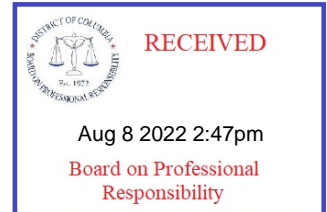


**DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY**



In the Matter of

Kevin J. McCants, ESQUIRE,

Respondent

**A Member of the Bar of the
District of Columbia Court of Appeals
Bar Number: 493979
Date of Admission: September 9, 2005**

**Disciplinary Docket No.
2019-D229 (Roseboro)**

SPECIFICATION OF CHARGES

The disciplinary proceedings instituted by this petition are based upon conduct that violates the standards governing the practice of law in the District of Columbia as prescribed by Rule X and Rule XI, § 2(b) of the District of Columbia Court of Appeals Rules Governing the Bar (D.C. Bar R.). Jurisdiction for this disciplinary proceeding is prescribed by D.C. Bar R. XI.

1. Pursuant to D.C. Bar R. XI, § 1(a), Disciplinary Counsel has jurisdiction to prosecute because Respondent is a member of the District of Columbia Bar, admitted on September 9, 2005, and assigned Bar number 493979.

The Representation

2. Respondent began representing Antwan Charles Roseboro as a paying client in a criminal matter in late November 2017. At that time, Mr. Roseboro had another pending criminal case, principally involving reckless driving without a license that had occurred in May 2017. Respondent agreed to represent Mr. Roseboro *pro bono* in the reckless driving case.

3. Respondent went with Mr. Roseboro to a number of D.C. Superior Court appearances from January through April 2018. A hearing in the reckless driving case was scheduled for **June 19, 2018**.

4. At the **June 2018** hearing, the reckless driving trial was scheduled for **February 26, 2019**. That date was eventually converted to a status hearing after the government dropped felony charges against Mr. Roseboro.

5. On **April 5, 2019**, the court held a status hearing during which Mr. Roseboro rejected the government's plea offer. The court set a bench trial date for two months later, on **June 11**.

The Trial Date: June 11, 2019

6. On **June 11, 2019**, Mr. Roseboro and the government appeared for trial. Respondent was not present. Respondent had not calendared the trial date correctly and was unaware that the court and parties were prepared to proceed that day.

7. After awaiting Respondent for most of the morning, Mr. Roseboro finally telephoned him to find out where he was.

8. The presiding judge directed her staff to telephone Respondent, who asked them whether the June 11 date was a status hearing, rather than the trial date. Once the court's staff confirmed that trial was scheduled for that day, Respondent ran to the courthouse and informed the court that (a) he had been attending a continuing legal education class, (b) he thought the trial was scheduled for the next day, but (c) he was ready to proceed.

9. On the day of trial, Mr. Roseboro had not had an opportunity to confer with Respondent to prepare for trial; however, he did not want to discharge Respondent when given the chance by the court.

10. The parties ultimately agreed to seek a continuance of the trial date, which the court rescheduled for **August 15, 2019**. On that day, Mr. Roseboro pled guilty to driving without a license.

The Charge in Roseboro

11. Respondent violated Rule 8.4(d), because Respondent engaged in conduct that seriously interfered with the administration of justice.

Respectfully submitted,

/s/ Hamilton P. Fox, III

Hamilton P. Fox, III
Disciplinary Counsel

Traci M. Tait

Traci M. Tait
Assistant Disciplinary Counsel

OFFICE OF DISCIPLINARY COUNSEL
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VERIFICATION

I declare on June 24, 2022, 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

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. 2019-D229

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

Hamilton P. Fox, III

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