

Rule 41. Mandate: Contents; Issuance and Effective Date; Stay; Remand; Recall; and Disciplinary Matters

(a) Contents. The mandate consists of a certified copy of the judgment, a copy of the court's opinion, if any, and any direction about costs.

(b) When Issued. The court's mandate must issue 7 calendar days after the time to file a petition for rehearing expires, or 7 calendar days after entry of an order denying a timely petition for division rehearing, petition for rehearing en banc, or motion for stay of mandate, whichever is later. The court may shorten or extend the time by order.

(c) Effective Date. The mandate is effective when issued.

(d) Staying The Mandate.

(1) On Petition for Rehearing or Motion. The timely filing of a petition for division rehearing, petition for rehearing en banc, or motion for stay of mandate, stays the mandate until disposition of the petition or motion, unless the court orders otherwise.

(2) Pending Petition for Certiorari.

(A) Motion to Stay. A party may move to stay the mandate pending the filing of a petition for a writ of certiorari in the Supreme Court. The motion must be served on all parties and must show that the certiorari petition would present a substantial question and that there is good cause for a stay.

(B) Duration of Stay; Extensions. The stay must not exceed 90 days, unless the period is extended for good cause or the party who obtained a stay notifies the Clerk in writing within the period of the stay:

(i) that the time for filing a petition has been extended, in which case the stay continues for the extended period; or

(ii) that the petition has been filed, in which case the stay continues until the Supreme Court's final disposition.

(C) Security. The court may require a bond or other security as a condition to granting or continuing a stay of the mandate.

(D) Issuance of Mandate. The Clerk must issue the mandate immediately on receiving a copy of a Supreme Court order denying the petition, unless extraordinary circumstances exist.

(3) Consolidated Cases. In cases consolidated on appeal, a petition filed by one party does not operate to stay the mandate as to any other party.

(e) Remand. If the record in any case is remanded to the Superior Court or to an agency, this court

retains jurisdiction over the case. If the case is remanded, this court does not retain jurisdiction, and a new notice of appeal or petition for review will be necessary if a party seeks review of the proceedings conducted on remand.

(f) Recall of the Mandate. Any motion to recall the mandate must be filed within 180 days from issuance of the mandate.

(g) Disciplinary Cases. A mandate is not issued in a disciplinary case that is initiated in this court by a report and recommendation from the Board on Professional Responsibility. A disbarment or suspension from the practice of law is commenced as provided by the District of Columbia Bar Rules.