

OFFICE OF BAR COUNSEL

July 23, 2009

BY FIRST CLASS MAIL & CERTIFIED MAIL
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*Serving the District
of Columbia Court
of Appeals and its Board
on Professional
Responsibility*

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John Nowacki, Esquire
c/o Steven C. Tabackman, Esquire
Tighe Patton Armstrong Teasdale, PLLC
1747 Pennsylvania Ave., N.W., Suite 300
Washington, D.C. 20006

Re: *In re John Nowacki*
Bar Docket No. 2008-D339

Dear Mr. Nowacki:

This office has completed its investigation of the above-referenced matter. We find that your conduct reflected a disregard of certain ethical standards under the District of Columbia Rules of Professional Conduct (the "Rules"). We are, therefore, issuing you this Informal Admonition pursuant to D.C. Bar Rule XI, §§ 3, 6, and 8.

On August 11, 2008, this office opened an investigation based upon a report issued jointly by the Office of Professional Responsibility and the Office of the Inspector General at the Department of Justice ("DOJ") entitled "An Investigation of Allegations of Politicized Hiring by Monica Goodling and the Other Staff in the Office of Attorney General." In this report, the DOJ concluded that you had committed misconduct by "drafting a proposed Department response to a media inquiry which [you] knew was inaccurate." Further, DOJ found that you "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."

You submitted a response through your attorney. You do not deny that the DOJ conclusion is accurate but you describe a number of mitigating circumstances including that it is significant that the DOJ never submitted your proposed response to the media. We do not consider this fact as mitigation as it was not your decision not to forward the inaccurate proposed media response to the media. However, we do consider your candor and cooperation with DOJ during their investigation as a significant mitigating fact.

We find that your conduct described above violated Rule 8.4(c), which states that "It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation." We issue this Informal Admonition for violating this Rule. We have taken into consideration that you cooperated with this office and you have no disciplinary record. Therefore, we have chosen to issue an Informal Admonition rather than to pursue a harsher sanction in this matter.

This letter constitutes an Informal Admonition and is public when issued. Please refer to the attachment to this letter of Informal Admonition for a statement of its effect and your right to have it vacated and have a formal hearing before a Hearing Committee.

If you would like to have a formal hearing, you must submit a written request for a hearing within 14 days of the date of this letter to the Office of Bar Counsel, with a copy to the Board on Professional Responsibility, unless Bar Counsel grants an extension of time. If a hearing is requested, this Informal Admonition will be vacated and Bar Counsel will institute formal charges pursuant to D.C. Bar R. XI, §§ 8(b) and (c). The case will then be assigned to a Hearing Committee and a hearing will be scheduled by the Executive Attorney for the Board on Professional Responsibility pursuant to D.C. Bar R. XI, § 8(c). Such a hearing could result in a recommendation to dismiss the charges against you or a recommendation for a finding of culpability, in which case the sanction recommended by the Hearing Committee is not limited to an Informal Admonition.

Sincerely,

Wallace E. Shipp, Jr.
Bar Counsel

Enclosure: Attachment to Letter of Informal Admonition

WES/EAH/jnb/gjh