

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



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**In the Matter of** :

**KEVIN P. MURPHY, ESQUIRE,** :

**Respondent,** :

**A Member of the Bar of the** :

**District of Columbia Court of Appeals.** :

**Bar Number: 496103** :

**Date of Admission: August 14, 2006** :

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**Disciplinary Docket No.**

**2023-D133**

**RESPONDENT’S ANSWER TO SPECIFICATION OF CHARGES**

COMES NOW, KEVIN P. MURPHY, Respondent, *pro se*, and pursuant to Board Rule 7.5, files his Answer to the Petition and Specification of Charges brought by the Board of Professional Responsibility (Board) in the above matter, and Answers as follows:

1. Respondent is a member of the Bar of the District of Columbia Court of Appeals, having been admitted on August 14, 2006, and assigned Bar number 496103. **Respondent admits.**

The facts giving rise to the charges of misconduct are as follows:

2. In March 2016, L.C.Q. (then 16 years old) came to the United States from El Salvador without immigration status to escape gang violence. She was apprehended by U.S. immigration officials at the border but released pending removal proceedings. She reunited with her mother, who had previously come to the United States and was living in Virginia. Her father remained in El Salvador. **Respondent is without first-hand knowledge, but upon information and belief, admits.**

3. After she reunited with her mother, L.C.Q. completed an intake with Kids in Need of Defense (“KIND”), which is a non-profit organization that partners with law firms to provide pro bono representation to unaccompanied minors in legal proceedings after their arrival in the United States. KIND determined that L.C.Q. may qualify for Special Immigrant Juvenile (“SIJ”) Status, which is available to undocumented immigrants under the age of 21 and allows them to apply for lawful permanent residency. **Respondent is without first-hand knowledge, but upon information and belief, admits.**

4. KIND referred L.C.Q. to the law firm of O’Melveny & Myers. The firm agreed to represent her for free regarding a petition for SIJ status, a subsequent application for lawful permanent residency, and in defending against removal from the United States. In late February 2017, Respondent, who was a staff attorney at O’Melveny, became counsel for L.C.Q. **Respondent admits the L.C.Q. matter**

**was referred to O'Melveny & Myers, and the firm agreed to represent L.C.Q. for free. Respondent was not originally assigned to work on the L.C.Q. matter as he had no immigration law experience, but Respondent agreed to work on the L.C.Q matter as an emergency replacement attorney a week before an Immigration Court hearing.**

5. An attorney at KIND mentored Respondent in his representation of L.C.Q. Because many pro bono attorneys may not have experience in immigration law, the role of a KIND mentor is to, *inter alia*, provide guidance on case strategy, feedback on draft documents, mock adjudications, and various templates and checklists for the representation. The mentor does not, however, represent the client. **Respondent was assigned a mentor by KIND to assist in his representation of L.C.Q as stated, but the KIND mentor did not initiate communications on the L.C.Q. matter nor actively monitor the matter or mentor Respondent.**

6. As a condition precedent to obtaining SIJ status, L.C.Q.'s mother needed to obtain a family court order granting her full custody, with a finding that the father had abused, neglected, or abandoned the child. Respondent, working with other attorneys in his firm, successfully represented L.C.Q.'s mother in this process, which concluded on November 2, 2017. **Respondent admits.**

7. On or about June 15, 2018, Respondent filed a petition for SIJ Status on L.C.Q.'s behalf with the United States Citizenship and Immigration Services ("USCIS"). As an oversight, Respondent did not answer one of the petition's required questions, *i.e.*, whether L.C.Q. was married. A petitioner must be unmarried to qualify for SIJ status. **Respondent admits.**

8. On November 12, 2019, USCIS mailed Respondent a Request for Evidence letter asking for evidence that L.C.Q. was unmarried. USCIS required that the evidence be provided by February 7, 2020. It warned that the case would be dismissed if the requested evidence was not received by that date. **Respondent admits.**

9. The envelope from USCIS was placed unopened in Respondent's mailbox on his desk at the law firm by a mailroom clerk. It was addressed to L.C.Q. and Respondent. Respondent did not have a regular practice of going through correspondence in his mailbox, although he knew USCIS would communicate with him about L.C.Q.'s case by mail, and even though he had previously received mail from immigration officials regarding L.C.Q.'s case. As a result, Respondent did not see the envelope, open it, or respond to USCIS by the deadline. **Respondent admits that the USCIS envelope was placed in his office mailbox unopened, but the envelope was not placed at the top of the mailbox and was not seen by Respondent. Respondent also admits he did not have a regular practice of**

**going through his mailbox on a regular basis as other than the L.C.Q matter (and a parallel immigration matter), none of his active cases communicated with him by U.S. Mail, and his office mailbox was filled with junk correspondence and various magazines and flyers.**

10. In mid-March 2020, Respondent's law firm closed its offices due to the COVID-19 pandemic and required staff to work from home. Before he left, Respondent sorted the correspondence in his mailbox and saw the envelope from USCIS for the first time. However, Respondent did not open the envelope and instead placed it in the client's physical file. He did not take the physical file home with him. **Respondent admits.**

11. On March 31, 2020, USCIS mailed Respondent a decision letter. The mailroom at his law firm opened, scanned, and emailed a copy of the letter to him, since staff was still working remotely. This letter notified him that USCIS had not received a response to its Request for Evidence, and that L.C.Q.'s SIJ petition had therefore been denied. This letter also informed Respondent that the decision could not be appealed, but that he could file a motion to reopen or reconsider within 30 days. Based on this letter, Respondent requested that his firm send him the physical file. When he received the file, he reviewed the Request for Evidence letter for the first time. **Respondent admits.**

12. Respondent did not file a motion to reopen or reconsider within the 30 days allowed, and he did not otherwise request any sort of relief from USCIS regarding the denial of L.C.Q.'s SIJ petition. **Respondent admits.**

13. Over the course of the next 37 months, Respondent communicated intermittently with the client by email. He never informed the client that he missed the deadline to respond to the Request for Evidence, that her SIJ petition had been denied as a result, or that he ignored the deadline to file a motion to reopen or reconsider. Instead, Respondent told L.C.Q. that he was working on the next step in her immigration case, which was obtaining lawful permanent residency, and he requested information from her to complete an application. As a result, L.C.Q. was misled into believing that her immigration case was proceeding appropriately without issue. **Respondent admits that he did not inform L.C.Q. of the missed deadline, the SIJ petition denial, and not responding in a timely manner to file a motion to reopen or reconsider. Respondent also admits that he communicated with L.C.Q. that he was working on completing her lawful permanent residency application. Respondent is unaware of what L.C.Q. believed at this time, and denies she was misled.**

14. During this time, Respondent also did not respond substantively to his KIND mentor's requests to know the status of the SIJ petition. Instead, he falsely told her in May 2022 that he "ha[d] not received anything" from USCIS regarding

the petition. **Respondent admits that he did not inform his KIND mentor of the missed deadline, the SIJ petition denial, and not responding in a timely manner to file a motion to reopen or reconsider. Respondent denies that his use of the phrase “have not received anything for [L.C.Q.]” was in relation this L.C.Q.’s SIJ petition. Respondent, on his own initiative, was updating his KIND mentor on I-797, deferred action, and I-765 filings for the [parallel case] and about Immigration Court hearing updates. Respondent use of the quoted language was in relation to not being in receipt of an I-797, deferred action, for L.C.Q.**

15. On May 16, 2023, Respondent finally informed his KIND mentor that L.C.Q.’s petition for SIJ status had been denied more than three years prior. KIND thereafter informed L.C.Q., who terminated Respondent’s representation. This was the first time the client learned that her SIJ petition had been denied. KIND referred her to another law firm (“successor counsel”) for pro bono assistance. **Respondent admits that on May 16, 2023, Respondent, on his own initiative and after not hearing from his KIND mentor in over a year, informed his KIND mentor that L.C.Q.’s petition for SIJ status had been denied. Respondent further states that he is without first-hand knowledge of the other allegations, but upon information and belief, Respondent admits.**

16. On June 23, 2023, successor counsel filed a motion to reopen with USCIS, arguing that Respondent had provided L.C.Q. with ineffective assistance of counsel and that she was otherwise eligible for SIJ status. **Respondent is without first-hand knowledge, but upon information and belief, admits.**

17. On September 21, 2023, USCIS reopened L.C.Q.'s SIJ petition. She subsequently hired successor counsel at the firm's normal hourly rate to prosecute the re-opened SIJ petition and subsequent application for lawful permanent residency because the firm could not represent her further on a pro bono basis. **Respondent is without first-hand knowledge, but upon information and belief, admits.**

18. On June 7, 2024, USCIS approved L.C.Q.'s SIJ petition. **Respondent is without first-hand knowledge, but upon information and belief, admits.**

19. Respondent's conduct violated the following District of Columbia Rules of Professional Conduct and/or parallel EOIR grounds for discipline under 8 C.F.R. § 1003.102: **Respondent denies.**

- a. Rule 1.1(a) and/or 8 C.F.R. § 1003.102(o), in that he failed to provide his client with competent representation;



- b. Rule 1.1(b), in that he failed to serve his client with skill and care commensurate with that generally afforded to clients by other lawyers in similar matters;
- c. Rule 1.3(a) and/or 8 C.F.R. § 1003.102(q), in that he failed to represent his client zealously and diligently;
- d. Rule 1.3(b)(1), in that he intentionally failed to seek the lawful objectives of his client through reasonably available means;
- e. Rule 1.3(b)(2), in that he intentionally prejudiced or damaged his client in the course of the professional relationship;
- f. Rule 1.3(c) and/or 8 C.F.R. § 1003.102(q), in that he failed to act with reasonable promptness in representing his client;
- g. Rule 1.4(a) and/or 8 C.F.R. § 1003.102(r)(3), in that he failed to keep his client reasonably informed about the status of the matter;
- h. Rule 1.4(b) and/or 8 C.F.R. § 1003.102(r), in that he failed to explain the matter to the extent reasonably necessary to permit his client to make informed decisions regarding the representation;
- i. Rule 4.1(a) and/or 8 C.F.R. § 1003.102(c), in that he knowingly made a false statement of material fact to a third person in the course of representing his client;

- j. Rule 8.4(c), in that he engaged in conduct involving dishonesty, and/or 8 C.F.R. § 1003.102(c), in that he willfully misled, misinformed or deceived another person concerning relevant and material matters relating to his client's case; *and*
- k. Rule 8.4(d), in that he engaged in conduct that seriously interfered with the administration of justice, and/or 8 C.F.R. § 1003.102(n), in that he engaged in conduct that is prejudicial to the administration of justice.

20. **MITIGATION:**

- a. Upon information and belief, on or about October 4, 2025, L.C.Q. received her Employment Authorization Card, valid from September 26, 2024 through September 25, 2029.
- b. Although there was a delay in informing L.C.Q. and the KIND mentor of L.C.Q.'s status, Respondent was the one who initiated the communication and informed his KIND mentor. Without Respondent's actions in this regard, it is unclear if the Parties would know about the L.C.Q. matter.
- c. Respondent never actively lied to his client nor any third-party about L.C.Q.'s SIJ petition, although Respondent does admit that he misled L.C.Q. and his KIND mentor.

- d. Respondent's KIND mentor did not actively mentor or communicate with Respondent in L.C.Q.'s SIJ petition, and most communications with Respondent's KIND mentor were initiated by Respondent. Respondent's KIND mentor also did not actively monitor the LC.Q. matter. Respondent never felt there was a sense of urgency on the matter given the lack of communication from KIND and knowing that the Department of State was backlogged for processing SIJ applications for petitioners from El Salvador.
- e. At no time during Respondent's representation of L.C.Q. would she have been date eligible for filing a "green card" application (Form I-485).
- f. Although L.C.Q. had to engage successor counsel, at no point was she without counsel, and as subsequent events have demonstrated, precluded from the relief she seeks/sought.
- g. At no time did Respondent benefit, pecuniarily or otherwise, from his actions or inactions.
- h. Respondent lost his job as a Staff Attorney with O'Melveny & Myers over the L.C.Q. matter, and he was unemployed from the practice of law for over six-and-a-half months.

- i. Respondent has been practicing law for over 30 years in either Virginia and/or the District of Columbia with no prior ethical or disciplinary actions against him.
- j. Respondent has been cooperative to the full extent of his ability since he received, by Certified Mail, the Office of Disciplinary Counsel letter of September 20, 2023.

Respectfully submitted,

s/ Kevin P. Murphy

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November 18, 2024

This document complies with the length and format requirements of Board Rule 19.8(b) because it contains 2,345 words, double-spaced, with one-inch margins, on 8 1/2 by 11-inch pages. I am relying on the word-count function in Microsoft Word in making this representation.

s/ Kevin P. Murphy