

VIRGINIA :

IN THE CIRCUIT COURT FOR ARLINGTON COUNTY

VIRGINIA STATE BAR, *ex rel.*
FOURTH DISTRICT- SECTION I COMMITTEE,

Complainant/Petitioner,

v.

JOHN O. IWEANOGE, ESQ.,

Respondent.

Chancery No. 05-145

VSB Docket Nos.: 04-041-1312
04-041-2657

MEMORANDUM ORDER

ON THE 20th day of July, 2005, this matter came before the Three-Judge Court empaneled on June 7, 2005, by designation of the Chief Justice of the Supreme Court of Virginia, pursuant to §54.1-3935 of the 1950 Code of Virginia, as amended, consisting of the Honorable Rosemarie P. Annunziata, Senior Judge of the Court of Appeals of Virginia, the Honorable James E. Kulp, retired Judge of the Fourteenth Judicial Circuit, and the Honorable Burke F. McCahill, Judge of the Twentieth Judicial Circuit and Chief Judge of the Three-Judge Court.

Seth M. Guggenheim, Assistant Bar Counsel, appeared on behalf of the Virginia State Bar, and the Respondent, John O. Iweanoge, Esquire, appeared, *pro se*.

WHEREUPON, a hearing was conducted upon the Rule to Show Cause issued against the Respondent, which directed him to appear and to show cause why his license to practice law in the Commonwealth of Virginia should not be revoked or suspended.

FOLLOWING presentation of the Bar's evidence, the Respondent made an oral motion to strike, which the Court took under advisement. Thereafter, the Respondent

presented his evidence, at the conclusion of which the Court heard argument, retired to deliberate, and returned to issue its rulings and findings in open court.

The Court granted Respondent's motion to strike all of the evidence presented in the matter bearing VSB Docket Number 04-041-1312. Respecting the evidence presented in the matter bearing VSB Docket Number 04-041-2657, the Court granted Respondent's motion to strike the evidence related to Rule 1.3(a) of the Rules of Professional Conduct.¹ In granting the motion to strike related to the cited rule, the Court found that Respondent's alleged failure to appear for trial in the Arlington County Circuit Court was due to his having been confronted with an unexpected turn of events in federal court in the District of Columbia occasioned by the shortening of the voir dire process by the federal judge in a matter in which the Respondent was counsel. The Court also found that Respondent made efforts to comply with the Circuit Court's continuance policy and that he had in fact sent an attorney to the Circuit Court.

The Court also found by clear and convincing evidence, as follows:

1. At all times relevant to the matters giving rise to the proceedings before the Court, the Respondent was an attorney licensed to practice law in the Commonwealth of Virginia.

2. The Respondent engaged in a pattern of conduct in a case styled *Ignatius Nwafor v. Kay Coady*, At Law No. 03-211, in the Circuit Court for Arlington County, Virginia, whereby he authorized a nonlawyer employee to sign pleadings and endorse

¹ **RULE 1.3 Diligence**

(a) A lawyer shall act with reasonable diligence and promptness in representing a client.

orders filed in the Circuit Court, including a motion for judgment, an order to compel answers to discovery, a uniform pretrial scheduling order, a certificate of filing plaintiff's answer to defendant's request for admissions, an answer to defendant's request for admissions, a certificate of filing plaintiff's answer to defendant's second set of requests for admissions, and an answer to defendant's second set of requests for admissions.

3. The Respondent's conduct violated Rule 1.1 of the Rules of Professional Conduct.² Rules 1:4 and 1:5 of the Rules of the Supreme Court of Virginia are in the Court's view clear and unequivocal in the sense that the obligation of the attorney is not delegable to a nonlawyer in terms of signing of pleadings.

4. The Respondent's conduct described herein also violated Rules 3.4(d)³, 5.5(a), (b), and (c)(1)⁴, 5.5(a)(2)⁵, and 8.4(a)⁶ of the Rules of Professional Conduct.

² **RULE 1.1 Competence**

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

³ **RULE 3.4 Fairness To Opposing Party And Counsel**

A lawyer shall not:

- (d) Knowingly disobey or advise a client to disregard a standing rule or a ruling of a tribunal made in the course of a proceeding, but the lawyer may take steps, in good faith, to test the validity of such rule or ruling.

⁴ **RULE 5.3 Responsibilities Regarding Nonlawyer Assistants**

With respect to a nonlawyer employed or retained by or associated with a lawyer:

- (a) a partner in a law firm shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the lawyer;

UPON CONSIDERATION WHEREOF, the Three-Judge Court hereby ORDERS that the Charge of Misconduct brought against the Respondent in VSB Docket No. 04-041-1312 be, and same hereby is, DISMISSED; and it is further

ORDERED that as to the Charge of Misconduct brought against the Respondent in VSB Docket No. 04-041-2657, the Respondent shall receive a PUBLIC REPRIMAND, WITH TERMS, subject to the imposition of the sanction referred to below as an alternative disposition of this matter should Respondent fail to comply with the Terms referred to herein. The Terms which shall be met in accordance with the deadlines set forth below are:

1. Respondent shall within thirty days following the date of entry of this Order certify in writing to Seth M. Guggenheim, Assistant Bar Counsel, at 100 North Pitt

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- (b) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer; and
 - (c) a lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:
 - (1) the lawyer orders or, with the knowledge of the specific conduct, ratifies the conduct involved[.]

⁵ **RULE 5.5 Unauthorized Practice Of Law**

- (a) A lawyer shall not:
 - (2) assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law.

⁶ **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[.]

Street, Suite 310, Alexandria, Virginia 22314, that Respondent has reviewed the Rules of the Supreme Court of Virginia and the Rules of Professional Conduct.

2. Respondent shall attend the Virginia Professionalism Course as soon as practicable, but not later than twelve months following the date of entry of this Order, and he shall promptly following such attendance provide evidence thereof to the aforesaid Bar Counsel.

Upon satisfactory proof furnished by Respondent to Bar Counsel, as aforesaid, that the above Terms have been complied with, in full, a PUBLIC REPRIMAND, WITH TERMS shall then be imposed. If, however, Respondent fails to comply with any of the Terms set forth herein, as and when his obligation with respect to any such Term has accrued, then, and in such event, the alternative disposition of a sixty (60) day suspension of Respondent's license to practice law in the Commonwealth of Virginia shall be imposed in accordance with the procedure set forth in Part 6, §IV, ¶13.I.2.g. of the Rules of the Supreme Court of Virginia; and it is further

ORDERED that Bar Counsel be, and he hereby is, authorized and directed to make photocopies of Respondent's Exhibits A through D, inclusive, introduced into evidence at the time of the hearing, to transmit the originals thereof to the Respondent, and to file the photocopies with the Clerk of this Court, all of which actions have been accomplished as of the date hereof, as evidenced by the endorsements of Bar Counsel and the Respondent appearing below; and it is further

ORDERED that the terms and provisions of the Summary Order entered by this Court at the conclusion of the hearing conducted on July 20, 2005, be, and the same hereby are, merged herein; and it is further

ORDERED that pursuant to Part Six, § IV, ¶ 13.B.8.c. of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs against the Respondent; and it is further

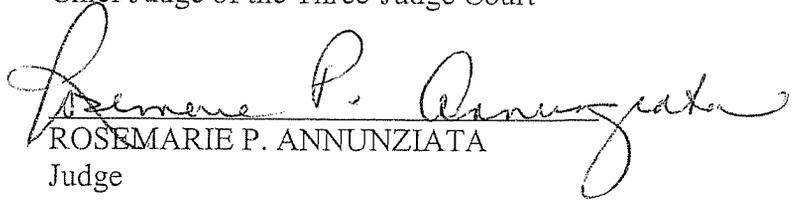
ORDERED that four (4) copies of this Order be certified by the Clerk of this Court, and be thereafter mailed by said Clerk to the Clerk of the Disciplinary System of the Virginia State Bar at 707 East Main Street, Suite 1500, Richmond, Virginia 23219-2800, for further service upon the Respondent and Bar Counsel consistent with the rules and procedures governing the Virginia State Bar Disciplinary System.

AND THIS ORDER IS FINAL.

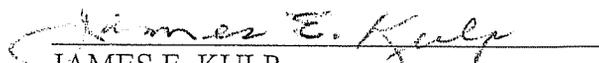
ENTERED this 19th day of August, 2005.



BURKE F. McCAHILL
Chief Judge of the Three-Judge Court



ROSEMARIE P. ANNUNZIATA
Judge



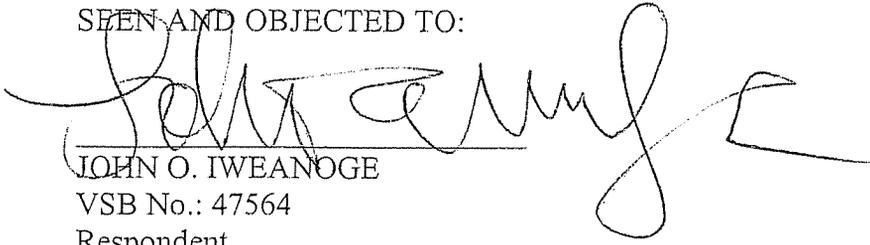
JAMES E. KULP
Judge

I ASK FOR THIS:



SETH M. GUGGENHEIM
VSB No.: 16636
Assistant Bar Counsel
Virginia State Bar
100 N. Pitt Street, Suite 310
Alexandria, Virginia 22314

SEEN AND OBJECTED TO:



JOHN O. IWEANOGE

VSB No.: 47564

Respondent

Federal District Building #600

1010 Vermont Avenue, N.W.

Washington, D.C. 20005-4958

A COPY,
TESTE, DAVID A. BELL, CLERK

BY 
DEPUTY CLERK