

**ATTORNEY GRIEVANCE COMMISSION  
OF MARYLAND**

200 HARRY S. TRUMAN PARKWAY  
SUITE 300  
ANNAPOLIS, MARYLAND 21401  
410-514-7085

MARIANNE J. LEE, ESQUIRE  
EXECUTIVE SECRETARY

January 18, 2019

Kimberly K. Fahrenholz, Esquire  
Rosenau, Fahrenholz & Hornell LLP  
1801 18th Street, N.W.  
Suite 9  
Washington, D.C. 20009

RE: BC Docket No. 2018-0042  
Complainant: Bar Counsel

Dear Ms. Fahrenholz:

The Attorney Grievance Commission, at its meeting on January 16, 2019, approved the proposed Reprimand agreed upon by you and Bar Counsel and directed that this letter of Reprimand be administered to you.

Pursuant to Maryland Rule 19-717, the Attorney Grievance Commission of Maryland hereby reprimands Kimberly Kay Fahrenholz, Esquire, for engaging in professional misconduct in violation of Rules 19.301.3, 19-301.4(a)(2), 19-301.16(d) and 19-308.4(d) of the Maryland Attorneys' Rules of Professional Conduct.

The Respondent was admitted to the practice of law on December 13, 2005. On or about March 16, 2015, Frank McGowan hired the Respondent, on a contingency basis, for representation in a claim against the Prince George's County Police Department for false arrest and police misconduct. On January 15, 2016, the Respondent filed a complaint on behalf of Mr. McGowan in the Circuit Court for Prince George's County. Following service on the four defendant police officers, the case was removed to the United States District Court for the District of Maryland on July 7, 2017.

On July 12, 2017, the U.S. District Court Clerk's Office wrote to the Respondent informing her that she was not a member of the Bar of the District Court and that her appearance was not entered in the case before that Court. The Clerk directed the Respondent to notify chambers within 14 days if the Respondent was seeking admission to the Court or if another attorney was representing Mr. McGowan. The Respondent failed to contact chambers by the designated date.

On September 5, 2017, U.S. District Judge Peter Messitte wrote to the Respondent and Mr. McGowan. Judge Messitte noted that the Respondent failed to contact chambers or the Clerk's Office and requested an explanation for her lack of response. Judge Messitte

**CERTIFIED – RETURN RECEIPT REQUESTED**

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also explained that the Court would consider Mr. McGowan a Pro Se Plaintiff. The Respondent failed to respond to Judge Messitte and failed to contact Mr. McGowan. The Respondent has stated that she believed Judge Messitte's letter was sufficient notice to Mr. McGowan that she was no longer his attorney.

On September 25, 2017, Judge Messitte again wrote to the Respondent and included correspondence from Mr. McGowan dated September 20, 2017, requesting guidance from the Court. Judge Messitte informed the Respondent that she had a duty to respond to the Court's inquiries and requested a written explanation for her actions. The Respondent again failed to respond to the Court. On November 20, 2017, Judge Messitte again wrote to the Respondent informing her that without a "good explanation" he would file a complaint with the Attorney Grievance Commission. The Respondent again failed to respond. On December 27, 2017, Judge Messitte filed the underlying complaint in this matter.

Although the Respondent has expressed remorse for her actions, she failed to diligently represent and protect the interest of Mr. McGowan by not responding to correspondence from the U.S. District Court or communicating to Mr. McGowan that she was unable to continue representing him in federal court. The Respondent's failure to respond to the court's inquiries also constituted conduct prejudicial to the administration of justice, in violation of Rule 19-308.4(d).

The Attorney Grievance Commission reprimands the Respondent for her conduct violating Rules 19-301.3, 19-301.4(a)(2), 19-301.16(d) and 19-308.4(d) of the Maryland Attorneys' Rules of Professional Conduct.

The Maryland Rules provide that a reprimand constitutes discipline which is public and open to inspection.

Sincerely,



Marianne J. Lee  
Executive Secretary

MJL/sg

cc: Dennis J. Quinn, Esquire  
Aleksandra Rybicki, Esquire  
Kelsey L. Brown, Esquire

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