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MAR 25 2011

BEFORE THE FOURTH DISTRICT SECTION II SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

VS CLERK'S OFFICE

IN THE MATTER OF MONICA MARIE GOODLING, ESQUIRE
VSB Docket Number 07-042-070763

SUBCOMMITTEE DETERMINATION
PUBLIC REPRIMAND (WITHOUT TERMS)

On the 14th day of March, 2011, a meeting in this matter was held before a duly convened subcommittee of the Fourth District Committee, Section II, consisting of John R. Ates, Esquire, Laura H. Plaze, Lay Member, and, Roger L. Amole, Esquire, presiding, to consider a proposed Agreed Disposition presented by the parties.

Pursuant to Part 6, Section IV, Paragraph 13-15.B.4.c of the Rules of the Virginia Supreme Court, that subcommittee of the Fourth District Committee, Section II, of the Virginia State Bar hereby accepts the Agreed Disposition presented by the parties and serves upon the Respondent the following Public Reprimand without Terms:

I. FINDINGS OF FACT

1. At all times relevant hereto the Respondent, Monica Marie Goodling (hereinafter the Respondent), has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. In or around October, 2005, Respondent commenced her employment with the Office of the Attorney General in the United States Department of Justice, and in April, 2006, assumed the position of White House Liaison and Senior Counsel to the Attorney General where she remained until her resignation in April, 2007.
3. In her capacity as White House Liaison and Senior Counsel to the Attorney General, Respondent had responsibility for screening candidates, interviewing,

and making hiring decisions for various federal government positions. Some of these positions included career positions that were subject to the restrictions of the federal civil service laws which prohibited the use of political affiliation when assessing a candidate's qualifications.

4. In the course of carrying out her duties, Respondent admitted during testimony before the United States Congress, given by Respondent under oath on May 23, 2007, that in some cases, she improperly utilized political affiliation and other political considerations when making hiring decisions for career positions.¹

5. Specifically, Respondent testified, "Nevertheless, I do acknowledge that I may have gone too far in asking political questions of applicants for career positions, and I may have taken inappropriate political considerations into account on some occasions. And I regret those mistakes." In response to a question from Congressman Bobby Scott of Virginia as to whether or not Respondent broke any laws, Respondent testified, "The best I can say is that I know I took political considerations into account on some occasions."

6. Respondent testified further, "I crossed the line of the civil service rules." She also stated, "I believe I crossed the lines. But I didn't mean to."

7. The Department of Justice Office of Professional Responsibility and the Office of the Inspector General began a joint investigation into these and other matters in or around March, 2007, and issued a comprehensive Report detailing their findings on

¹ Prior to testifying before Congress, Respondent asserted her Fifth Amendment right against self-incrimination. Respondent's testimony before Congress on May 23, 2007, was subsequently negotiated under a grant of immunity. During her testimony, Respondent explained her reason for asserting her Fifth Amendment privilege by stating, "I asserted the Fifth Amendment based on the fact that these are very ambiguous circumstances in which to testify. And I believed that the deputy attorney general had made an allegation that I had deliberately withheld information from him. And I believed that that was a concern."

July 28, 2008. Respondent's conduct was not referred for criminal investigation and no criminal charges were ever filed against her.²

8. Since her resignation from the Department of Justice, Respondent has been employed in the private sector and is not engaged in the practice of law at this time.

II. NATURE OF MISCONDUCT

The Subcommittee finds that the following Disciplinary Rules have been violated:

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

- (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- (b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law[.]

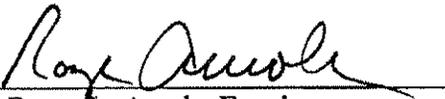
² Because Respondent resigned her position at the Department of Justice prior to the investigations into events at issue herein, no disciplinary action was ever initiated against her arising out of her status as an employee of the United States Department of Justice. Additionally, in July, 2010, after a twenty-two (22) month investigation, a Special Prosecutor appointed by the Attorney General concluded that no criminal offenses were committed.

III. PUBLIC REPRIMAND WITHOUT TERMS

Accordingly, it is the decision of the subcommittee to impose a Public Reprimand without Terms upon the Respondent and she is hereby so reprimanded.

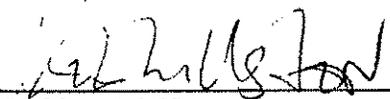
Pursuant to Part Six, Section IV, Paragraph 13.9.E of the Rules of the Supreme Court, the Clerk of the Disciplinary System shall assess costs against Respondent.

FOURTH DISTRICT SECTION II SUBCOMMITTEE OF THE VIRGINIA STATE BAR

By: 
Roger L. Amole, Esquire
Chair, Fourth District Section II Committee

CERTIFICATE OF SERVICE

I certify that I have this 25th day of March, 2011, mailed a true and correct copy of the Subcommittee Determination (Public Reprimand without Terms) by CERTIFIED MAIL to the Respondent, Monica Marie Goodling, Esquire, at 16519 Hayes Lane, Woodbridge, VA 22191, her last address of record with the Virginia State Bar, and to Jonah E. McCarthy, Esquire, Akin, Gump, Strauss, Hauer & Feld, LLP, Respondent's Counsel, 1333 New Hampshire Avenue, N.W., Washington, D.C. 20036-1564.


Kathleen M. Uston
Assistant Bar Counsel