THIS REPORT IS NOT A FINAL ORDER OF DISCIPLINE*

DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY

Issued
September 30, 2025

In the Matter of:	:	
	:	
KENNETH L. BLACKWELL,	:	
	:	D.C. App. No. 22-BG-0565
Respondent.	:	Board Docket No. 24-BD-037
	:	Disc. Docket No. 2016-D396
A Member of the Bar of the	:	
District of Columbia Court of Appeals	:	
(Bar Registration No. 441413)	:	

REPORT AND RECOMMENDATION OF THE BOARD ON PROFESSIONAL RESPONSIBILITY

This matter is before the Board on Disciplinary Counsel's motion to revoke probation. The Court previously concluded that Respondent repeatedly violated child support orders and was knowingly dishonest to Disciplinary Counsel, and suspended him for six months, with all but sixty days stayed, in favor of a three-year probation with conditions related to Respondent's satisfaction of his child support obligations and arrearages. *In re Blackwell*, 299 A.3d 561, 570-72 (D.C. 2023) (sanction imposed for violations of D.C. Rules of Professional Conduct 3.4(c) (knowingly disobeying court orders) and 8.1(a) (knowingly making a false statement of fact during a disciplinary investigation)).

On June 24, 2024, Disciplinary Counsel filed its Motion to Revoke Respondent's Probation, to which Respondent filed a response. On July 5, 2024, the Court referred Disciplinary Counsel's motion for an evidentiary hearing before a

---

* Consult the 'Disciplinary Decisions' tab on the Board on Professional Responsibility's website (www.dcattorneydiscipline.org) to view any prior or subsequent decisions in this case.

hearing committee to determine whether any conditions of probation had been violated based on a preponderance of evidence. *See* Board Rule 18.3(c)-(d).

The three-day hearing concluded on February 20, 2025, and the Ad Hoc Hearing Committee issued its report on September 3, 2025. The Ad Hoc Hearing Committee concluded that Disciplinary Counsel proved by a preponderance of the evidence that Respondent violated his conditions of probation and recommended that Respondent's probation be revoked, that the previously stayed four months of suspension be imposed, and that Respondent's reinstatement be conditioned on the payment of his child support obligations. Respondent filed an exception on September 10, 2025.

Pursuant to Board Rule 18.4(a), within twenty days of receiving an exception, "the Board shall either (i) adopt the Hearing Committee Report and file it with the Court, or (ii) issue an order establishing an expedited briefing schedule for consideration of the Hearing Committee Report." Having reviewed the transcript of the proceedings, the documentary evidence, the parties' pre-hearing and post-hearing briefing, the Hearing Committee report and Respondent's exception, we conclude that additional briefing is not needed to make a recommendation to the Court. *See* Board Rule 18.4(a).

In his notice of exception, Respondent argues that the Hearing Committee exceeded Board Rule 18.3(f)'s requirement that a committee's report be filed with the Board within sixty days of the conclusion of a hearing on a motion to revoke. However, "mere delay without a showing of substantial prejudice poses no

impediment to disciplinary action . . . ." *In re Green*, 136 A.3d 699, 700 (D.C. 2016) (per curiam). Respondent does not articulate any prejudice resulting from the delay in issuing the report.

Beyond the delay argument, Respondent's notice of exception reiterates positions and arguments already made to, and fully considered by, the Hearing Committee. He has not identified evidence suggesting that the Hearing Committee erred in concluding (1) that he has not complied with his child support obligations beyond a $100 payment made in October 2024, despite the August 10, 2023 Court order and his signature to the Board's order of probation on September 10, 2023; (2) that he has not established a monthly payment plan; and (3) that he has not applied for a modification of the support orders.[1]

Accordingly, for the reasons set forth in the Hearing Committee's Report and Recommendation, which is attached hereto and adopted and incorporated by reference, the Board finds that Disciplinary Counsel has met its burden of proving by a preponderance of evidence that Respondent violated the conditions of his

---

[1] We agree with the Hearing Committee's recommended disposition of Respondent's motion to dismiss. *See* Board Rule 7.16(a); *In re Ontell*, 593 A.2d 1038, 1040 (D.C. 1991). We also find no error in the Committee's grant of Disciplinary Counsel's motion to quash Respondent's second subpoenas related to Ms. Allen, the mother of his child, and Assistant Disciplinary Counsel Jelani Lowery. *See* Tr. 483-84. Ms. Allen complied with the first subpoena by producing the documents and the audio file on October 30, 2024, and testified at the hearing beyond the scope of Disciplinary Counsel's direct examination during Respondent's cross-examination. *See, e.g.*, Tr. 5-7, 14-15, 483. The Committee also properly decided that the testimony of Mr. Lowery, who was representing Disciplinary Counsel in this matter, was not required for these proceedings. *See* Tr. 483-85.

probation. Like the Hearing Committee, we recommend that Respondent's probation be revoked, that the previously stayed four months of suspension be imposed, and that Respondent's reinstatement be conditioned on the payment of his child support obligations.

We further recommend that the Court direct Respondent's attention to the requirements of D.C. Bar R. XI, § 14(g), and their effect on his eligibility for reinstatement. *See* D.C. Bar R. XI, § 16(c).

BOARD ON PROFESSIONAL RESPONSIBILITY

By: Leslie Spiegel
_____
Leslie H. Spiegel

All members of the Board concur in this Report and Recommendation.

THIS REPORT IS NOT A FINAL ORDER OF DISCIPLINE*

DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY
AD HOC HEARING COMMITTEE

In the Matter of:	:	
	:	
KENNETH L. BLACKWELL,	:	
	:	
Respondent.	:	Board Docket No. 24-BD-037
	:	Disc. Docket No. 2016-D396
A Member of the Bar of the	:	
District of Columbia Court of Appeals	:	
(Bar Registration No. 441413)	:	

REPORT AND RECOMMENDATION OF
THE AD HOC HEARING COMMITTEE

Respondent, Kenneth L. Blackwell, (hereinafter "Blackwell" or "Respondent") was previously found to have violated D.C. Rules of Professional Conduct 3.4(c), by knowingly disobeying court orders regarding his obligation to pay child support, and 8.1(a), by knowingly making a false statement of fact to the Office of Disciplinary Counsel. *See In re Blackwell*, 299 A.3d 561, 570-72 (D.C. 2023) ("*Blackwell I*"). As a sanction for his violations of court orders concerning child support and his dishonesty to Disciplinary Counsel, the Court of Appeals ordered a six-month suspension, with all but 60 days stayed, in favor of a three-year probation with conditions related to payment of support obligations and arrearages. *Id.* at 567-86, 574. In particular, the Court ordered that Blackwell start making monthly payments without prejudice to Blackwell seeking a modification of his child support obligations if needed, from any state court or agency. *Id.* This matter

* Consult the 'Disciplinary Decisions' tab on the Board on Professional Responsibility's website (www.dcattorneydiscipline.org) to view any subsequent decisions in this case.

is now before the Ad Hoc Hearing Committee on Disciplinary Counsel's motion to revoke probation ("*Blackwell II*") for Blackwell's failure to comply with the conditions of probation.

As set forth below, the Ad Hoc Hearing Committee finds that Disciplinary Counsel has proven by a preponderance of evidence that Blackwell violated the conditions of his probation. Where a hearing committee finds a violation of the terms or conditions of probation, it may recommend revocation with an imposition of a sanction that is not greater than the underlying sanction imposed in the Court's order of probation. D.C. Bar R. XI, § 3(a)(7). As set forth below, the Committee recommends that Blackwell's probation be revoked, the previously stayed four-month suspension be imposed, and Blackwell be required to provide evidence that he has fully paid the outstanding child support obligations as a condition of his reinstatement. *See, e.g.*, *In re Steinberg*, 878 A.2d 496, 498 (D.C. 2005) (per curiam).

I. PROCEDURAL HISTORY

On June 24, 2024, Disciplinary Counsel filed a motion to revoke Blackwell's probation, alleging that "[f]or the past nine months, Mr. Blackwell has continued to engage in the same misconduct for which he was disciplined – refusing to comply . . . with his responsibilities under the D.C. Court of Appeals' August 10, 2023, order, and the Board's September 11, 2023, conditions of probation agreement." Disciplinary Counsel's Motion to Revoke Respondent's Probation at 2. On July 1, 2024, Blackwell filed a response, arguing that the motion was meritless and that the proposed sanction—that he be suspended for the previously-stayed period of four

months and be required to pay all child support obligations prior to reinstatement—would unfairly "subject [him] to a fitness requirement along with an indefinite period of probation." Respondent's Response to Disciplinary Counsel's Motion to Revoke Respondent's Probation and Request for Affirmative Relief at 5. Additionally, Blackwell requested that the Court of Appeals treat his D.C. Bar R. XI, § 14(g) affidavit as having been filed nunc pro tunc on June 27, 2023. *Id.* at 14.

On July 5, 2024, the Court of Appeals issued an order referring Disciplinary Counsel's motion to revoke probation to a hearing committee pursuant to Board Rule 18.3(c) and treating Blackwell's Section 14(g) affidavit as having been filed on June 27, 2024 (not 2023 as requested).[1] *See* Order, *In re Blackwell*, D.C. App. No. 22-BG-0565 (July 5, 2024). The Board assigned this matter to an Ad Hoc Hearing Committee comprising Mary Kuntz, Esquire, Chair; John Johnson, Public Member; and Paul Smolinsky, Esquire, Attorney Member. The Office of Disciplinary Counsel was represented at the hearing by Assistant Disciplinary Counsel Jelani C. Lowery, Esquire. Respondent appeared pro se.

A pre-hearing was held on September 25, 2024, during which Blackwell requested that Disciplinary Counsel provide the home address of the complainant, Cinzia Allen, who was the mother seeking the child support on behalf of their child.

---

[1] Accordingly, by the time of the hearing on the motion to revoke, Blackwell's 60 days of suspension (that was not stayed) had been served. The Court's order of July 5, 2024, further provided that Blackwell's probation period "shall be extended until this matter is resolved." Order, *In re Blackwell*, D.C. App. No. 22-BG-0565 (July 5, 2024).

See Pre-hearing Tr. 34-36; Respondent's Response to Disciplinary Counsel's Motion to Revoke Respondent's Probation and Request for Affirmative Relief at 1. In response, the Ad Hoc Hearing Committee allowed the parties to submit pleadings to the Board on the issue of whether Disciplinary Counsel could be compelled to disclose Ms. Allen's home address to allow Blackwell to issue a subpoena for both her testimony and production of a taped telephone recording in her possession. On October 9, 2024, the Board issued an order for Disciplinary Counsel to serve Ms. Allen with Blackwell's subpoena for her appearance as a witness and for the production of the audio-recording of their January 6, 2024, telephone call. On October 21, 2024, Disciplinary Counsel filed its Pre-Hearing Brief and on October 25, 2024, Blackwell filed his Pre-Hearing Brief.

The hearing was held on October 30 and November 1 of 2024 and on February 20 of 2025 before the Ad Hoc Hearing Committee.[2] During the hearing, Disciplinary Counsel submitted DCX 1 through 12.[3] All of Disciplinary Counsel's exhibits were

---

[2] The final day of hearing was originally scheduled for November 25, 2024, but, on that date, Blackwell had a medical emergency, so the matter was continued to December 3, 2024, for a status hearing. Tr. 366-67.

[3] "DCX" refers to Disciplinary Counsel's exhibits. "RX" refers to Respondent Blackwell's exhibits. "JX" refers to Disciplinary Counsel's and Blackwell's joint exhibits. "Tr." refers to the transcript of the hearing held on October 30 and November 1 of 2024 and February 20 of 2025.

admitted into evidence without objection. Tr. 682-83.[4] Disciplinary Counsel and Blackwell jointly submitted JX 1 and JX 2 into evidence.[5] Tr. 685, 690.

On the final day of the hearing, the Hearing Committee made a preliminary non-binding determination that Disciplinary Counsel had proven a violation of at least one of the conditions of probation. Tr. 670. In the sanctions phase of the hearing, Blackwell testified on his own behalf regarding mitigating circumstances, Tr. 671-74, and Disciplinary Counsel offered no evidence in aggravation, Tr. 670.

Disciplinary Counsel submitted its Probation Revocation Post-hearing Brief on March 17, 2025 ("ODC Br."), and Blackwell filed his Probation Revocation Post-hearing brief on March 18, 2025 ("Resp. Br."). Both Disciplinary Counsel and Blackwell filed their Reply briefs on March 24, 2025 ("ODC Reply" and "Resp. Reply"). Blackwell filed a motion to dismiss on the same date as his Reply brief, and Disciplinary Counsel filed its opposition to the motion to dismiss on March 26, 2025.

---

[4] Blackwell's exhibits, RX 5 (Tr. 560-61, 591-92) and RX 6 (Tr. 594-95), had been admitted into evidence without objection. However, Blackwell never filed those two exhibits or his Exhibit List Form with the Office of the Executive Attorney, despite being advised to do so at the close of the hearing and in two written orders issued by the Ad Hoc Hearing Committee. *See* Hearing Committee Order (Feb. 24, 2025 & April 17, 2025). Accordingly, RX 5 and RX 6, which are not cited by either party in their post-hearing briefing, are stricken from the record.

[5] The parties agreed that JX 1 would be limited to pages 1-9. *See* Tr. 690.

II. FINDINGS OF FACT

A. Background

1. Blackwell has been a member of the Bar of the District of Columbia Court of Appeals since April 1, 1994, having been admitted by motion and assigned Bar number 441413. DCX 10 at 7-8 (*In re Blackwell*, Board Docket No. 20-BD-019 (HC Report, Sept. 3, 2021)). Blackwell has experience handling child custody cases. *Id.* at 8; Tr. 615-16 (Blackwell) ("I've been practicing and doing family law.").

2. Blackwell and Cinzia Allen, who have never been married, had a child (D.B.) in 2004.[6] *Blackwell I*, 299 A.3d at 565.[7] By July 2004, Ms. Allen was living in Virginia. *See* Tr. 557, 564, 612; DCX 10 at 22; *see also* Hr'g Tr. 122-23 (Allen), *In re Blackwell*, Board Docket No. 20-BD-019 (Dec. 14, 2020). The two stopped living together in August 2004, shortly after D.B. was born, and they executed a "Parenting Plan" that was adopted by Virginia's 31st Judicial District Juvenile and Domestic Relations Court ("Virginia court"). DCX 10 at 8. Since then, Blackwell has lived in Maryland or the District of Columbia, while Ms. Allen and D.B.

---

[6] D.B. turned eighteen years-old sometime in 2022, but Blackwell is still responsible for the "the total amount due (current support plus amount applied toward arrearages) at the time of [the child's] emancipation until all arrearages are paid." Va. Code § 20-60.3 (16).

[7] The Court's opinion and order is included in Disciplinary Counsel's exhibits as DCX 1. However, because the exhibit is the slip opinion, we cite to the Atlantic Reporter case citation instead of DCX 1. We cite to DCX 9 for the *Blackwell I* Board Report and DCX 10 for the *Blackwell I* Hearing Committee Report, since the pagination is consistent with those reports.

continued to live in Virginia. *Blackwell I*, 299 A.3d at 565 n.1. In September 2006, the Virginia Division of Child Support Enforcement ("VDCSE") requested that Maryland establish a child support order under the Uniform Interstate Family Support Act after Blackwell failed to make payments under the plan. DCX 10 at 9.[8]

3. On December 27, 2007, the Circuit Court for Prince George's County of Maryland ("Maryland court") entered a consent order for Blackwell to pay $500 per month in child support, as well as an additional $50 per month until an arrearage of $5,000 was paid off. DCX 9 at 3-4 (*In re Blackwell*, Board Docket No. 20-BD-019 (BPR July 27, 2022)).

4. In April 2009, Ms. Allen filed a motion to hold Blackwell in contempt for failure to pay child support, alleging he was $12,500 in arrears. The Virginia court held Blackwell in contempt; Blackwell was sentenced to ninety days in jail with a purge charge of $3,000 to be paid to the VDCSE. *Id.* at 4. Blackwell's brother paid the $3,000 purge charge to the VDCSE, and that amount was credited to Blackwell's support obligations. *Id.* at 4-5. In September 2009, the Maryland child support agency also filed a Petition for Contempt with the Maryland court, and Blackwell was ordered to appear on November 12, 2009. DCX 10 at 14. On March 12, 2010, during a further hearing on the Maryland contempt motion, Blackwell

---

[8] Blackwell refers to the Act as the "Uniform Child Support Enforcement Act." Tr. 611-12 (Blackwell). The Uniform Interstate Family Support Act was promulgated in 1992 to improve the enforcement of alimony and child support orders across state lines. *See* Unif. Interstate Fam. Support Act, Prefatory Note (Unif. L. Comm'n, amended 2008).

made a payment of $100 and advised the Maryland court of his earlier Virginia incarceration for contempt. *Id.* at 15.[9] At a further proceeding on May 26, 2010, Blackwell told the Maryland court that he had made payments to Ms. Allen, but he had no documents to support that claim. The Maryland court advised Blackwell that he would *not* get credit for payments made to Ms. Allen directly *unless* he had a notarized statement by Ms. Allen that certified the amounts paid. *See id.* at 16.

5. Sometime after May 2010, the child support case on behalf of D.B. was closed by consent, but the VDCSE reactivated the case in June 2014 in response to Ms. Allen's request. *Blackwell I*, 299 A.3d at 566. At that point, the VDCSE's records showed $36,520 in arrears. *Id.* In November 2014, a VDCSE staff member contacted Blackwell about the unpaid child support, and he responded that he would begin making payments; however, no payments were ever made. *Id.* Approximately eighteen months later, in June of 2016, a VDCSE staff member called Blackwell again to determine why he was not paying the child support. *Id.* Even by his own calculations, the child support amount that was due each year was $6,500.00. Tr. 605 (Blackwell: "I would refer you to the record below where I testified specifically of the payments that I made each year, and I testify specifically that the amount that was due each year was $6,500.00."). Starting in December 2009, the VDCSE Payment Record shows a monthly support charge of $500 and a $120 monthly fee,

---

[9] The VDCSE credited both the payment of $3,000 by his brother in Virginia and $100 by Blackwell in Maryland against the amount owed. *See* DCX 7 at 17 (VDCSE Payment Record showing $3,000 payment on December 14, 2009); DCX 7 at 16 (VDCSE Payment Record showing payment of $100 on March 23, 2010).

and no credits beyond the $3,000 and $100 credited for payments by Blackwell's brother and Blackwell on December 14, 2009, and March 23, 2010, respectively. *See* DCX 7 at 3-20.

B. The Initial Disciplinary Case and the Probation Order

6. In October 2016, Ms. Allen filed a complaint with the Office of Disciplinary Counsel, alleging that Blackwell failed to appear in court when requested and failed to make the court-ordered child support payments and claiming that he was approximately $50,000 in arrears. *Blackwell I*, 299 A.3d at 566. After a contested hearing before the *Blackwell I* Hearing Committee and proceedings before the Board, both the *Blackwell I* Hearing Committee and the Board found that Blackwell had violated D.C Rules 3.4(c) and 8.1(a). *Blackwell*, 299 A.3d at 567.

7. On August 10, 2023, the D.C. Court of Appeals found that Blackwell violated D.C. Rules 3.4(c) and 8.1(a), and sanctioned Blackwell with a six-month suspension, with all but 60 days stayed in favor of three years of probation, subject to the following recommended conditions of the Board, *see id.* at 574:

> (1) that Respondent shall not violate any Rules of Professional Conduct;
>
> (2) that no later than 30 days after entry of the Court's order, Respondent shall begin making monthly payments pursuant to a schedule and in an amount sufficient to fully satisfy his child support obligations (including any current arrearages) by the end of the probationary period;[10]

[10] The Board added in its report: "This condition is without prejudice to Respondent seeking a modification of his child support obligations, in which case he must comply with the modified order by the completion of the probationary period." DCX 9 at 28 n.8.

(3) that Respondent shall provide Disciplinary Counsel with the payment schedule, and every three months shall provide Disciplinary Counsel with a statement from VDCSE showing his compliance with the payment schedule, or evidence showing that he has made payments required under the schedule;[11] and

(4) that if Blackwell has not satisfied his child support obligations by the end of the probationary period, he will be required to serve the stayed portion of the suspension and be required to fully satisfy his child support obligations prior to reinstatement.

DCX 9 at 28-29. Following the Court of Appeals decision and order, the Board entered an order implementing the probationary conditions, which Blackwell signed on September 10, 2023. DCX 2 (Probation Order). In signing the order, Blackwell certified, "I have reviewed this Probation Order, and I understand and accept its terms and conditions. I have also reviewed and understand the probation revocation procedures set forth in Board Rule 18.3." *Id.* at 2.

---

[11] The Board added in its report:

> We acknowledge the Hearing Committee's recognition that Respondent's income is periodic and meeting the monthly requirement on a regular basis may be difficult. We share the Hearing Committee's concern Respondent may not be able to meet the financial terms of the probation every month, and thus, we recommend that proof of compliance with the payment schedule should be based on a three-month period, that is, that Respondent prove every three months that he has made the payments required during that three-month period.

DCX 9 at 29 n.9.

C. Blackwell's Non-Compliance with the Conditions of Probation

8. Blackwell did not begin making monthly payments of child support within thirty days of August 10, 2023, as required by the conditions of his probation. *See id.* at 1 (Condition 2). In fact, Blackwell made no child support payments in 2023. *See* Tr. 63-65 (Blackwell). Blackwell only made one payment of $100 to the D.C. Office of Child Support in October 2024, at some point prior to the first day of the probation revocation hearing on October 30, 2024. *See* Tr. 598-99 (Blackwell). Blackwell knew he could make payments through a state agency other than Virginia. *See infra* FF 13, 15-16. Accordingly, Blackwell did not ever make regular monthly payments "in an amount sufficient to fully satisfy his child support obligations," as required by the second condition of his Probation. DCX 2 at 1.

9. The total amount Blackwell owes for support of his child is a matter of dispute. As of April 2024, the VDCSE's payment record showed Blackwell still owed $83,400 in child support arrears. DCX 7 at 2. Although Blackwell disagreed with the VDCSE's payment record, he took no steps between September 2023 and February 2025 to have any court modify this arrearage amount. Tr. 120, 606-08 (Blackwell). During the *Blackwell I* hearing, Ms. Allen estimated that from June 2007 to December 14, 2020, she had received support payments directly from Blackwell totaling approximately $10,000. DCX 10 at 21. Blackwell declined to prove his own estimate of what he had paid directly to Ms. Allen in child support during that time period. *Id.*

10. Respondent at no time provided Disciplinary Counsel with a payment schedule reflecting a plan to "fully satisfy his child support obligations (including any current arrearages) by the end of the probationary period." *See* DCX 2 at 1-2 (Conditions 2 & 3); Tr. 65-70 (Blackwell). Respondent did not provide Disciplinary Counsel (every three months as described in Condition 3) with a statement from the VDCSE "showing compliance with the payment schedule, or evidence showing that he has made the payments required under the schedule." DCX 2 at 1-2 (Condition 3); Tr. 65-70 (Blackwell).

11. Blackwell understood that the Court of Appeals viewed his child support arrearage obligation as an issue he was responsible for resolving. *See* JX 1 at 3 (Blackwell telling Ms. Allen that the Court "said I had to fix this, that I had to work out a plan to try to come back if I want to be a lawyer").

12. Blackwell claims, without any supporting evidence, that he was not able to make payments to the VDCSE.[12] Further, Blackwell continues to argue, as

---

[12] Respondent repeatedly refers to certain non-existing "stipulations" that appeared intended to explain when the VDCSE can accept payments directly from a non-custodial parent who lives in Maryland or the District of Columbia and how payments made to out-of-state child support agencies are forwarded to the VDCSE. *See, e.g.*, Resp. Reply at 4-5. 11-12. However, no stipulation was agreed to or reached by the parties. *See* Tr. 479 (Respondent advising the Committee that he had not agreed to the three-part stipulation proposed by Disciplinary Counsel); Tr. 473 (Disciplinary Counsel advising the Committee that he was not agreeing to Respondent's proposed stipulation). The record includes a copy of email exchanges between Respondent and Disciplinary Counsel discussing proposed stipulations. *See* JX 2 at 4-5, 7.

he did before the *Blackwell I* Hearing Committee, that he was obligated under an order issued by a Maryland court in December 2010, to make payments directly to Ms. Allen and *not* a state agency. Tr. 202-05 (Blackwell).[13] Despite his conviction that payment had to be made to Ms. Allen directly, Blackwell did not seek a modification of his child support obligations, even though he was aware that the Court of Appeals and the Board permitted him to do so. *See* DCX 2 at 1 (Condition 2); Tr. 652 (Blackwell). Based on Ms. Allen's testimony at the *Blackwell I* hearing, Blackwell was on notice as early as December 2020 that Ms. Allen did not want to be paid directly and wanted to limit contact with Blackwell. *See infra* FF 18; *see also* DCX 10 at 5.

13. Under the Uniform Interstate Family Support Act, the Virginia court can request "a tribunal of another state to enforce" a child support order or a "money judgment for arrears." Va. Code § 20-88.40. As understood by Blackwell, when a child support enforcement case is filed in a jurisdiction where the parent does not live, "the initiating tribunal transfers it to the responding tribunal, then that responding tribunal is the one that does the action in terms of enforcement." Tr. 612 (Blackwell).

---

[13] The *Blackwell I* Hearing Committee already determined that that payment was *not* to be made to Ms. Allen. *See, e.g.*, DCX 10 at 25; DCX 10 at 43 ("The bottom line is that Respondent knew what his child support obligations were and he did not satisfy them. Further, he did not make them to VDCSE or [the equivalent Maryland agency] as required.").

14. Between September 2023 and October 2024, Blackwell contacted the VDCSE "maybe twice, on[c]e for sure." Tr. 604 (Blackwell). Blackwell did not ever ask the VDCSE if he should make payments to another child support enforcement authority. Tr. 649-651 (Blackwell). Nor did Blackwell request that his probation terms be amended or modified to allow him to make payments to a different child support agency. *See* Tr. 535-37, 661 (Blackwell). Blackwell has no explanation for why he made no further payments to the D.C. Office of Child Support after October 2024, despite his acknowledgment that he still owed as much as $10,000 in unpaid child support. *See* Tr. 654-661 (Blackwell); *see also* Tr. 599-600, 623 (Blackwell).

15. Pursuant to the Uniform Interstate Family Support Act and Virginia Code Section 20-88.40, although the child support case against Blackwell was filed in Virginia, the enforcement action was transferred to D.C. because that is where the non-custodial parent lived. *See* Tr. 614-15 (Blackwell).

16. Blackwell claimed he first realized he could make payments through the D.C. Office of Child Support in October 2024 when he made his first and only payment ($100) during his probation. Tr. 602-03, 617, 627, 648 (Blackwell). The Ad Hoc Hearing Committee does not credit Blackwell's testimony that he did not realize that he could make payments to the D.C. Office of Child Support until October 2024. Blackwell is a family law attorney. FF 1. He was fully aware of the workings of the Uniform Interstate Family Support Act, *see* FF 11, and he knew he did not live in Virginia where the child support case was originally filed. Tr. 611-12 (Blackwell). Blackwell conceded that he had spoken to the VDCSE in August or

September of 2023, *see* Tr. 603 (Blackwell), yet he denied knowledge that he could make payment through Maryland or a District of Columbia child support agency.[14]

---

[14] Blackwell resisted taking any responsibility for not making any payments before October 2024:

> [Attorney Member] SMOLINSKY: I just have I think one or two [questions]. Did you ask where your payments should go when you spoke to the Virginia Child Enforcement Authorities in October of 2023?
>
> THE WITNESS [Blackwell]: No. What occurred was they told me they couldn't accept the payment, so I reached out to Ms. Allen.
>
> MR. SMOLINSKY: But you did not ask them where you could make payments, or whether you could make payments through another child enforcement agency?
>
> THE WITNESS: I didn't ask them anything. I didn't ask them if I could pay Mr. Lowery, could I pay to my cousin, to the President of the United States.
>
> MR. SMOLINSKY: Okay. So you did not ask them?
>
> THE WITNESS: No. What I did [by trying to contact Ms. Allen] was I did the next best thing.
>
> . . . .
>
> THE WITNESS: You don't understand, sir.
>
> MR. SMOLINSKY: I do. I asked you a question, and I believe that you've answered it, and I understand that you went to Ms. Allen to talk to her. My question to you was did you ask the Virginia Child Enforcement Authorities whether [there] was another place you could go, another child enforcement authority where you could make payments? Did you ask them that?

From personal experience in 2007—when he was engaged in child support proceedings before the Maryland courts—Blackwell knew he was able to make a child support payment in his home state. *See* DCX 10 at 9-10; DCX 9 at 22-23. Indeed, Blackwell, as noted above, had made a $100 payment in 2010 in Maryland (where Blackwell then lived). DCX 10 at 15; FF 4. That $100 payment was forwarded to the VDCSE and credited as a payment toward his child support balance. *See* DCX 7 at 16 (VDCSE Payment Record). In his Post-hearing Briefing, Blackwell provided no explanation as to why he did not continue to make further payments to the D.C. Office of Child Support once it became evident that he could do so. *See* Resp. Br.; Resp. Reply.

17. In December 2023, three months following Blackwell's signing of the Probation Order, Disciplinary Counsel asked Blackwell for information demonstrating his compliance with the terms of his probation. DCX 4 at 1-2. Blackwell provided no information about any child support payments, responding instead with email messages to Disciplinary Counsel that raised matters related to his relations with D.B. and Ms. Allen, but irrelevant to the issue of the ordered

---

THE WITNESS: I didn't have to.

MR. SMOLINSKY: Okay. Thank you.

Tr. 649-651.

payments. DCX 4; DCX 5.[15] He did not ask the Office of Disciplinary Counsel for assistance in making payments to the VDCSE or suggest that he was having problems with the online payment system. *See* DCX 4 at 1 (December 24, 2023, email message by Blackwell to Assistant Disciplinary Counsel Lowery); DCX 5 at 1 (December 25, 2023, email message from Blackwell to Assistant Disciplinary Counsel Lowery).

---

[15] On December 24, 2023, Blackwell responded to Assistant Disciplinary Counsel Lowery's request for information regarding any monthly payment of child support as follows, in pertinent part:

> I am attaching information (two recordings) that this whole matter was predicated on a lie that was motivated by anger and the goal of keeping me from supporting my child in **every way**, even monetarily—which *her mother refused to accept*.
>
> The first was made in August 2009, when the child was only 5. In the beginning, you will hear the child crying because she has not seen me . . . . The message did not record my voice but you can understand that I'm asking my child's mother where she is . . . .
>
> Then listen to the message 5 years later, where the child stated where her mother deliberately poisoned her mind.
>
> So, please know that you are continuing the same as my child's mother . . . . And remember this as you look at your child or children (if you have any) or when you look at your parents, and think about the effect this would have had on you to be alienated from your father.

DCX 4 at 1.

The following day, on December 25, 2023, Blackwell repeated his request that Mr. Lowery listen to the two audio recordings and for him to "remember my child's tears and your efforts to help her mother, not the legal profession or anyone else, to assist in alienating my daughter form [sic] her father." DCX 5 at 1.

18. Relations between Blackwell and Ms. Allen have been strained as noted by the *Blackwell I* Hearing Committee. *See, e.g.*, DCX 10 at 22 ("[T]he relationship . . . deteriorated materially. . . . The mutual animosity was reflected in their testimony during the hearing."). Ms. Allen did not want Blackwell to communicate or contact her; she reiterated this position during the probation revocation hearing. DCX 12 (Ms. Allen's September 25, 2024, email message to Mr. Lowery); JX 1 at 3-4; Tr. 144, 198-99, 217, 237-39, 248-49 (Allen). As noted by the *Blackwell I* Hearing Committee, Ms. Allen wanted him to direct all communications regarding child support to the child support enforcement authorities. DCX 10 at 25 (Ms. Allen "wanted no part of any connections or communications [about] receiving money"). Blackwell knew that Ms. Allen did not want to communicate with him about child support. *See* Tr. 85-87 (Blackwell). She had told him multiple times, and she had refused to give him her home address or her phone number. *See* Tr. 198-99, 213 (Allen). At least by 2020, Blackwell knew that Ms. Allen had requested in June 2014 that all of Blackwell's payments be made to the state agency and not to her. *See* DCX 10 at 18 (Blackwell testifying about Ms. Allen's change of payee request during his December 14 and 15, 2020 discipline hearing); DCX 9 at 6-7.

19. On January 3, 2024, Blackwell spoke to Ms. Allen on the phone (he had called her office and Ms. Allen called him back from a blocked number). JX 1; Tr. 140-41, 173-74, 198-99, 254 (Allen). During that conversation, Blackwell attempted to convince Ms. Allen that he was required to make payments directly to

her. JX 1 at 3-4; Tr. 248-255 (Allen). Blackwell's assertion misrepresented the Probation Order, which he had read and signed. *See* DCX 2 at 1-2.

20. On January 11, 2024, Disciplinary Counsel again requested that Blackwell provide information demonstrating his compliance with the terms of his probation. DCX 6 at 2-3. In response, on January 12, Blackwell wrote to Disciplinary Counsel that the Court of Appeals order did not limit him to paying the VDCSE; he asserted that his evidence of compliance was the fact that he had attempted to directly contact Ms. Allen. *Id.* at 1. According to Blackwell, both Disciplinary Counsel and Ms. Allen had created a "false narrative" that his child support payment could not be made to Ms. Allen directly. *Id.* at 1-2. The Ad Hoc Hearing Committee does not credit Blackwell's repeated defense that his January 3, 2024, phone call to Ms. Allen, raising the issue of his making direct payments to her on behalf of D.B., is consistent with the terms of his probation, or sufficient to meet those terms. The Court of Appeals' decision required payment through a state agency and had no provision inviting or allowing Blackwell to make payment to Ms. Allen directly. Condition 2 of his Probation Order provided that he was to begin making monthly payments

> in an amount sufficient to fully satisfy his child support obligations (including any current arrearage) by the end of the probationary period, without prejudice to Respondent seeking a modification of his child

> support obligations, in which case he must comply with the modified order by the completion of the probationary period.

DCX 2 at 1. Blackwell never moved for a modified child support order in either the Virginia or Maryland courts, despite it being offered as an option by the Court of Appeals. *See* 299 A.3d at 573-74.[16]

21. In mitigation, Blackwell argued that he had made efforts to be involved in D.B.'s life more broadly than simply payment of child support. Tr. 671-72 (Blackwell); *see also* Tr. 663-65 (Blackwell). He contends that since 2014, Ms. Allen has interfered with his ability to have a relationship with D.B. Resp. Reply at 14. More specifically, he argues he made an effort to pay child support during his probation by calling Ms. Allen in January 2024 and raising the issue of payments, but Ms. Allen refused to cooperate and lied to him. *See* Resp. Br. at unnumbered page 6 ("Ms. Allen does not want to communicate with Respondent about child support or the welfare of the child. . . . However, as the child's father[,] Respondent has the right and the level of maturity to communicate with Ms. Allen about child

---

[16] As explained by the Court:

> Mr. Blackwell objects to the recommended conditions of probation, arguing that this court should not require payment of arrears and in particular should not require such payment to VDCSE. . . . We do not share Mr. Blackwell's concerns. The conditions we adopt allow Mr. Blackwell to seek modification of his child support obligations and permit proof of payment either from VDCSE or through other evidence, which could include payment to Maryland.

299 A.3d at 573-74.

support." (citations omitted)). Blackwell, however, agrees that he made no payments for child support during his probation except in October 2024 when he paid $100 to the D.C. Office of Child Support. *See* Tr. 647-48, 654-56 (Blackwell); FF 8; FF 16.

III. CONCLUSIONS OF LAW

A. Respondent Blackwell's Motion to Dismiss Should Be Denied.

On March 24, 2025, after the hearing had concluded and post-hearing briefs were due, Blackwell filed a motion to dismiss on the basis that Disciplinary Counsel had not proven a violation of the conditions of probation. A hearing committee is not authorized to rule on a motion to dismiss, but, instead, is to include a recommended disposition of the motion in its report to the Board. *See* Board Rule 7.16(a); *In re Ontell*, 593 A.2d 1038, 1040 (D.C. 1991). Here, the Ad Hoc Hearing Committee recommends that the motion to dismiss be denied for the reasons set forth in Part III.B., *infra*, and discussed below.

Blackwell asserts in his motion to dismiss that Ms. Allen "lied" and refused to cooperate in making a payment schedule. Respondent's Motion to Dismiss at 5. Blackwell also argues that he was "precluded from making any payment to the Virginia Department of Child Support Enforcement (VDCSE), making a payment plan or obtaining documentation from the VDCSE showing payment as required by the order of probation due to the policies and practices of the VDCSE." *Id.* at 10. Even if these arguments were proven, as he asserts, his alleged defenses leave unaddressed the question central to the Ad Hoc Hearing Committee's deliberations, whether, beginning no later than 30 days after the Court issued its order, Blackwell

began making payments of child support in an amount sufficient to satisfy his obligations by the end of the probationary period. On his own testimony, he did not. On the undisputed evidence of his failure to make any payments beyond the $100 in October 2024, we recommend that the motion to dismiss be denied.

B. The Violations of the Conditions of Probation Have Been Proven by a Preponderance of the Evidence.

Disciplinary Counsel has the burden of establishing a violation of the terms and conditions of probation "by a preponderance of the evidence." Board Rule 18.3(d). The preponderance of evidence standard requires that one "believe that the existence of the contested fact is more plausible than its nonexistence." *In re Bedi*, 917 A.2d 659, 663 n.5 (D.C. 2007) (internal quotation omitted).

Disciplinary Counsel contends that Respondent violated Condition 2 of his probation because, as he admitted, he did not make monthly payments toward his child support obligation and, in the eighteen months between the Court of Appeals' order in *Blackwell I* and the final day of the probation of revocation hearing, Blackwell made only one payment of $100. ODC Br. at 7. Disciplinary Counsel additionally argues that Blackwell violated Condition 3 of his probation by failing to provide Disciplinary Counsel with a payment schedule or evidence every three months showing his child support payments. *Id.* In response, Blackwell argues that he could not comply with Condition 2 because the "VDCSE could not and would not accept payment or provide a payment schedule." Resp. Br. at unnumbered page 7. As to Condition 3, Blackwell argues that "for the same reasons [he did not violate Condition 2, he] did not willfully violate this condition." *Id.*

The conditions in the Probation Order (*see* FF 7) addressed Respondent's failure to pay child support. And while Disciplinary Counsel's motion to revoke probation concerned, in some respects, the deadlines imposed by the Court of Appeals for monitoring and assessing compliance by Blackwell to the Court's order, the Ad Hoc Hearing Committee asked the parties to focus on the simple question of whether Blackwell had made *any* child support payments or *any* effort to pay off child support arrearages since signing the Probation Order on September 10, 2023. The regularity of reports and updates to Disciplinary Counsel, though required for full compliance, nevertheless, were secondary to simply paying child support.

During the hearing, Blackwell confirmed his near total failure to pay child support, even after he signed the Probation Order on September 10, 2023, containing the terms of his probation. FF 8-9. Since signing, in acknowledgement of the Order, Blackwell has made one payment only, in the amount of $100, paid in October 2024, just prior to the start of the probation revocation hearing which began on October 30, 2024. He made no further payment before the last day of the hearing on February 20, 2025. He acknowledged that payments could be received by the D.C. Office of Child Support. FF 14, 16. Nevertheless, Blackwell gave no evidence of his setting up of regular payments or establishing a payment schedule that would allow him to pay off all arrearages by the end of his probation. Far from making an effort to pay off his child support obligation by the end of his probation, as required by the Court's order, in the intervening eighteen months Blackwell had done very little to comply with his conditions of probation.

At the hearing, Blackwell responded to questions about his efforts to pay off any child support arrearage with strenuous objections that the amount of past child support owed had not been established with exactitude by the *Blackwell I* Hearing Committee and that the VDCSE calculation was excessive because it did not account for payments previously made directly to Ms. Allen. *See, e.g.*, Tr. 605-06 (Blackwell: "I testified specifically of the payments that I made each year, and I testify specifically that the amount that was due each year was $6,500.00. . . . Okay, I believe I owe perhaps two years of payment because the last two years of her life [as a minor] I was obligated to pay[,] [but Ms. Allen] kept her from me. As I testified at the hearing, up to that point I was current, and the hearing took place, and what year was that 2022 I guess, so the last two years I had no way of knowing where she was, or how to make payments."). This Ad Hoc Committee agrees that no determination appears to have been made of the amount Blackwell owes for past child support either by the Court, *see* 299 A.3d at 571 ("[T]here is substantial evidence in the record that, even if he had paid Ms. Allen directly, the total of his payments was well below the amount he was required to pay by court order."), or the *Blackwell I* Hearing Committee, *see* DCX 10 at 41 ("None of [Blackwell's] exhibits show that he paid her anything close to the $550 per month or $6,600 a year. . . . [H]e was slow to pay, did not pay the full required amount."). Blackwell admits that he did not make any effort to present documentary evidence that would show the amount owed once he was placed on probation, but he contends the amount is less than $10,000. *See* Tr. 599-600 (Blackwell). The most recent calculation in the

record, open to challenge if Mr. Blackwell had chosen to challenge it, is the VDCSE's April 2024 record of $83,400 owed by Blackwell in past-due child support. *See* FF 9.

Accepting that the exact amount Mr. Blackwell owes in child support may be open to challenge, nevertheless, Blackwell did not deny that he owed for past, unpaid child support, and he admitted he stopped paying his annual child support of $6,500 sometime in 2020. *Compare* Tr. 605-06 (Blackwell), *with* DCX 10 at 5. Certainly, the lack of a specifically calculated Court-ordered arrearage did not interfere with the Ad Hoc Hearing Committee's ability to conclude, on Mr. Blackwell's own testimony, that he has failed to make more than a minimal effort to comply with the Court of Appeals' order to pay monthly child support and arrearages.

C. Recommended Sanction

The Ad Hoc Hearing Committee unanimously finds that Blackwell violated Conditions 2 and 3 of his probation. In this probation revocation proceeding, the Hearing Committee next must consider the question, first, of whether the probation should be revoked and the previously stayed suspension imposed and then, if his license is suspended, whether Blackwell will be required to provide proof of payment of the child support and arrearages prior to any reinstatement of his law license. The Hearing Committee recommends that Blackwell's probation be revoked, that he be suspended from the practice of law for four months, and that his reinstatement be contingent on his having made to appropriate child support agencies all required payments in support of his child.

Where a hearing committee finds a violation of the terms or conditions of probation, it may recommend revocation with an imposition of the underlying sanction imposed in the Court's order of probation. D.C. Bar R. XI, § 3(a)(7).

It is undisputed that Blackwell made no reasonable attempt to learn what he owed for the maintenance of his child or to pay it. If Blackwell had violated only the reporting condition of his probation, the Committee might have recommended that the probation not be revoked. But the record is clear that Blackwell made very little effort to fulfill his payment obligations during his probation, nor did he make any effort to ask the courts to establish exactly what he owed, and, finally, he opposed every effort of Disciplinary Counsel to enforce the reporting conditions of his probation. Blackwell had a binding obligation to meet the conditions of his probation, imposed by the Court of Appeals, and he cannot claim ignorance of these conditions, having signed and agreed to them.

The Ad Hoc Hearing Committee accepts in mitigation Blackwell's testimony of his deep concern as a parent for the well-being of his child. Nevertheless, his failure to provide his child with court-ordered financial support is undisputed. His failure to comply with the terms of his probation is clear. Blackwell has been on notice that payment was to be made to a child support agency. Blackwell was aware that Ms. Allen did not want to be paid directly, a fact established and recognized by the *Blackwell I* Hearing Committee, the Board, and the Court. Finally, the record shows that Blackwell has not made any child support payments on a monthly basis

sufficient to fulfill his child support obligations; his single payment of $100 paid to the D.C. Office of Child Support in October 2024 notwithstanding.

IV. CONCLUSION

For the foregoing reasons, the Committee finds that Blackwell violated the conditions of his probation and, as a result, recommends that his probation be revoked and his license to practice law be suspended for four months (the period of suspension that had been previously stayed). Further, it recommends that Blackwell be required to provide proof that he has fulfilled his child support obligations as a condition of his reinstatement.

AD HOC HEARING COMMITTEE

Mary E. Kuntz

Mary Kuntz, Chair

John Johnson

John Johnson, Public Member

Paul Smolinsky, Attorney Member