



# OFFICE OF DISCIPLINARY COUNSEL

November 14, 2017

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**BY FIRST-CLASS AND CERTIFIED  
MAIL NO. 9414-7266-9904-2091-4474-17**

H. David Kelly, Jr., Esquire  
c/o Dennis Quinn, Esquire  
Carr Maloney  
2020 K Street, N.W.  
Suite 850  
Washington, D.C. 20006

Re: *In re, H. David Kelly, Jr., Esquire*  
(D.C. Bar Registration No. 471254)  
Disciplinary Docket No. 2017-D092

Dear Mr. Kelly:

This office has completed its investigation of the above-referenced matters. We find that your conduct reflected a disregard of certain ethical standards under the District of Columbia Rules of Professional Conduct (the "Rules"). We are, therefore, issuing you this Informal Admonition pursuant to D.C. Bar Rule XI, §§ 3, 6, and 8.

We docketed this matter for investigation following receipt of a complaint in which your client, C.R.D., states the you filed her EEOC complaint after the statute of limitations had passed. As a result, Defendants filed a motion for Summary Judgment.

We have completed our investigation and find that your actions violate Rules 1.1(a) and (b).

Rule 1.1(a) requires an attorney to provide competent representation to a client. The Rule continues by stating that competent representation requires the legal knowledge, skill thoroughness, and preparation reasonably necessary for the representation. Rule 1.1(b) requires a lawyer to serve a client with skill and care commensurate with that generally afforded clients by other lawyers in similar matters. We find that your failure to take the steps necessary to determine the actual date that your client received her right to sue letter violates Rules 1.1(a) and (b). If the Court grants Defendant's Motion for Summary Judgment, your client will be statutorily barred from pursuing her EEOC complaint.

In deciding to issue this letter of Informal Admonition rather than initiate formal disciplinary charges against you, we have taken into consideration that you took this matter seriously, immediately took responsibility for your actions, cooperated with our investigation, refunded the retainer fee, and agreed to accept an Informal Admonition.

This office has considered whether your conduct violates other disciplinary rules. While other rules may be implicated, we believe that the specific rule cited in this letter is sufficient to address your misconduct.

This letter constitutes an Informal Admonition pursuant to D.C. Bar Rule XI, §§ 3, 6, and 8, and is public when issued. Please refer to the attachment to this letter of Informal Admonition for a statement of its effect and your right to have it vacated and have a formal hearing before a hearing committee.

If you would like to have a formal hearing, you must submit a written request for a hearing within 14 days of the date of this letter to the Office of Disciplinary Counsel, with a copy to the Board on Professional Responsibility, unless Disciplinary Counsel grants an extension of time. If a hearing is requested, this Informal Admonition will be vacated, and Disciplinary Counsel will institute formal charges pursuant to D.C. Bar Rule XI, §§ 8(b) and (c). The case will then be assigned to a Hearing Committee, and a hearing will be scheduled by the Executive Attorney for the Board on Professional Responsibility pursuant to D.C. Bar Rule XI, § 8(c). Such a hearing could result in a recommendation to dismiss the charges against you or a recommendation for a finding of culpability, in which case the sanction recommended by the Hearing Committee is not limited to an Informal Admonition.

Sincerely,

Hamilton P. Fox, III  
Disciplinary Counsel

Enclosure: Attachment letter to Informal Admonition

cc: C.R.D. (w/o enclosure)

HPF:GMBD:eaf