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February 2, 2022

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**SENT VIA FIRST-CLASS AND
CERTIFIED MAIL NO. 9414 7266 9904 2182 6711 10**

Kevin McDaniel, Esquire
KFM Legal, LLC
2957 Hardman Court, N.E.
Atlanta, Georgia 30305

Via email: kmcdaniel2009@gmail.com

**Re: *In re Kevin McDaniel, Esquire*
D.C. Bar Registration No. 1500171
Disciplinary Docket No. 2019-D142**

Dear Mr. McDaniel:

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 on June 5, 2019, following receipt of a complaint filed by your former clients, A.S. and M.M. The complainants state that (1) you did not provide them with a retainer agreement for the representation, (2) you failed to file a timely response to a request for information from United States Citizenship and Immigration Services, (USCIS) and (3) you revealed client confidences and secrets in correspondence that you sent to USCIS in one of the client's matters.

In response to the complaint, you admit that you did not provide the clients with a retainer agreement. You do not dispute that you failed to respond to a request for evidence that you received from USCIS. You admit that when you did communicate with USCIS, you disclosed client confidences and secrets. You claim that you believed it was necessary to do so to correct the record.

Based on our investigation, we conclude that you violated Rules 1.3(a), 1.5(b), and 1.6(a) in your representation of A.S.

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Rule 1.3(a) provides that a lawyer shall represent a client zealously and diligently within the bounds of the law. Your failure to timely respond to USCIS in the client's case violated this Rule.

Rule 1.5(b) provides that when the lawyer has not regularly represented the client, the lawyer shall communicate in writing to the client the basis or rate of the fee, the scope of the lawyer's representation, and the expenses for which the client will be responsible before or within a reasonable time after commencing the representation. Your failure to provide the client with a retainer agreement or some other document setting the basis of the rate and the scope of the representation violated this Rule.

Rule 1.6(a) prohibits an attorney from disclosing client confidences and secrets. Rule 1.6(b) defines a "confidence" as "information protected by the attorney-client privilege under applicable law," while a "secret" is defined as "information gained in the professional relationship that the client has requested be held inviolate, or the disclosure of which would be embarrassing, or would be likely to be detrimental, to the client."

You disclosed to USCIS the details of a conversation that you had with your client, which was potentially damaging to the client. You did not have the client's consent to disclose the information. We conclude that your disclosure did not fall within any of the exceptions to the Rule 1.6, including under paragraph (d)(2)(A), which allows an attorney to disclose client confidences and secrets when required by law or court order. You concede that you were never ordered, directed, or even asked to disclose information concerning your communications with the client.

In deciding to issue this letter of Informal Admonition rather than institute formal disciplinary charges against you, we have taken into consideration that you cooperated with our investigation, that you have agreed to attend CLE courses that include lawyer obligations under Rule 1.6, that you have accepted responsibility for your misconduct including by accepting this Informal Admonition, refunding the fees to the client, and that you have no record of prior disciplinary actions. Lastly, we do not have clear and convincing evidence that there was actual harm done to the client.

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 to the Office of Disciplinary Counsel, with a copy to the Board on Professional Responsibility,

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within 14 days of the date of this letter, unless Bar 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(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(d). 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,

A handwritten signature in black ink that reads "Hamilton P. Fox, III". The signature is written in a cursive style with a large, stylized "H" and "F".

Hamilton P. Fox, III
Disciplinary Counsel

Enclosure: Attachment to Informal Admonition

cc: M. M. (w/o enclosure)

HPF:CDS:ip