme Court of Texas

**IN THE MATTER OF  
WESLEY LINDON CLARKE,  
STATE BAR CARD NO. 24014254**

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**CAUSE NO. 65865**

**PETITIONER’S RESPONSE TO RESPONDENT’S MOTION FOR CONTINUANCE**

**TO THE BOARD OF DISCIPLINARY APPEALS:**

Petitioner, the Commission for Lawyer Discipline (hereinafter called "Petitioner"), files this Response to Respondent’s, Wesley Lindon Clarke, (hereinafter called "Respondent") Motion for Continuance, showing as follows:

**I. BACKGROUND**

Petitioner is the Commission for Lawyer Discipline, a committee of the State Bar of Texas. Respondent is Wesley Lindon Clarke, State Bar No. 24014254. Petitioner filed its Petition for Compulsory Discipline on September 8, 2021, asking this Board to disbar Respondent based on his consent to disbarment from the bar of the District of Columbia. Respondent was served with the Petition for Compulsory Discipline on September 23, 2021. A hearing on Petitioner’s Petition for Compulsory Discipline is currently scheduled for October 29, 2021. On October 26, 2021, Respondent filed a Motion for Continuance.

**II. ARGUMENT AND AUTHORITY**

Internal Procedural Rule 1.09(a)(1) of the Board of Disciplinary Appeals requires all pretrial motions to be “supported by sufficient cause” and to “state with particularity the grounds on which [they are] based . . . All supporting briefs, affidavits, or other documents must be served

and filed with the motion.” The Board should deny a motion for continuance when the motion is not verified or supported by an affidavit or when the affidavit is defective. *See* Tex. R. Civ. P. 251; *Villegas v. Carter*, 711 S.W.2d 624, 626 (Tex. 1986). Texas permits individuals to substitute an unsworn declaration for an affidavit required by statute. Tex. Civ. Prac. & Rem. Code Ann. § 132.001.

Respondent’s motion for continuance is not supported by sufficient cause. In addition, Respondent failed to state with particularity the grounds on which the motion is based. Respondent’s motion is vague and is not verified or supported by an attached affidavit or unsworn declaration. Therefore, Respondent’s motion should be denied.

### **III. REQUEST FOR SUSPENSION**

If the Board uses its discretion and grants Respondent’s request for continuance, he should be suspended from the practice of law pending a final decision by the Board. An Order of Suspension will protect both the public and the legal profession as well as allow Respondent the additional time he requested.

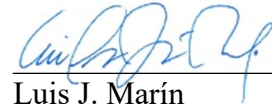
### **PRAYER**

Petitioner asks the Board to deny Respondent’s motion for continuance. In the alternative, if the Board grants Respondent’s motion, Petitioner requests that the Board enter an order suspending Respondent from the practice of law until the Board makes a final decision in this matter.

Respectfully submitted,

**Seana Willing**  
Chief Disciplinary Counsel

**Luis J. Marín**  
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Luis J. Marín  
State Bar Card No. 24108702

ATTORNEYS FOR PETITIONER

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument has been by email to Wesley Lindon Clarke [wclark@mac.com](mailto:wclark@mac.com) on the 26<sup>th</sup> day of October 2021.



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Luis J. Marín

**BEFORE THE BOARD OF DISCIPLINARY APPEALS  
APPOINTED BY  
THE SUPREME COURT OF TEXAS**

**IN THE MATTER OF  
WESLEY LINDON CLARKE,  
STATE BAR CARD NO. 24014254**

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**CAUSE NO. 65865**

**ORDER DENYING RESPONDENT’S MOTION FOR CONTINUANCE**

After considering Respondent’s Motion for Continuance and Petitioner’s Response to Respondent’s Motion for Continuance, the Board of Disciplinary Appeals **DENIES** Respondent’s request for a continuance.

Signed this the \_\_\_\_ day of October, 2021.

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**CHAIR PRESIDING  
BOARD OF DISCIPLINARY APPEALS**

**BEFORE THE BOARD OF DISCIPLINARY APPEALS  
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**IN THE MATTER OF  
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**CAUSE NO. 65865**

**ORDER GRANTING RESPONDENT’S MOTION  
FOR CONTINUANCE WITH SUSPENSION**

On this day, the Board of Disciplinary Appeals (“BODA”) considered Respondent’s Motion for Continuance and Petitioner’s Response opposing the continuance and asking that, in the event BODA grants a continuance, Respondent be suspended pending a hearing on the merits.

Therefore, BODA **GRANTS** Respondent’s Motion for Continuance until further order of the Board. The BODA clerk will reset this case on the next en banc hearings docket when that date is determined and notify the parties.

It is therefore, **ORDERED, ADJUDGED, and DECREED** that Respondent, Wesley Lindon Clarke, State Bar Card No. 24014254, is hereby **SUSPENDED** from the practice of law in the State of Texas effective immediately upon entry of this order and continuing hereafter until further order of this Board.

It is further **ORDERED, ADJUDGED, and DECREED** that Respondent, Wesley Lindon Clarke, State Bar Card No. 24014254, during said suspension is hereby prohibited, effective immediately, from practicing law in Texas, holding himself out as an attorney at law, performing any legal service for others, accepting any fee directly or indirectly for legal services not completed before the date of this order, appearing as counsel in any proceeding in any Texas court of before any Texas administrative body, or holding himself out to others or using his name, in any manner,

in conjunction with the words “attorney,” “counselor,” or “lawyer.”

It is further **ORDERED** that Respondent, Wesley Lindon Clarke, State Bar Card No. 24014254, shall notify in writing, no later than thirty (30) days from the date of this Order, each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent has any legal matter pending, if any, of his suspension, of the style and cause number of the pending matter(s), and of the name, address, and telephone number of the client(s) Respondent is representing in that court. Respondent is also **ORDERED** to mail copies of all such notifications to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

If is further **ORDERED** that Respondent shall immediately notify each of his current clients and opposing counsel, if any, in writing, of his suspension. In addition to such notification, Respondent is **ORDERED** to return all files, papers, unearned fees paid in advance, and all other monies and properties which are in his possession but which belong to current or former clients with active cases pending, if any, to those respective clients or former clients with active cases pending within thirty (30) days after the date of this Order. Respondent is further **ORDERED** to file with the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, within the same thirty (30) days, an affidavit stating either (a) that all current clients and opposing counsel have been notified of his suspension and that all files, papers, unearned fees paid in advance, and all other monies and properties belonging to clients and former clients with active cases pending have been returned as ordered herein, or (b) that Respondent has no current clients, files, or papers, and that any unearned fees paid in advance or other monies or properties belonging to clients have previously been returned to the appropriate client. If Respondent is unable to return any file, papers, money or

other property to any client or former client with active cases pending, Respondent's affidavit shall state with particularity the efforts made by Respondent with respect to each particular client and the cause of his inability to return to said client any file, paper, money or other property. Respondent is also **ORDERED** to mail a copy of all notification letters to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further **ORDERED** that Respondent, Wesley Lindon Clarke, State Bar Card No. 24014254, immediately surrender his Texas law license and permanent State Bar Card to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

Signed this the \_\_\_\_ day of October, 2021.

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**CHAIR PRESIDING**  
**BOARD OF DISCIPLINARY APPEALS**