

VIRGINIA:

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

IN THE MATTER OF JOHN ANTHONY NOWACKI, ESQUIRE
VSB Docket Number 09-042-076256

SUBCOMMITTEE DETERMINATION
PUBLIC ADMONITION (WITHOUT TERMS)

On the 31st day of January 2012, 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.

Pursuant to Part 6, Section IV, Paragraph 13-15.B.4.a of the Rules of Virginia Supreme Court, that subcommittee of the Fourth District Committee, Section II, of the Virginia State Bar hereby serves upon the Respondent the following Public Admonition without Terms.

I. FINDINGS OF FACT

1. At all times relevant hereto John Anthony Nowacki (hereinafter the Respondent), has been an attorney licensed to practice law in the Commonwealth of Virginia.

2. On July 28, 2008, the Office of the Inspector General and Office of Professional Responsibility of the Department of Justice issued a joint report titled, "An Investigation of Allegations of Politicized Hiring by Monica Goodling and Other Staff in the Office of the Attorney General (hereinafter the "Report").

3. In the Report, the Department of Justice (hereinafter the "DOJ") concluded that Respondent had committed misconduct by, "drafting a proposed

Department response to a media inquiry which [Respondent] knew was inaccurate.” DOJ found further that, “[Respondent] concealed from Department officials his knowledge that Goodling used political affiliation when assessing candidates from EOUSA details after the Department received an inquiry from a reporter regarding this issue.”

4. Respondent’s draft statement instructed the DOJ press office to contact him before using the statement and was followed several hours later by another draft removing the reference to Goodling and the use of party affiliation, with the request that it be used instead. Respondent later informed DOJ investigators that he knew Goodling had used political affiliation to veto candidates for EOUSA details, and that he telephoned the press office to ensure that only the last draft statement be considered. The Report omitted any mention of the instruction to discuss, the revised draft removing the reference to Goodling, or the subsequent telephone conversation.

5. Respondent admits that the Report accurately described the language he initially proposed concerning Goodling’s alleged improper use of political affiliation as a criterion in selecting which career employees would receive details at EOUSA. Respondent admits further that he did not disclose his personal knowledge that Goodling had done this, acknowledging that the response he initially drafted would have had DOJ deny the charge, even though he knew it was essentially true.

6. It is noted that the DOJ Report outlining the Respondent’s misconduct was made available to the public.

II. NATURE OF MISCONDUCT

The Subcommittee finds that the following Disciplinary Rule has been violated:

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyer's fitness to practice law[.]

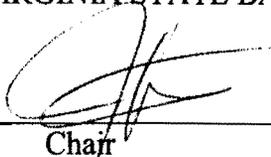
III. PUBLIC ADMONITION WITHOUT TERMS

Accordingly, based upon the above facts, and the factors in both mitigation and aggravation of Respondent's misconduct, it is the decision of the subcommittee that the Respondent should receive a Public Admonition and he is so admonished.

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.

FOURTH DISTRICT SECTION II SUBCOMMITTEE OF THE VIRGINIA STATE BAR

By _____



Chair

CERTIFICATE OF SERVICE

I certify that I have this 16th day of February, 2012, mailed a true and correct copy of the Subcommittee Determination (Public Admonition without Terms) by CERTIFIED MAIL, to Respondent, John Anthony Nowacki, 6611 C Netties Lane, Alexandria, VA 22315, his last address of record with the Virginia State Bar, and by U.S. Mail to Respondent's Counsel, Daniel Rinzel, Redmon, Peyton & Braswell, 510 King Street, Suite 301, Alexandria, Virginia 23214.



Kathleen M. Uston
Assistant Bar Counsel