

Respondent Was Disciplined by the D.C. Circuit in 2015

3. In 2015, the U.S. Court of Appeals for the District of Columbia Circuit publicly reprimanded Respondent. *In re Sealed Case No. 11-8517*, Slip Op. (D.C. Cir. July 21, 2015).

4. Respondent's public reprimand from the D.C. Circuit is discipline by a court.

Respondent was Disciplined by the D.C. Court of Appeals in 2019

5. In 2019, Respondent agreed to a negotiated discipline by the District of Columbia Court of Appeals. *In re Kevin J. McCants*, 208 A. 3d 733 (D.C. 2019). The D.C. Court of Appeals imposed on Respondent a 90-day suspension, stayed in favor of one year of unsupervised probation, subject to multiple conditions set forth in the Amended Petition for Negotiated Discipline.

6. The D.C. Court of Appeals' order is discipline by a court.

Respondent was Disciplined by the D.C. Circuit in 2021

7. Following the D.C. Court of Appeals' order, the D.C. Circuit imposed identical discipline on Respondent on a reciprocal basis. *In re Kevin Jesse McCants*, Slip Op. 20-8512 (D.C. Cir. Jan. 22, 2021).

8. The D.C. Circuit's reciprocal discipline constitutes discipline by a court.

Respondent Represented that He Had Not Been Disciplined by Any Court

9. On February 17, 2023, Respondent signed and filed a form for the U.S. District Court for the District of Maryland entitled “Attorney Request for Reactivation.” On that form, Respondent answered several questions about his disciplinary history as follows:

1. Are there any disciplinary proceedings pending against you?

YES NO If previously disclosed to this Court, date disclosed: _____

2a. Have you been denied admission to practice, disbarred, suspended from practice, or disciplined by any court or bar authority, other than administrative suspensions for non-payment of bar dues?

YES (answer 2b) NO (skip to 3) If previously disclosed to this Court, date disclosed: _____

2b. If you have been suspended or disbarred from the practice of law by any court or bar authority, have you been reinstated?

YES NO N/A If previously disclosed to this Court, date disclosed: _____

10. When submitting the above-referenced application, Respondent failed to disclose his prior discipline by two different courts in connection with the three client matters. The results were a public reprimand by the D.C. Circuit, and stayed suspensions with probationary conditions by both the D.C. Court of Appeals (in the original prosecutions) and the D.C. Circuit (as reciprocal discipline).

Charges

11. Respondent violated the following Maryland Rules of Professional Conduct:

A. MD Rule 19-303.3(a)(1), because Respondent made a false statement of fact to a tribunal;

B. MD Rule 19-308.1(a), because Respondent knowingly made a false statement of material fact as an applicant for admission or reinstatement to the Maryland District Court;

C. MD Rule 19-308.4(c), because Respondent engaged in dishonesty; and

D. MD Rule 19-308.4(d), because Respondent engaged in conduct prejudicial to the administration of justice.

Respectfully submitted,

/s/ Hamilton P. Fox, III

Hamilton P. Fox, III
Disciplinary Counsel



Traci M. Tait
Assistant Disciplinary Counsel

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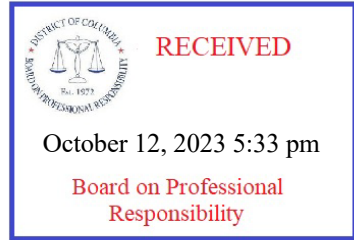
VERIFICATION

I declare on September 8, 2023, under penalty of perjury, that I believe the foregoing facts stated in the Specification of Charges and Petition are true and correct.



Traci M. Tait
Assistant Disciplinary Counsel

**DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY**



In the Matter of

Kevin J. McCants, Esquire

Respondent

Bar Registration No. 493979

Date of Admission: September 9, 2005

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: **Disciplinary Docket No. 2023-D055**
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PETITION INSTITUTING FORMAL DISCIPLINARY PROCEEDINGS

A. This Petition (including the attached Specification of Charges which is made part of this Petition) notifies Respondent that disciplinary proceedings are hereby instituted pursuant to Rule XI, § 8(c), of the District of Columbia Court of Appeals’ Rules Governing the Bar (D.C. Bar R.).

B. Respondent is an attorney admitted to practice before the District of Columbia Court of Appeals on the date stated in the caption of the Specification of Charges.

C. A lawyer member of a Hearing Committee assigned by the Board on Professional Responsibility (Board) pursuant to D.C. Bar R. XI, § 4(e)(5), has approved the institution of these disciplinary proceedings.

D. Procedures

(1) **Referral to Hearing Committee** - When the Board receives the Petition Instituting Formal Disciplinary Proceedings, the Board shall refer it to a Hearing Committee.

(2) **Filing Answer** - Respondent must respond to the Specification of Charges by filing an answer with the Board and by serving a copy on the Office of Disciplinary Counsel within 20 days of the date of service of this Petition, unless the time is extended by the Chair of the Hearing Committee. Permission to file an answer after the 20-day period may be granted by the Chair of the Hearing Committee if the failure to file an answer was attributable to mistake, inadvertence, surprise, or excusable neglect. If a limiting date occurs on a Saturday, Sunday, or official holiday in the District of Columbia, the time for submission will be extended to the next business day. Any motion to extend the time to file an answer, and/or any other motion filed with the Board or Hearing Committee Chair, must be served on the Office of Disciplinary Counsel at the address shown on the last page of this petition.

(3) **Content of Answer** - The answer may be a denial, a statement in exculpation, or a statement in mitigation of the alleged misconduct. Any charges not answered by Respondent may be deemed established as provided in Board Rule 7.7.

(4) **Mitigation** - Respondent has the right to present evidence in mitigation to the Hearing Committee regardless of whether the substantive allegations of the Specification of Charges are admitted or denied.

(5) **Process** - Respondent is entitled to fifteen days' notice of the time and place of hearing, to be represented by counsel, to cross-examine witnesses, and to present evidence.

E. In addition to the procedures contained in D.C. Bar R. XI, the Board has promulgated Board Rules relating to procedures and the admission of evidence which are applicable to these procedures. A copy of these rules is being provided to Respondent with a copy of this Petition.

WHEREFORE, the Office of Disciplinary Counsel requests that the Board consider whether the conduct of Respondent violated the District of Columbia Rules of Professional Conduct, and, if so, that it impose/recommend appropriate discipline.

Office of Disciplinary Counsel

/s/ Hamilton P. Fox, III

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