

BEFORE THE SUPREME COURT  
STATE OF WYOMING

IN THE SUPREME COURT  
STATE OF WYOMING  
FILED

MAR 11 2022

SHAWNA GOETZ, CLERK  
*Shawna Goetz*  
by CHIEF DEPUTY

*In the matter of* )  
*Leigh Anne G. Manlove,* )  
*WSB Attorney No. 6-3441* )  
 )  
*Respondent.* )

*Docket Nos. 2020-108, 2021-005,*  
*2021-039 and 2021-062*

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**WYOMING BOARD OF PROFESSIONAL RESPONSIBILITY HEARING PANEL'S  
FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION**

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THIS MATTER came before a Hearing Panel of the Board of Professional Responsibility of the Wyoming State Bar ("BPR") on February 2 through February 11, 2022, for a disciplinary hearing pursuant to Rule 15(b), W.R.Disc.P. Hearing Panel members Christopher Hawks (Chair), John A. Masterson and Alisha Rone were in attendance. The Wyoming State Bar was represented by Special Bar Counsel, Weston W. Reeves. Respondent Leigh Anne G. Manlove ("Ms. Manlove") was present in person and was represented by her counsel, D. Stephen Melchior.

Based upon the exhibits received into evidence, the testimony of witnesses and with due consideration given to the statements of counsel, the Hearing Panel unanimously FINDS, CONCLUDES and RECOMMENDS as follows.

Findings of Fact

This Panel concludes, after a thorough review of the evidence before it and due consideration of the testimony of the witnesses and Ms. Manlove, the factual findings set forth below were established by clear and convincing evidence.

1. This Hearing Panel is charged with determining whether Special Bar Counsel has proven, by clear and convincing evidence, whether Respondent Leigh Anne G. Manlove ("Ms.

Manlove”) has failed to comport herself as required by the Wyoming Rules of Professional Conduct for Attorneys at Law and, if so, what sanction for such misconduct should be recommended to the Wyoming Supreme Court. The Panel only has jurisdiction to consider violations of the Wyoming Rules of Professional Conduct and lacks jurisdiction to decide violation of any state or federal, civil, or criminal law. The Panel limits its decision accordingly.

2. This Panel notes at the outset that Respondent’s conduct before and during this proceeding has disappointed the members of this Panel. Respondent testified under oath that she perceives all connected with this proceeding – the Office of Bar Counsel, the seven duly-appointed District and Circuit Court Judges of Laramie County, Respondent’s former employees and even this Panel – as part of a coordinated effort to remove her from office. The spectacle Respondent has turned this proceeding into, complete with talk radio interviews, a GoFundMe campaign, and press releases, has created an unfortunate and unnecessary diversion from the issues before this Panel. Nonetheless, while a distraction to this Panel’s review and consideration of the merits of these proceedings, we specifically note and find that our findings and recommendations are based solely upon the testimony and evidence produced at this hearing and our application of the applicable rules. Simply put, it evidenced the Respondent’s continued refusal to acknowledge and to take responsibility for her misconduct.

3. District Attorneys in the State of Wyoming are required to have been licensed for at least four years and to be members in good standing of the Wyoming State Bar immediately prior to election. Wyo. Stat. 9-1-802(b) (emphasis added). The Respondent’s claims that there was a “coordinated effort to remove her from office” was false given that once elected, Wyoming law does not require a District Attorney to be licensed and in good standing with the Wyoming State Bar. The Panel finds this to be evidence of the Respondent’s fundamental lack of understanding of the law governing her position as Laramie County District Attorney.

4. Comment 5 to Rule 8.4, W.R.Prof.Cond., states, “Lawyers holding public office assume legal responsibilities going beyond those of other citizens. A lawyer’s abuse of public office can suggest an inability to fulfill the professional role of lawyers.” This Panel takes this to mean that a lawyer elected to public office is to be held to a higher standard of care than a nonlawyer.

5. The Panel finds that Ms. Manlove has been licensed to practice law in Wyoming since 2000. She was elected as the District Attorney for Laramie County in the general election of November 2018, assumed office on January 7, 2019, and continues to serve in that office. As the elected District Attorney for the First Judicial District, Ms. Manlove’s clients are the people of Laramie County and the State of Wyoming. Ms. Manlove is responsible for the operations of her office, including its administration and all charging and non-charging decisions.

6. On January 8, 2019, the opening day of her administration, Ms. Manlove convened a meeting of the entire office staff and attorneys. She then announced that six lawyers from the previous administration who were in attendance were immediately discharged and they were escorted by law enforcement from the premises. Only one lawyer from the previous administration, Kim Skoutary-Johnson, was retained. The office’s investigator and the office manager were also discharged at the meeting.

7. By January 10, 2019, four new lawyers, Angela Dougherty, Caitlin Harper, David Singleton, and Philip Donoho, were added to the staff of the Laramie County District Attorney’s Office (LCDAO).

8. On February 4, 2019, one additional lawyer, Rachel Berkness, joined the staff.

9. The LCDAO is budgeted for the District Attorney and ten additional lawyers. A critical shortage in lawyers continued throughout the year. The Panel finds from clear and convincing evidence that the staff of lawyers through the first year of Ms. Manlove’s

administration was inadequate to engage in the efficient, prudent, and proper administration of justice on behalf of the people of Wyoming and Laramie County, Wyoming.

10. Amanda Santee, who had been a legal assistant through three previous LCDAO administrations, was named as the Office Manager by Ms. Manlove, and assumed her duties on Ms. Manlove's second day in office, January 8, 2019. She was a friend of Ms. Manlove and had campaigned for her.

11. Given her concern over Ms. Manlove's management of the Laramie County District Attorney's Office after her first few days in office, Ms. Santee began regularly to take contemporaneous notes about the conditions she observed in the LCDAO. She testified that beginning in the first month of the Respondent's administration, the LCDOA was "chaotic." See testimony of Ms. Santee, Vol. 2 p. 179. When Ms. Santee left the office in late 2019, the chaos still existed. *Id.* p. 197. According to Ms. Santee, "From what I observed during my time in the administration, I would say that the constant chaos, even setting aside behavior and hostility, just the chaos alone was really counter productive in operations." *Id.* p. 234.

12. Ms. Santee's contemporaneously written notes were received into evidence as SBC Exhibit 9. The Panel finds them to be relevant, probative, and reliable as to the working conditions in the LCDAO and the management of the office under Ms. Manlove. They document, among other things:

- Delays in preparing Judgments & Sentences, and errors in those documents. p. 2.
- Delays in preparing papers for bench warrants. *Id.*
- Delays in preparing updated charging documents. *Id.*
- Abusive conduct of one employee to another. *Id.* at 3.
- Defective information documents and warrants. *Id.*
- Failure to calendar items. *Id.* at 6.
- Assigning after-hours work. *Id.*
- Complaints from court officials about the performance of the DA's staff. *Id.* at 8.
- Failing to obtain timely bench warrants. *Id.* at 9.
- Complaints by staff about receiving emails from Ms. Manlove during the weekend. *Id.* at 10.

- Failing to comply with Court office requests about providing exhibits, failing to calendar events, errors in documents delivered to the Court. *Id.* at 11.
- Complaints from lawyers about Ms. Manlove’s conduct towards them. *Id.* at 12.
- Backlog in preparing documents in scores of cases. *Id.* at 13.
- Delays in producing discovery. *Id.* at 16.
- Inability to find files. *Id.* at 18-19.
- Months of incomplete filing. *Id.* at 20.
- Discomfort with Ms. Manlove’s communication style with office personnel and attorneys. *Id.* at 21.
- Inaccurate records of how many open cases there actually were. *Id.* at 24-25.
- Complaints from District Judges’ Judicial Assistants about employee conduct and failing to calendar special settings. *Id.* at 34.
- Employee report about “all the hours we put in,” and that no one gets things done. *Id.* at 46.
- Ms. Manlove requiring her personal approval for compensatory time. *Id.* at 49.
- Attorneys reporting stress and exhaustion. *Id.* at 50.
- Errors resulting in release of a prisoner who, shortly after his release, killed two people and injured two others. *Id.* at 52.
- Complaints about Ms. Manlove’s treatment of an employee. *Id.* at 56.
- Reports of employee complaints about workload expectations, undocumented work hours, contact outside of work hours, retaliation for previously sharing concerns, preferential treatment, language, aggression, and comments made towards and about employees. *Id.* at 57.

SBC Exhibit 9, page 62, sets out:

- Reports of Ms. Manlove smashing a phone in a fit of anger.
- Reports of employees being very uncomfortable with the office environment.
- Reports of employees looking for other jobs because of the hostile work environment.
- Report of Ms. Manlove saying, “She would rather Ms. Berkness fall flat on her face with an aneurysm than continue working for her.”
- Reports of delays in producing discovery.
- Grossly inequitable workload assignments among legal assistants. Exhibit 9 at 67.
- “Massive backload of filing, discovery delays, and pending action items, as well as over 500 hours of compensatory time accrued by legal assistants between January and September in an effort of keeping afloat.” *Id.*
- Employee in tears over impossible work demands. *Id.* at 69.
- Denied requests for compensatory time for an employee with the highest assigned workload in the office. *Id.* at 77.

These notes, particularly in combination with the direct testimony described herein, depict a chaotic and toxic work environment prejudicial to the administration of justice (which is discussed in more detail in the *Hinckley* findings below) and to the people of Laramie County.

13. This Panel finds Ms. Santee's testimony to be credible in all respects, as well as corroborated by the testimony of other former employees of Ms. Manlove. Ms. Santee impressed this panel as a conscientious, capable individual with a long history of public service in the LCDAO. Although Ms. Santee left the LCDAO less than a year into Ms. Manlove's administration, the Panel perceived no malice or ill will by Ms. Santee toward her former employer, or any ulterior motive for her testimony. Notwithstanding the foregoing, Ms. Santee testified that she "fears" the Respondent. Ms. Santee and other former staff attorneys who testified said they feared retaliation from Ms. Manlove.

14. The working conditions in the LCDAO under Ms. Manlove are further evidenced by the testimony of a former office assistant, Ms. Lori Pallak. Ms. Pallak testified she would frequently come to work early, work through lunch, take work home and work until 2:00 a.m. or 3:00 a.m. On one occasion, after presenting Ms. Manlove with a note from her physician that Ms. Pallak needed to take time off work, Ms. Manlove responded to the effect that Ms. Pallak would therefore have to work from home. This testimony is found to be unchallenged, and this Panel finds Ms. Pallak's testimony true and compelling.

15. Testimony about the "public shaming" of employees by Ms. Manlove was heard by the panel. This included the public use of obscenities towards employees and third parties, the "dressing down" of employees, and widely disseminated email. This testimony, in particular but not exclusively from Ms. Berkness [Vol III p. 45+ and p. 120+], Ms. Pallak [Vol III p. 137+ and 141+], and Mr. Geeting [Vol I p. 259+], while challenged, was weighed carefully by the members of this Panel, who ultimately determined it to be true. Supporting this conclusion include emails in SBC Exhibit 10: (see SBC-RB\_#005654) and the following, quoted in paragraph 8 of the first Formal Charge and admitted by the Respondent in her Answer:

**"From: Leigh Anne Manlove [leighanne.manlove@wyo.gov](mailto:leighanne.manlove@wyo.gov)  
Date: Thu, Aug 6, 2020 at 2:42 PM  
Subject: Re: Thursday Jail Court Notes - Judge Lee 2PM - 8-6-20**

**I sure as fuck wish someone with a goddamn law degree would have READ and RESPONDED to my email about [AH]. She is NOT COMPETENT. She's on a DD waiver. She is a victim in a sexual assault case that I AM CURRENTLY PROSECUTING. And she has a fucking attorney.**

**Nicely done everyone." (Redaction Added).**

16. As evidence of further public shaming in the workplace, Rachel Berkness testified how Ms. Manlove falsely accused her of being late to Court, gave up her seat to Ms. Berkness, then sent the following office-wide email after Court:

----- Forwarded message -----  
**From: Leigh Anne Grant Manlove <[leighanne@da.co.laramie.wy.us](mailto:leighanne@da.co.laramie.wy.us)>  
Date: Mon, Aug 19, 2019 at 1:20 PM  
Subject: district court  
To: Attorneys <[Attorneys@da.co.laramie.wy.us](mailto:Attorneys@da.co.laramie.wy.us)>**

**Do not – ever – bump me from the table again. IF you arrive late, then you can fucking sit in the gallery.**

**Ex. 10, SSB RB 005654. August 19, 2019.**

17. SBC Exhibit 21 contains a record of all the lawyers and other employees employed in Ms. Manlove's administration from its inception until September 2021, demonstrating the office turnover and short staffing.

18. The LCDAO is funded by the Wyoming Legislature as necessary to fulfill the duties of the office. Ms. Manlove achieved a full staff only briefly in the spring of 2020. Except for this period, the office was, and remains, chronically understaffed. This Panel specifically finds, by clear and convincing evidence, that the work environment in the LCDAO was as described in the Formal Charge, namely, a chaotic one in terms of the processing of cases and scheduling and characterized by a pervasive atmosphere of fear and intimidation

emanating from Ms. Manlove. While this Panel recognizes Ms. Manlove's argument that the office environment is beyond the scope of the Rules of Professional Conduct, this Panel need not decide that issue. In this matter, we find by clear and convincing evidence that the office environment directly led to the chronic short staffing, the difficulty in hiring, the poor office performance, and the overwhelming stress in the LCDAO, directly prejudicing the administration of justice in Laramie County.

19. On September 14, 2020, Ms. Manlove announced by email that because of State budget cuts:<sup>1</sup>

Consequently, Agency 151/DA-Cheyenne will no longer be able to staff treatment courts, or prosecute the vast majority of misdemeanors, most notably drug cases and first-offense DUIs. The office will not be able to prosecute traffic court, property crimes (including most felony property crimes), and CHINS (Children In Need of Supervision). There are administrative functions, like the preparation of Orders for the Courts, that the office will no longer be able to fulfill. In short, we will become a felony-only prosecutor's office; we will be able to continue to prosecute misdemeanor Domestic Violence cases because although our grant-funding for those cases has been cut, we can still make it happen.

SBC Exhibit 6.

20. In a widely distributed letter, also filed with motions to dismiss felony and misdemeanor cases, Ms. Manlove announced that her office would no longer appear in court to prosecute misdemeanor cases, and that "local law enforcement agencies will have to shoulder the burden of prosecuting all non-priority offenses and prosecutors will no longer appear in court for those cases." See an example of the letter attached to motions to dismiss in SBC Exhibit 5. This letter also announced Ms. Manlove would institute the furloughing of attorneys and support staff in her office.

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<sup>1</sup> Further discussion of the budget cuts is found at ¶ 56, *et seq.*, *infra*.

21. The actual reduction of force is disclosed in SBC Exhibit 44, which Ms. Manlove produced, tabulating the furlough days her lawyers had taken.

22. In each month in which furloughs were taken, the vacancies in her office exceeded the furlough days. Kevin Hibbard, Director of the Budget Office of the State of Wyoming, testified that the vacancies in Ms. Manlove's office "eclipsed" the need for her to require furlough days. *See* Tr. Vol. VII p. 7. Said otherwise, Ms. Manlove did not understand that vacancies in her office offset the budgetary requirement that she furlough any attorneys or staff. This Panel finds Mr. Hibbard's testimony to be credible, without ulterior motive, and unchallenged.

23. Ms. Manlove announced publicly that there were really "thousands and thousands of other kinds of cases with very little ability for our office to prosecute." SBC Exhibit 3.

24. The Panel finds from clear and convincing evidence that the actions taken by Ms. Manlove were not due to the budget cuts. Rather, the actions Ms. Manlove claimed to have been necessitated by budget restraints were caused by the failure to adequately staff the office as well as by the working conditions within her office. These staffing and work conditions are well-supported by the record in the truthful testimony of, among others, Ms. Santee, Mr. Geeting, Ms. Berkness, and Ms. Harper, and documented by evidence, including Ms. Santee's contemporaneous notes, email internal and external to the LCDAO, and as evidenced by the resignation of lawyers.

25. Ms. Manlove has said publicly that she dismissed about 400 cases. Ms. Manlove presented no evidence to support this claim, and the evidence is to the contrary. SBC Exhibit 4 shows the wholesale dismissal of Circuit Court cases beginning in October 2020, totaling

approximately 700 cases. Dismissals from District Court add to that total and are documented in SBC Exhibits 5, 5a and 45.

26. By contrast, the Natrona County District Attorney's Office ("NCDAO"), the second busiest district in the state, experienced relatively minor impacts from the temporary budget cuts. According to the testimony of Natrona County District Attorney Daniel Itzen, who impressed the Panel as a competent and professional prosecutor and administrator, the NCDAO enlisted the assistance of the Casper City Attorney in prosecuting misdemeanor and traffic cases through the Casper Municipal Court and dismissed a relatively small number of pending cases. When asked how he handled the budget cuts, Itzen testified, "I just dealt with it." Natrona County did not experience the dramatic reduction of legal services connected with prosecution of crimes that were implemented by Ms. Manlove in Laramie County.

27. The Panel finds that Ms. Manlove unnecessarily seized upon a 6% budget cut to prematurely and arbitrarily reduce the services performed by her office by more than 50%. Further, the Respondent did not consult resources at the State of Wyoming before making her budget cutting announcement, nor did she seek relief from the state's "position freeze" to hire attorneys for already vacant positions. These actions by Ms. Manlove, individually and collectively, were profoundly prejudicial to the administration of criminal justice in Laramie County.

28. This Panel heard undisputed testimony that evidence obtained by law enforcement in Laramie County which requires State Crime Lab analysis is sent by law enforcement to the State Crime Lab with a request for processing. When the analysis is finished, an email is sent to the reporting law enforcement agency. These reports include the test results of the analysis but do not include the "litigation support package" for various reasons. The crime lab results and litigation support package are items of evidence used in

prosecution of criminal cases that must be disclosed to defendants in accordance with the United States Supreme Court *Brady* Constitutional requirements as well as Wyoming law. *See*, for example, *Curby .v. State*, 2018 WY 117, ¶ 9, 428 P.3d 444, 447 (Wyo. 2018).

29. This Panel finds that the Respondent, as the elected District Attorney, had the ultimate responsibility to ensure that all *Brady* evidence was disclosed to criminal defendants within the timeframes prescribed by the Constitution of the United States, as well as in compliance with the Wyoming Rules of Criminal Procedure and Wyoming law. This Panel further finds that, due to her incompetence and unwillingness to be trained on the BEAST portal (the State Crime Lab database), the Respondent failed to meet her Constitutional and legal obligations to produce evidence in a criminal prosecution.

30. The absence of a sufficient number of lawyers with qualifications to perform the duties of Ms. Manlove's office - caused by her wholesale dismissal of experienced staff on her first day in office - is illustrated in SBC Exhibit 12, which demonstrates that legal assistants and counsel during the early months of Ms. Manlove's administration were unaware of procedures for obtaining crime lab reports. The Cheyenne Police Department conducted training of LCDAO lawyers and staff on how to access the State Crime Lab reports, but on May 10, 2019, the Deputy District Attorney wrote to the Cheyenne Police evidence department that, "If I do not have these results today ... the Court may very well dismiss the case." The police evidence department aided but informed the DA in writing on May 10, 2019, that the Deputy should directly access "BEAST," where the reports could be obtained.

31. The correspondence in SBC Exhibit 12 indicates that Ms. Manlove was personally aware of this issue, yet in the case of Rodney Law, a motion to exclude evidence was filed on May 28, 2019, largely because Ms. Manlove had not produced State Crime Lab DNA analyses. SBC Exhibit 13.

32. Mr. Law had been charged with First Degree Sexual Assault, strangulation of a household member, kidnapping, property destruction, and being a habitual criminal. SBC Exhibit 16.

33. At the hearing on the motion to exclude evidence on June 6, 2019, Ms. Manlove essentially confessed the motion<sup>2</sup> and admitted the State Crime Lab analyses had not been provided to Law and that the failure to do so was prejudicial. As a result, the charges against Mr. Law were dismissed upon Ms. Manlove's own motion, with prejudice. SBC Exhibit 17.

34. Ms. Manlove said at the hearing:

... Interestingly, we've also discovered that when my office is given permission to access that Wyoming State Crime Lab digital information, we operate under a different protocol than the submitting agency. So, the information that [defense counsel] was talking about earlier, the lab analyst notes, the analyst CV, the lab accreditation information, the testing, like all of the juicy good stuff that his expert needs, that is not available to my agency because we are not the submitting agency. And, in fact, it's not available to the submitting agency law enforcement unless specifically requested.

SBC Exhibit 15 at 21.

35. Those statements by Ms. Manlove were false. This Panel finds Ms. Manlove knew of the lab reports for at least two months, and by neglect or from the turmoil described by Ms. Santee, had failed to produce them.<sup>3</sup>

36. Two years later, Ms. Manlove repeated this failure to access State Crime Lab data and repeated the falsehood that the reports were unavailable to her. SBC Exhibit 18 shows that on June 8, 2021, she declined to prosecute a case involving the sexual assault of Victim

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<sup>2</sup> Ms. Manlove did not file a written response to the motion.

<sup>3</sup> Evidence before this Panel also reveals that discovery violations did not cease with State v. Rodney Law. On November 15, 2019, District Court Judge Froelicher entered his order dismissing a felony case, with prejudice, after the jury trial had started, based upon discovery violations. See SBC Exhibit 35.

J.M., while aware that DNA samples had been obtained. She declined the case without having checked BEAST, where the lab reports had been posted 6 months earlier. SBC Exhibit 19 at 4.

37. The mother of the victim filed a complaint with the Wyoming State Bar, and in response to the Complaint, Ms. Manlove wrote: “Since the DA’s office is not the submitting agency, we are wholly reliant on law enforcement to inform us that there are lab results. In the sexual abuse investigation CPD obtained the lab results on January 19, 2021.” SBC Exhibit 19 at 4.

38. Ms. Manlove’s response to the second Formal Charge included this Affirmative Defense:

**Personal and Political Bias against Respondent – Both Formal Charges filed against Respondent by the Office of Bar Counsel and Special Bar Counsel result in part from, and are in part motivated by, Office of Bar Counsel’s and/or Special Bar Counsel’s personal and political bias against Respondent, who is a conservative Republican, who was elected by the voters of Laramie County by an approximate 67.1% supermajority, and who stands to be reelected in November of 2022 as the incumbent Laramie County District Attorney, because of Office of Bar Counsel’s (i.e., Mark Gifford’s) affront and outrage at and against Respondent Manlove regarding her position on COVID-19 related mask mandates and her announcement on a radio interview on October 31, 2020 that she would not prosecute violations of a Laramie County Health Officer Public Health Order.**

This Affirmative Defense was withdrawn on December 28, 2021. Nevertheless, Ms. Manlove’s public statements continued to include the claim that there is a conspiracy between Bar Counsel and the Laramie County Judges who signed SBC Exhibit 1. On January 25, 2022, during a live broadcast radio interview on KFBC AM in Cheyenne, Ms. Manlove said:

**This whole case has been very odd. And then I already know what the Board of Professional Responsibility’s decision will be. I have no faith in the fairness of the system.**

**And so, what we’re doing is creating a record.**

SBC Exhibit 47 at 18.

39. In the same interview, Ms. Manlove said that it was not her conduct which caused attorneys to leave her office, but they were “people who couldn’t handle the workload, people whose work ethic did not match that of me and other people who are in the office still.” SBC Exhibit 47 at 22. This Panel notes that this comment is not only a demeaning public comment on the character of attorneys who left her office but is in direct contradiction to her claims that attorneys within her office left primarily for financial reasons. These statements reflect negatively upon her credibility before this Panel.

40. On January 26, 2022, another radio interview was broadcast live on KGAB AM, Cheyenne, during which Ms. Manlove said:

I think this really started after October 30<sup>th</sup>, 2020. That’s the day that Dr. Stan Hartman, the Laramie County health officer, issued a mask mandate for Laramie County in response to COVID-19. [Inaudible] was on KGAB that Saturday morning with Doug Randall, and he asked me about the mask order. And I said I would not prosecute people for not wearing face masks.

And then I started getting some emails from Mark Gifford, who is bar counsel. And for folks who don’t know, bar counsel is really kind of the police for Wyoming lawyers. The Wyoming State Bar is a self-regulating organization. And he’s the fellow who’s hired to ensure that the lawyers are doing what they’re supposed to do and not doing what they’re not supposed to do.

And it was clear to me from both the tone and – and what he said in these email communications that he was my polar opposite on this mask mandate. And so I think that that’s where it all started –

SBC Exhibit 48 at 3. This Panel finds that Ms. Manlove has not produced any evidence or testimony to support this claim.

41. In the same live radio interview, Ms. Manlove said she dismissed approximately 400 cases that “were things like dog off leash, failure to yield at a stop sign.” SBC Exhibit 48 at 5-6. Ms. Manlove continued:

There were a handful of non-violent felony cases ...

Well, in my estimation, if I have to prioritize my limited resources to ensure smaller government is happening, then I'm not going to prosecute those kinds of offenses.

...

And it was for a short period of time. So, you know, if -- if folks are critical of that decision, that's fine. What's not okay, though, Glenn, is that a very small group of people, seven judges and then the office of bar counsel, could try to supersede the will of the voters by removing me from office by virtue of bringing an ethics complaint against me.

SBC Exhibit 48 at 6. This Panel finds that Ms. Manlove has not produced any evidence or testimony to support these claims.

42. During the same live radio interview, Ms. Manlove stated: “[This disciplinary proceeding] is nothing short of an unconstitutional overreach by the office of bar counsel and the seven judges who disagree with my policy decisions.” SBC Exhibit 48 at 17. Later in the same interview, Ms. Manlove said, “This is a targeted effort by a group of very small unelected people to remove an elected conservative from public office.” *Id.* at 20. This Panel finds these statements by Ms. Manlove to have no basis in law or fact.

43. During the hearing, Ms. Manlove stood by the statements she made during her talk radio interviews. The Panel finds Ms. Manlove’s public portrayal of these proceedings to be replete with falsehoods and disinformation which damage the integrity of the proceedings, the Office of Bar Counsel, the Board of Professional Responsibility, the Review and Oversight Committee, and the Wyoming State Bar, all of which are ultimately overseen by the Wyoming Supreme Court. Although Ms. Manlove reasserted, during the hearing, the affirmative defense that had previously been withdrawn, the Panel finds there was no evidence presented during the hearing to support Ms. Manlove’s claims that these proceedings were motivated by any personal or political bias against her, that they were the result of a coordinated effort to remove her from office, that this Panel had “prejudged her,” nor was there any evidence offered in

support of similar, false claims.<sup>4</sup> These repeated and unsubstantiated claims were considered by this Panel as they relate to Ms. Manlove's credibility, motive, and intent. They are found to undermine her defense, as well as the reliability and credibility of her testimony.

44. Ms. Manlove's defense consisted almost entirely of blaming the allegations against her upon the shortcomings of others – the judges, law enforcement agencies, and a few disgruntled former employees. The Panel finds no factual basis for such claims, which must give way to the overwhelming body of testimony and evidence presented of incompetence, lack of diligence, and dishonesty by Ms. Manlove, which contributed to a wholesale failure to competently discharge her duties as an elected official.

45. The Panel finds that the former LCDAO employees who were called as witnesses by Special Bar Counsel were credible in their testimony. Together, they presented a clear and convincing portrayal of an office in disarray owing to Ms. Manlove's incompetence, lack of diligence, dishonesty, and abusive treatment of certain employees. There is no question but that her abusive conduct, as testified to by former employees and supported by abundant evidence in the record, contributed to the significant loss of services in the administration of criminal justice in Laramie County.

46. The key witness in Ms. Manlove's defense, legal assistant Lisa Riggs, attributed the early failings of the office on Amanda Santee and claimed that the office operated smoothly after Ms. Santee's departure in late 2019. The Panel finds that Ms. Riggs' testimony was not reliable in this and other respects as she is still an employee of the LCDAO, remains a friend of

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<sup>4</sup> The Panel notes that following each of the first two days of the hearing, Ms. Manlove issued press releases that presented a false and deflectionary narrative of these proceedings. Although these public disinformation efforts by Ms. Manlove appear to have been discontinued after Special Bar Counsel brought them to the Panel's attention on the morning of the third day of the hearing, they nonetheless reflect very poorly upon Ms. Manlove's professionalism and credibility. The substance of these statements however, were not considered by this Panel in reaching its decision on the merits of the allegations against her.

Ms. Manlove, and portrays loyalty towards her. This Panel finds Ms. Riggs' testimony contrary to the substantial and credible testimony and evidence received through the witnesses called by Special Bar Counsel.

47. The first Formal Charge consolidates three separate disciplinary investigations. The first, BPR No. 2020-108, was initiated following receipt by the Office of Bar Counsel of a letter signed by the four District Court Judges and the three Circuit Court Judges in Laramie County. SBC Exhibit 1. The letter was submitted pursuant to the judges' reporting obligation under the Wyoming Code of Judicial Conduct Rule 2.15(B),<sup>5</sup> and described a broad range of misconduct by Ms. Manlove, characterized by the judges as prejudicial to the administration of justice in Laramie County. The judges' report concludes:

In short, we are concerned that Manlove's personnel management and caseload management cause prejudice to the administration of justice in Laramie County. ... We are also concerned for this community because it appears that there is a strong likelihood that Manlove's continued tenure cannot provide our citizens with the representation in the District Attorney's Office they deserve.

48. The other matters consolidated into the first Formal Charge, BPR No. 2021-005 and BPR No. 2021-039, were brought to the attention of the Office of Bar Counsel by mothers of female victims of dangerous crimes perpetrated by men whose return to the community (without the period of incarceration their crimes warranted) placed their victims in imminent danger. Both cases demonstrate the public safety hazards posed to Laramie County residents by Ms. Manlove's conduct in failing to discharge the duties of her office competently and diligently.

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<sup>5</sup> Rule 215(B) provides, "A judge having knowledge that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question regarding the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects shall inform the appropriate authority."

49. The Review and Oversight Committee determined there was probable cause to bring these consolidated charges against Ms. Manlove pursuant to Rule 10(g), W.R.Disc.P.

Failure to Competently Perform the Duties of Her Office

50. On her first day in office, and notably without a transition plan in place to ensure the continued smooth and competent administration of justice, Ms. Manlove discharged all but one of the prosecutors and several other staff members. Subsequently, a series of motions were filed to delay trial settings, falsely claiming her predecessor's misconduct made the delays necessary.

51. As reflected in Ms. Santee's notes, the LCDAO was an unhealthy workplace from the beginning of Ms. Manlove's administration. The burden of adequately staffing the office, addressing personnel concerns, and assuring a constructive workplace falls directly upon Ms. Manlove. By clear and convincing evidence, this Panel finds Ms. Manlove failed in executing these duties and therefore in performing her obligations to the citizens of Laramie County and the State of Wyoming. Based upon the evidence and testimony presented, this Panel finds that the administration of justice was severely prejudiced by Ms. Manlove's actions and inactions.

52. By clear and convincing evidence, this Panel also finds that the failure to execute her duties and perform her duties was also the cause of emotional harm for which some sought counseling and was the cause of resignations which left too few employees to meet the obligations of the office.

53. In addition, Ms. Manlove was obsessively controlling of the details of the work of lawyers in the office, and required her personal approval for negotiated pleas, which complicated managing the workload. For example, in an October 7, 2019 office-wide email, Ms. Manlove articulated nearly four pages of directives regarding plea negotiations. More than

a page of that email consisted of bullet point rules captioned "THINGS I DIDN'T THINK I NEEDED TO SAY BUT PROBABLY SHOULD, JUST TO BE SAFE." (Emphasis in original.) See SBC Exhibit 10 pp. 82 - 85.

From: Leigh Anne Manlove <[leighanne.manlove@wyo.gov](mailto:leighanne.manlove@wyo.gov)>  
Date: Tue, Oct 27, 2020 at 5:10 PM  
Subject: Dismissed/declined cases because of budget cuts and unhappy victims  
To: DAI <[dal@wyo.gov](mailto:dal@wyo.gov)>

All,

Over the next days, weeks, and months, our office will probably hear from people who are victims of crimes who are very upset that their cases are dismissed or declined. My expectation is that you will communicate **WITH ME** regarding these folks.

I would ask you to put yourselves in their shoes. Each victim only knows about his or her own case - and it is **\*THE MOST IMPORTANT CASE TO THAT VICTIM\***.

Rather than be combative or defensive with an unhappy victim - who is 100% **JUSTIFIED** in those feelings - we need to wrap our arms around the victim and embrace them and share their frustration. These folks can become our biggest allies as we try to get the public at large to understand the negative impacts of these cuts. We need these folks to talk to legislators and the Governor about the unjust treatment that is the result of the budget cuts.

**I AM TO BE THE PERSON WHO SPEAKS WITH ANY AND EVERY VICTIM WHO CONTACTS OUR OFFICE, UPSET ABOUT A DISMISSAL/ DECLINATION.**

**No exceptions.**

Today, a victim whose case was dismissed because of our budget cuts took to Facebook to air her opinions, yet three people in this office either spoke with the victim or knew about the victim's anger *before* the victim took to Facebook. You know how I learned about this victim's reaction to the dismissal? On Facebook. Where the victim decided to gas light me and this office. And who can blame the victim? I certainly don't. It is totally unacceptable that I learn on Facebook about something that happened in my office.

**From this point forward, I AM TO BE THE PERSON WHO SPEAKS WITH ANY AND EVERY VICTIM WHO CONTACTS OUR OFFICE, UPSET ABOUT A DISMISSAL/DECLINATION.**

--

Leigh Anne Grant Manlove  
District Attorney

And another illustration:

**From:** Leigh Anne Grant Manlove  
**Sent:** Tuesday, September 24, 2019 5:12 PM  
**To:** DA Office  
**Subject:** Press release on Weaver misdemeanor case  
**Attachments:** .pdf Press release on Weaver misdemeanor case.pdf

Please be advised that if you are contacted by anyone -with the media regarding any issue relating to this office, or being prosecuted by this office, or an investigation that has been submitted to this office, you are not permitted to share any information of any kind with anyone, including the media.

[J] and [K] have done a terrific job of giving me every media inquiry - thank you.

I am reminding you that each one of you signed a confidentiality agreement - twice - and you are bound by it. If you violate your obligation to maintain confidentiality, you have committed the most grievous of breaches of trust. If you have friends who are reporters, and they ask you about anything related to the office, please shut them down. Refer them to me. I am the only person in this Agency who will speak publicly.

There are numerous reasons for these protocols, including that certain matters are protected under State law. Additionally, I am responsible under my rules of ethics for the conduct of everyone in this office.

Attached is the press release I issued on Andrew Weaver's misdemeanor case.  
Leigh Anne

While this Panel recognizes and honors the discretion granted prosecutors, we find by clear and convincing evidence that Ms. Manlove's micromanagement of the LCDAO contributed to not only the toxic work environment but also hampered the efficient and timely resolution of criminal cases in Laramie County.

54. On September 8, 2019, Mr. Andrew Weaver was arrested in Laramie County on misdemeanor charges. Weaver was released from jail three days later because Ms. Manlove's office failed to present the papers necessary to hold him after his initial 72 hours. Shortly after

his release, Weaver shot and killed two persons and injured two 14-year-old boys. The circumstances of Mr. Weaver's release and his subsequent actions, while unspeakably tragic, are not the focus of this Panel's basis for discipline regarding these allegations. Rather, Ms. Manlove's conduct in response to the public outcry over this incident falls within the findings and recommendations of this Panel. Ms. Santee's notes documented what happened:

**09/24/2019:** Leigh Anne emailed the office about her press release regarding Andrew Weaver. I visited with [J] about what transpired with the charging documents, since she was the legal assistant assigned to the case. [J] said she filed charging documents, but the Circuit Court kicked them back due to an error made by our office. [J] corrected the charging documents and placed them in the mail run area to go back to the court rather than walking the documents through to the court. There was a delay between when [J] placed the charging documents in the mail run area and when that stack was filed with the Court. Mr. Weaver was released from the jail because our office did not file corrected charging documents in a timely manner. I stressed the importance of expediting documents and physically walking everything through to the court herself rather than placing them in the mail run stack. I shared concern with [J] that what she shared with me wasn't consistent with the press release. [J] shared that she had visited with Leigh Anne about what had transpired prior to this press release.

55. The press release issued by Ms. Manlove gave a plainly false account:

OFFICE OF THE DISTRICT ATTORNEY  
FIRST JUDICIAL DISTRICT OF WYOMING

Laramie County Historic Courthouse  
310 West 19<sup>th</sup> Street, Suite 200  
Cheyenne, Wyoming 82001  
Phone: (307) 633-4360  
Fax: (307) 633-4369



LEIGH ANNE GRANT MANLOVE  
District Attorney  
First Judicial District of Wyoming

**FOR IMMEDIATE RELEASE**

September 24, 2019

**CONTACT:** Leigh Anne Grant Manlove, District Attorney

307.421.0766 | [leighanne@da.co.laramie.wy.us](mailto:leighanne@da.co.laramie.wy.us)

**DA issues clarification statement regarding prosecution of Andrew Weaver**

**CHEYENNE, Wyo.** – District Attorney for the First Judicial District of Wyoming, Leigh Anne Grant Manlove, issued a statement clarifying misinformation published by the *Wyoming Tribune Eagle* on September 20, 2019.

"Andrew Weaver was arrested on Sunday, September 8<sup>th</sup> and booked into the jail at 11:00AM," Manlove said. "The next day, Monday, September 9<sup>th</sup>, the affidavit of probable cause – which is the document that permits us to charge an individual – was received by the office. Later that same day, Mr. Weaver was charged with one count of misdemeanor theft for unauthorized control or transfer of an interest in a Century Arms 9mm handgun, and one count of misdemeanor possession of methamphetamine," Manlove said.

"The Circuit Court, which was closed that week, file-stamped the Information – which is the charging document – on Thursday, September 11<sup>th</sup>. You are charged with a crime when the DA files an Information, so Mr. Weaver was charged. Unfortunately, by then, Mr. Weaver had not made his Initial Appearance within 72 hours of his arrest, and he was released from the jail on Wednesday, September 11<sup>th</sup> at 12:03PM," Manlove said. "The Circuit Court set his Initial Appearance for Monday, September 16<sup>th</sup>."

"My grandmother always said, 'Paper never refused ink,' and I suppose the modern-day version is 'The Internet never refused a post,'" Manlove said. "In this instance, it seems the media did not look at the court's schedule or the file-stamped documents or even something as simple as the date on the Information, and as a result misleading and inaccurate information has been disseminated to our community, which is a disservice," Manlove said.

Weaver was charged by Information, filed with the Court on September 18, 2019, with the September 16<sup>th</sup> murder of two people, attempted murder of a third victim, and aggravated assault and battery against two others.

The investigation of the September 16<sup>th</sup> crimes is ongoing and anyone with information is encouraged to contact the Cheyenne Police Department.

- END -

56. The Honorable Thomas Lee, Circuit Judge for the First Judicial District, testified that the Circuit Court was not closed the week Mr. Weaver was jailed and released. This Panel finds his testimony to be credible and articulate and corroborated by other testimony and evidence. In particular, Rule 56 of the Wyoming Rules of Criminal Procedure

provides, in part, that “The court shall be deemed always open for the purpose of filing any paper or issuing and returning process and of making motions and orders.”

57. This Panel further finds Ms. Manlove’s public statement that “The Circuit Court, which was closed that week,” to be materially false. This Panel finds the statement to be made knowingly and deliberately based on the evidence, testimony, and the law. This Panel further concludes that the purpose of that statement was to deflect criticism away from Ms. Manlove and the LCDAO and attribute blame for Mr. Weaver’s release to others, in particular the Laramie County Sheriff’s Office and the Circuit Court. We conclude that, by clear and convincing evidence, Ms. Manlove’s materially false statement impugned the integrity of the Circuit Court and prejudiced the administration of justice in Laramie County.

#### The Budget Crisis

58. In the summer of 2020, the State of Wyoming was in what can only be called a “budget crisis” due to the COVID pandemic and a dramatic downturn in the state’s economy. The Governor’s Office took steps to cut spending, including budget cuts and required furloughs for state employees.

59. The State announced that starting August 1, 2020, all lawyers in the District Attorney’s office must take one furlough day a month, a day off without pay. At that time, the office was fully staffed with eleven attorneys, including Ms. Manlove.

60. On September 14, 2020, Ms. Manlove told the State budget officers that the contemplated 10% budget cut would require, per the Governor’s Order, one furlough day a month and that as a result:

[Our office] will no longer be able to staff treatment courts, or prosecute the vast majority of misdemeanors, most notably drug cases and first-offense DUIs. The office will not be able to prosecute traffic court, property crimes (including most felony property crimes), and CHINS (Children In Need of Supervision). There are administrative functions, like the preparation of Orders for the Courts, that the office will no longer be able to fulfill. In short, we will become a

**felony-only prosecutor's office; we will be able to continue to prosecute misdemeanor Domestic Violence cases because although our grant-funding for those cases has been cut, we can still make it happen.**

**Of course, if a first offense DUI is not prosecuted, there will never be a second offense for those individuals. See paragraph 14 of the first Formal Charge; admitted by Respondent in her Answer; see also SBC Exhibit 6.**

**61. The budget cut was ultimately set by the State on September 17, 2020, at 6%. Nonetheless, on September 18, 2020, in a widely distributed letter to the courts and law enforcement officials, Ms. Manlove announced a reduction in service with the false claim that each attorney must furlough *two* days a month, and other employees one day a month. See, e.g., SBC Exhibit 5 p. SBC #003279 ("Each attorney must furlough 2 days per month"). The actual number of furlough days *required* for all LCDAO employees was *one* day per month. See SBC Exhibit 6, SBC #1274.**

**62. In her letter attached to voluminous motions to dismiss, Ms. Manlove wrote that these cuts, "will create the most serious public safety issue our community has faced in modern times." This letter was cited as the grounds to dismiss hundreds of cases. See, for example, Respondent's Response and Answer to Special Bar Counsel's Formal Charge at p. 67.**

**63. The State announced on December 4, 2020, that all furlough days could end.**

**64. The real reason Ms. Manlove's office could not function was not furloughs, but employees quitting because of workplace conditions. See, generally, testimony of Santee, Geeting, Berkness, and Harper. None of the new lawyers hired in January of 2019 is still on the job. Eight lawyers and nine support staff resigned between April of 2019 and November 2020. Several of the former employees called by Special Bar Counsel to testify at the hearing cite Ms. Manlove's hostile and demeaning behavior as the reason they left their jobs. *Id.***

65. On October 2, 2020, Ms. Manlove wrote that the budget cuts had created “chaos” in her office. There was chaos, but not because of the budget. Page 115 of Manlove Exhibit B-2 and Paragraph 18. A. of Response to the Formal Charge.

66. The chaos came in many forms. In accordance with the announcement that the prosecutions would be reduced, in October 2020, there was a sharp increase in dismissals of cases pending in District Court. The Clerks of the District and Circuit Courts each produced reports showing the dismissal of hundreds of cases between October 2019 and February 2020, as well as 132 cases between October 2020 and February 2021. See SBC Exhibit 4 (Circuit Court) and SBC Exhibit 5 (District Court).

67. A review of files of cases dismissed in District Court between October 1, 2020, and January 19, 2021, demonstrates the impact of Ms. Manlove’s conduct on the administration of justice in Laramie County. Some were sent to Circuit Court on plea deals. Sixteen were dismissed on motions with the September 18 letter attached as the stated grounds. These were signed by Ms. Manlove. The charges included auto theft, embezzlement, drug possession and forgery. See SBC Exhibit 5 at pp. 1-4.; SBC Exhibit 5a; SBC Exhibit 45.

68. Nearly 800 Circuit Court cases were dismissed outright between October 2020 and February 2021. Most of the dismissal motions in these cases had appended the September 18 letter. Many traffic citations were apparently dismissed before the date set for the offender to appear. See SBC Exhibit 4.

69. Motions to dismiss in four felony cases in District Court were filed on December 21, 2020, impressed with Ms. Manlove’s signature stamp. In each of these cases a plea had been made and an agreed disposition was in progress. Ms. Manlove said the motions were filed in error. See paragraph 21 of the first Formal Charge; admitted by Respondent in her Answer. See also testimony of the Honorable Catherine Rogers. Vol 1, p. 176.

### Law Enforcement Officers as Prosecutors

70. In the September 18 letter, Ms. Manlove encouraged law enforcement officers to “shoulder the burden of prosecuting all non-priority offenses.” It was her position that under Rule 101 of the Uniform Rules of District Courts, police officers could appear and act as prosecutors. There is no basis in law for that contention because Rule 101 does not allow corporations to appear *pro se* and the City of Cheyenne is an incorporated municipality. Again, this assertion by the Respondent further evidences her ignorance of basic legal principles and failure to read or properly interpret the complete Rule 101.

71. Further to Ms. Manlove’s promotion of “Troopers prosecuting their own citations,” (See SBC 25, p. 1), Ms. Manlove met with some Circuit Court judges on October 2, 2020, where the idea was suggested by Ms. Manlove. While testimonial accounts of the discussion varied, testimony clearly established that the judges at the meeting were skeptical of the idea. Shortly after the meeting, Ms. Manlove was informed the Circuit Court would not permit officers to appear *pro se* to prosecute cases in Laramie County. See Respondent’s Exhibit D-2, deposition of the Honorable Sean Chambers p. 34-38.

72. At the hearing on this matter, Ms. Manlove testified that by suggesting law enforcement agencies prosecute their own cases, she meant that counsel for the agencies - Laramie County’s Attorney, Counsel for the Wyoming Highway Patrol, the Cheyenne City Attorney - should prosecute them, not the officers individually. This Panel finds Ms. Manlove’s testimony to be a creative, after-the-fact, and a strained interpretation of her suggestion. It is clear to this Panel that at the time of her letter and subsequent filings, Ms. Manlove was promoting the idea of individual officers investigating, citing, and then individually prosecuting criminal matters.

### The Order to Show Cause

73. Despite requests from the Circuit and District Court judges to cease filing her letter citing budget reasons for dismissals, it was repeatedly filed. District Court Judge Campbell responded to the motions attaching the letter with an order striking it. *See* SBC Exhibit 34. Ms. Manlove responded by inserting portions of the letter into the motions to dismiss themselves. *See* SBC Exhibit 2.

74. District Court Judge Sharpe ultimately found it necessary to issue an Order to Show Cause on November 20, 2020, regarding Ms. Manlove's asserted basis for dismissals. *See* SBC Exhibit 2, Order to Show Cause, at pp. 4-6. In its Order, the Court wrote "The Court views the State's motion as an attempt to circumvent the court's previous orders and directions." *Id.* at p. 6.

75. On November 23, 2020, the hearing on the Order to Show Cause was held (a transcript of which may be found at SBC Exhibit 2, pp. 7-13). The hearing opened with the following admonishment by Judge Sharpe:

[T]he Court had struggled with this, to be honest, Ms. Manlove. I have stricken, and I know other judges here have as well, the letter that is all too frequently attached to the State's motion [to dismiss].

It is this Court's humble opinion that the letter attached is an improper pleading and an improper exhibit. It goes well beyond the individual case to talk about budgetary issues and, quite frankly, what the Court looks to as political wrangling between the district attorney's office and the governor's office over budgetary matters.

Certainly I am sympathetic to your office with budget issues. We have them as well here. We'll certainly have to confront them, as have other state agencies and courts around the state.

But the Court has seen that letter as being inappropriate, which is why it was stricken. And now what we have in [this] case is what seems to me to kind of be a thumbing of the nose by the district attorney's office and a game-playing procedure where, instead of attaching the letter, you simply put those improper matters into the pleading itself.

The reason I say they're improper is because they talk about what I view as encouraging the unauthorized practice of law by law enforcement officers in circuit court that will have to handle and prosecute their own cases. It deals with CHINS cases and juvenile cases, which have absolutely nothing to do with [this] case. As I mentioned, I think it's an improper political statement that the district attorney's office is attempting to make.

I'm very disappointed that we're at where we're at in the status of our criminal cases. We have not had a jury trial since – I believe my last jury trial was in February of this year. So it would appear that there are available to the district attorney's office, if they're not trying cases, that can be applied towards prosecuting other matters and handling other matters.

And, quite frankly, that's the job of the district attorney's office is to enforce the law and to not pick and choose on a basis that they're not going to enforce the law as to certain matters. That's how the Court views this.

76. Ms. Manlove's statements to Judge Sharpe in that hearing, that she did not understand, is found to be not credible by this Panel.

77. On the afternoon of December 22, 2020, Bar Counsel emailed a copy of the judges' letter to Ms. Manlove. The following morning, one month after the Order to Show Cause hearing before Judge Sharpe, Ms. Manlove sent a text to her office staff which stated in relevant part, "Also, the 'Declination Letter for Budget Reasons,' we can stop filing those with the circuit court and the law enforcement agency and the county attorney's office. I think everyone understands and it seems to be an annoyance to the recipients at this point."

"On numerous occasions and in various dockets, the Court has addressed the State's concern regarding the pandemic and the contents of the State's memo. This Court has previously entered orders striking the letter that the State routinely attached to its motion to dismiss as an improper and unnecessary exhibit." SBC Exhibit 2 at pp. 1-2.

78. Ms. Manlove categorically refused to prosecute Game & Fish violations. *See* SBC Exhibit 24. She reiterated to the Laramie County Sheriff that her office would not prosecute misdemeanor offenses in the County as well as felony cases that were non-violent. Especially troubling to the Wyoming Highway Patrol was the refusal to prosecute certain

traffic violations, convictions that affect the right to hold commercial drivers' licenses. SBC Exhibit 25, SBC #1584-85; Manlove Exhibit B-2, LAM #097-98.

79. In one case, Ms. Manlove sought to dismiss a DUI which was required by statute to be prosecuted. She used her office's resources to claim the statute was unconstitutional. That claim was briefed, argued, heard, and denied. *See* SBC Exhibit 37.

#### The Labor Situation

80. In his April 14, 2020, memorandum to state agencies, the Governor stated a "position freeze" would be in effect. LAM Exhibit K-1. Despite this statement, the memorandum stated, "Vacancies and contracts may be brought to my attention on a case-by-case basis where they are crucial necessities for the health, safety and welfare of the citizens of Wyoming. For these cases I may authorize an exception." *Id.* at LAM #035. Ms. Manlove did not act upon this open invitation, leaving her office severely understaffed. She reports that positions became vacant on September 3, October 12, November 20 and two on December 11, 2020. Requests to fill vacant positions were not made until November 30, 2020. When made, the requests were quickly granted on December 3, 2020. *See* SBC Exhibit 22.

81. The legal assistants in Ms. Manlove's office are subject to labor laws that require payment of overtime. Some employees received "comp" or "flex" time, but only with Ms. Manlove's consent. *See, e.g.,* SBC Exhibit 9, p. 49. In Ms. Manlove's office, such employees regularly worked overtime. Legal assistant Lori Pallak testified she regularly took files home and worked sometimes until 3:00 a.m. and worked 80 hours in a single week. Ms. Pallak testified that on one occasion she requested to take comp time and "got in trouble" for it with Ms. Manlove. Ms. Pallak additionally testified that even though she had a note from a medical doctor excusing her from work, the Respondent told her she would have to do her work from home. This practice not only subjects the State to potential exposure to claims of

employees who worked overtime but who were afraid to report it but also contributed to the toxic office environment credibly testified to by other witnesses. This Panel finds Ms. Pallak's testimony to be truthful and candid, given without bias or improper motive, and uncontested.

82. Ms. Manlove was requested by Special Bar Counsel to produce records of payment of any overtime to employees. The document she produced shows that her assistant, Lisa Riggs, was the only employee who received overtime compensation. SBC Exhibit 21.

#### The Judge's Letter

83. On December 21, 2020, the four District Court Judges as well as the three Circuit Court Judges in Laramie County submitted an unprecedented report to the Wyoming State Bar Office of Bar Counsel. The letter began, "This is a letter we never wanted to write, but we are compelled to do so because of recent events. We have serious concerns about Ms. Manlove's ability to fulfill her professional responsibilities and her responsibilities to this community."

84. The judges' four-page letter went on to detail Ms. Manlove's apparent incompetence and lack of diligence in several areas encompassing personnel management and management of the LCDAO's caseload which, taken together, "cause prejudice to the administration of justice in Laramie County." Among the concerns expressed by the judges was Ms. Manlove's improper and inappropriate filing of the letter detailing budget cuts as the reason for declining prosecutions, dismissal of cases and other cuts in services by Ms. Manlove's office.

85. The judges' letter concluded, "We are also concerned for this community because it appears that there is a strong likelihood that Ms. Manlove's continued tenure cannot provide our citizens with the representation in the District Attorney's Office they deserve."

86. The three judges called by Special Bar Counsel to testify at the hearing – District Court Judge Steven K. Sharpe, District Court Judge Catherine R. Rogers, and Circuit Court Judge Thomas L. Lee – affirmed the statements made in the letter. No evidence of any retraction or qualification of the statements in the letter was presented to this Panel.

87. Judges Sharpe, Rogers, and Lee each presented as conscientious, credible witnesses with no malice or ill will toward Ms. Manlove. Their credibility and testimony were not impeached. In fact, all three stated they voted for her and thought she would serve the county well. Despite their support and sincere hope for her success, all three judges stood by their decision to report their concerns to the Office of Bar Counsel. This Panel finds they concluded, albeit reluctantly, that given the dire condition in which the administration of criminal justice in Laramie County found itself because of Ms. Manlove’s conduct, and that each witnessed in their courtrooms, reporting was required of them by the Code of Judicial Conduct.

88. Respondent’s Exhibits J, M, O and P, the depositions of the balance of the Laramie County judges, stipulated into evidence by the Parties, are likewise credible accounts. They each support the live testimony of Judges Sharpe, Rogers, and Lee.

89. There is no testimony or evidence to support Ms. Manlove’s assertion that the seven judges engaged in a coordinated effort to target Ms. Manlove, have her removed from office, or engaged in improper discussions with Bar Counsel.

#### Testimony from Other Witnesses

90. Former employees of the LCDAO testified at the hearing, including attorneys Cameron Geeting, Rachel Berkness, Caitlin Harper, Baend Buus, and assistant Laurie Pallak. This Panel finds their testimony to be probative, unbiased, and unimpeached. These witnesses did not express hostility towards Ms. Manlove or any ulterior motive for their testimony. In

particular, the Panel notes that Ms. Harper left the office due to the strain her work was putting on her personal life and did not proactively reach out to the Office of Bar Counsel to file a complaint against Ms. Manlove. Specifically, Ms. Manlove's implication that Ms. Harper had an interest in seeing Ms. Manlove removed from office so Ms. Harper could assume the position is completely unsupported. This Panel rejects that proposition.

91. Kevin Haugland, a former Assistant District Attorney in Ms. Manlove's office, also testified at the hearing, generally denying the office was a toxic environment or an unpleasant place to work. The Panel finds this testimony to be credible as to his own experience, but it does not impeach the testimony of other former Assistant District Attorneys. This Panel notes as well that Mr. Haugland spent less than a year at Ms. Manlove's office before moving to private practice.

92. Current Assistant District Attorneys in Ms. Manlove's office also testified: Steve McManamen, Jonah Buckley, Jeffrey O'Holloran, and Deputy District Attorney Anthony Reyes. This Panel finds their testimony to be helpful and credible, but their opportunities to view the incidents giving rise to these proceedings was limited, based upon their time as employees of Ms. Manlove. Although Mr. O'Holloran began at the LCDAO in April 2019, the other attorneys who testified on Ms. Manlove's behalf – Messrs. Buckley, McManamen and Reyes – were hired well after the incidents giving rise to the formal charges herein occurred, beginning at the LCDAO in March 2021, October 2021, and October 2021, respectively. *See* SBC Exhibit 21.

93. Further witnesses called by Ms. Manlove were the current Victim and Witness Coordinator in the LCDAO, Melissa Walls, Wyoming State Public Defender Diane Lozano, Cheyenne attorney Gay Woodhouse, and Kurt Zunker. This Panel finds their testimony to be

credible, but of little value to this Panel in deciding the substantive issues before it. Each had little to no direct personal knowledge as to the allegations in the Formal Charges.

94. In contrast, this Panel finds that Ms. Manlove's testimony was not credible or believable in numerous respects. She was unwilling or unable to answer direct questions from Special Bar Counsel as well as Panel members. She deflected blame for each of the allegations in the Formal Charges. Throughout the proceedings, Ms. Manlove exhibited a combative and defiant attitude, and refused to accept any responsibility for her conduct.

95. This Panel is incredulous that Ms. Manlove testified she had not read much of the evidentiary material produced in this matter. This is indicative of how she ran her office and her cavalier attitude towards these proceedings, and her belief in its "preordained conclusion." Regardless of the reason, this Panel concludes that this statement by Ms. Manlove draws her credibility as a witness into question.

State of Wyoming v. David Rutherford

96. Amid talk of pandemic-fueled budget cuts in September 2020, Ms. Manlove said they would "create the most serious public safety issue our community has faced in modern times." A few days later, on September 30, 2020, Ms. Manlove wrote about David Rutherford, a violent offender, to one of the staff attorneys in her office:

In the future, when we have a violent (see his other cases) defendant who is expressly prohibited from using, possessing or owning a firearm and he is charged with Aggravated Burglary for STEALING A FIREARM that he appears in a video to be wearing in a holster and then ADMITS to stealing (see his PC Affidavit) AND he is under a bonded release for felony stalking...\$5,000 cash is a TOTALLY INSUFFICIENT bond.

Had I known that this would be the bond (and I don't know what the State suggested but I sure hope it wasn't \$5k) I would have appeared personally to recommend a \$50,000 cash only bond.

And BTW – DAVID RUTHERFORD is the charming fellow whose photo is posted at EVERY DOOR IN OUR OFFICE because he is a violent threat to every one of us, so it simply defies explanation that this is his bond.

**PLEASE COME EXPLAIN THIS TO ME.**

**Leigh Anne Grant Manlove  
District Attorney, First Judicial District Wyoming**

97. Rutherford has an extensive history of encounters with the criminal justice system, including charges for felony theft, multiple auto thefts, aggravated assault, interference with a peace officer and child endangerment. He had a prior conviction for criminal entry. In late 2019, Rutherford racked up multiple charges, including criminal entry, felony stalking (a violation of his probation), and sexual exploitation of a child. He was arrested and put in jail in August 2019 and was released on bond September 19, 2019. He was arrested on September 30, 2019, for felony aggravated assault and felony burglary. While in jail, he was charged with taking contraband into jail as well as interference with a peace officer with resulting injury.

98. Ms. Manlove told one of his victims that Rutherford was very dangerous and that she was dedicated to getting him a long prison sentence. The crimes of which he was charged carry a maximum sentence of more than 100 years.

99. As trial approached, Ms. Manlove made a deal to put Rutherford on probation and release him from jail. On April 8, 2021, Rutherford appeared before Judge Froelicher to change his plea. Judge Froelicher approved his release with supervision by Probation and Parole.

100. When asked by the mother of one of Rutherford's victims why she made a deal to release Rutherford from jail, Ms. Manlove said, "Because I can." The victim's mother promptly filed a complaint with the Office of Bar Counsel (BPR No. 2020-039).

101. Between Rutherford's arrest and his plea deal, there were only modest budget cuts, few if any criminal cases were tried, more than a thousand Circuit and District Court

**cases were dismissed, and, after a mass exodus of attorneys and staff from the office, too few employees were left in the office to get the work done.**

**102. As to the conduct alleged in the first Formal Charge, the Panel finds that there is clear and convincing evidence that Ms. Manlove violated numerous Rules of Professional Conduct.**

**103. Specifically, Ms. Manlove violated Rule 1.1 (duty of competence) by:**

**a. Purging the District Attorney's Office of competent attorneys and staff on her first day in office without an adequate transition plan in place to ensure the smooth and competent administration of justice.**

**b. Exaggerating the impact of budget restraints and prematurely making drastic, unnecessary, and unjustified reductions in the level of services provided by her office.**

**c. Directing wholesale dismissals of filed cases and categories of cases without considering the merits of individual cases and establishing specific guidelines for the dismissal of criminal cases.**

**d. Failing to take prompt action to fill vacancies in her office.**

**e. Fostering a workplace environment of fear and intimidation that caused nonexempt employees to be afraid to report overtime for fear of retaliation from Ms. Manlove. The Panel notes that Lisa Riggs, Ms. Manlove's assistant, was the only nonexempt employee to be paid overtime compensation despite overwhelming evidence that other nonexempt employees worked overtime.**

**104. Ms. Manlove violated Rule 1.3 (duty of diligence) by:**

**a. Directing dismissals of cases because she was not prepared to go to trial.**

**b. Filing improper motions to dismiss after she had been warned by judges**

to discontinue such filings.

c. Failing to take prompt action to fill vacancies in her office.

105. Ms. Manlove violated Rule 3.3(a) (duty of candor to the tribunal) by knowingly misrepresenting the impact of budget constraints in motions to dismiss scores of cases. The Panel finds that Ms. Manlove's knowledge of the falsity of such representations may reasonably be inferred from the circumstances, including contrary, substantial, and credible testimony from witnesses called to testify by Special Bar Counsel and the evidentiary record.

106. Ms. Manlove violated Rule 3.4(c) (duty to follow rules of the tribunal) by failing to comply with judges' direction to stop filing the "budgetary constraints" letter in support of motions to dismiss. We refer to SBC Exhibit 2, which is an excerpt from Judge Sharpe's order to show cause wherein he states the court views the State's motion as an attempt to circumvent the Court's orders and directions. In addition, Ms. Manlove failed to articulate a legal basis for dismissal as it relates to the charges lodged against the defendant.

107. Ms. Manlove's conduct, as set forth above, violated Rule 8.4(d), which provides, "It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice." The evidence presented at the hearing constitutes clear and convincing proof that Ms. Manlove's conduct substantially interfered with the legal process in the district and circuit courts of Laramie County, Wyoming. For example, Ms. Manlove acted improperly by, first, failing to ensure timely filing of criminal charges against Andrew Weaver, leading to his release from jail, tainting the judicial process to a serious and adverse degree. Further, Ms. Manlove's press release that the court was closed was materially misleading, conduct impacting negatively the public's perception of the efficacy of the courts and the legal profession.

108. As detailed above, this Panel finds, by clear and convincing evidence, that Ms.

Manlove acted improperly in that she either took improper action or failed to act when she should have acted. This Panel further finds that such conduct bears directly upon the judicial process (i.e., the administration of justice) in more than a *de minimis* way and that such conduct at least potentially impacted upon the process to a serious and advanced degree. This Panel further finds that Ms. Manlove's conduct impacts negatively the public's perception of the efficacy of the courts and the legal profession.

The Rodney Law case

109. On December 13, 2018, an Information was filed against Mr. Law in the District Court of the First Judicial District, Criminal Action No. CR 34-280. *See* second Formal Charge, paragraph 1; admitted by the Respondent in her Answer.

110. The Information charged Mr. Law with First Degree Sexual Assault, Strangulation of a Household Member, Domestic Battery, and other crimes including the allegation that Mr. Law was a habitual criminal, having been convicted of 4 prior felonies. *See* second Formal Charge, paragraph 2; substantially admitted by the Respondent in her Answer.

111. Ms. Manlove took over responsibility for the case which was set for trial June 17, 2019. The speedy trial deadline was July 13, 2019. *See* second Formal Charge, paragraph 3; admitted by the Respondent in her Answer.

112. A *Motion to Exclude Evidence Due to Discovery Violation* was filed by Mr. Law's public defender on May 28, 2019. Ms. Manlove did not file a written response. At the hearing on the Motion Ms. Manlove admitted she missed the deadline to produce an array of evidence to Mr. Law, including reports from the Wyoming State Crime Lab. Ms. Manlove admitted that her failure was prejudicial to the Defendant, Mr. Law. *See* second Formal Charge, paragraph 4; substantially admitted by the Respondent in her Answer.

113. Without the excluded evidence, the case could not proceed. On the State's motion, all charges against Mr. Law were dismissed with prejudice. *See* second Formal Charge, paragraph 5; admitted by the Respondent in her Answer.

114. The evidence which Ms. Manlove had failed to produce included reports of DNA analysis from the Wyoming State Crime Lab. These reports were readily available to the LCDAO via the BEAST portal.

115. At the beginning of her term, Ms. Manlove and her staff apparently did not know how the LCDAO accessed State Crime Lab reports.

116. After weeks of confusion, on May 10, 2019, in a separate case, the Deputy DA, Angela Dougherty, wrote to the Police Department Evidence Manager, "If I do not have these results today ...the Court may very well dismiss the case." SBC Exhibit 12, SBC #5561. The Evidence Manager delivered the reports and wrote on May 10, 2019 – more than four months into Respondent's term in office – that, "We will not be sending results on cases in the future. As I have conveyed to multiple people in the DA's Office, there is a Prosecutor Module for BEAST in which anyone can log in at any time and see what has been submitted on a case and what reports are available." SBC Exhibit 12, SBC #5562. The Evidence Manager offered to demonstrate how to find the cases and retrieve information. The Evidence Manager was asking nothing more than that Respondent's office utilize the tools and resources that had already been made available.

117. At the hearing on the Motion to Exclude Evidence on June 6, 2019, five months into her term, Ms. Manlove described the difficulty handling evidence, stating, "We have a horrible discovery system ... We are in the process of moving away from this system ...we have this discovery system that is horrible, that doesn't work. And this is a stunning example of how it doesn't work." SBC Exhibit 15, SBC #5647 (Tr. at 17).

118. At the June 6, 2019 hearing, Ms. Manlove falsely blamed the Police Department for not sending the DNA reports to her. She said,

While I have all of the responsibility under the law to produce that evidence, I have none of the control of it. ... [T]he way the Wyoming State Crime Lab's set up, only the submitting agency the submitting law enforcement personnel receives electronic or digital notification and it's an automatically generated email, that the testing is done. ... So, I don't receive that email. I sure wish I did." SBC Exhibit 15, SBC #5650 (Tr. at 20).

When that statement was made, Ms. Manlove knew from an experience one month earlier that the lab reports were available on her computer via the BEAST portal as they had been received by the Police Department. Ms. Manlove and her office staff had received training on how to use the BEAST system on more than one occasion. The same false statement would be repeated a year later, in the McGrew case, to excuse Ms. Manlove's failure to prosecute a child sexual molestation case.

119. On June 18, 2019 (notably after the Law case had been dismissed), Ms. Manlove and her legal assistant were "activated with passwords" by an Evidence Control Supervisor at the State Crime Lab, because "they needed immediate access for a discovery Packet download."

120. The Panel finds, by clear and convincing evidence, that Ms. Manlove's conduct in the Rodney Law case, in which the defendant was charged with sexual assault, strangulation of a household member, kidnapping, property destruction and being a habitual criminal, was prejudicial to the administration of justice and violated Rule 8.4(d), W.R.Prof.Cond. Ms. Manlove failed to produce evidence in the case, resulting in dismissal of the case with prejudice. Ms. Manlove's conduct in this regard impacted negatively the public's perception of the efficacy of the courts and the legal profession.

The [REDACTED] case

121. On October 28, 2020, the Cheyenne Police Department referred a case of sexual abuse of a 14-year-old girl for prosecution. The submittal was supported by reports and an Affidavit of Probable Cause. The detectives on the case describe the evidence of guilt as “overwhelming.” Ms. Manlove was aware that swabs had been sent to the State Lab for DNA analysis but declined to prosecute before even considering the lab results. The mother of the victim reported the issue to the State Bar. In her July 28, 2021, Response to the Bar Complaint, Ms. Manlove repeated the false claim she had made to the victim’s mother (SBC Exhibit 19 at 4) that her office was “wholly reliant on law enforcement” to inform them that there were lab results.

122. The long-established practice was that in making charging decisions, the prosecutors opened the BEAST system to look at the evidence. Caitlin Harper testified that she checked the BEAST system daily when she was awaiting results. The District Attorney’s investigator himself read the lab results on July 7, 2021, two weeks before [REDACTED] filed a complaint with the Office of Bar Counsel. In an affidavit submitted with Ms. Manlove’s Response, the investigator said that by “mid-2019,” legal assistants began regular searches of the computer program for lab results. He only complains that the program was not “user friendly,” and that “case numbers had to be entered on every inquiry.”

123. But Ms. Manlove continued to blame the Cheyenne Police Department before this Panel:

“Despite notification and receipt of [the Lab results] CPD did not communicate with my office about it until *after* I declined to prosecute the case on June 8, 2021. The lead detective, Allison Baca, never submitted a follow-up report that explained she submitted physical evidence and DNA swabs to the [Lab] for analysis. Det. Baca never submitted a follow-up report to my office regarding the completion of the Lab’s analysis to my office.”

*See* July 28, 2021, Response p. 4.

124. This Panel finds, by clear and convincing evidence, that Ms. Manlove knew her reason offered to Bar Counsel and this Panel was false. The Wyoming State Crime Lab reports of a DNA analysis in the case were posted on BEAST on January 19, 2021. The results were positive and provided conclusive support for the victim's statement.

125. On June 7, 2021, Ms. Manlove asked the detective on the case by email if the State Lab reports had been received. At the time of that email the reports had been available to her on her computer for five months.

126. The detective was on vacation and did not respond. The next day, Ms. Manlove signed a Declination of Case letter.

127. On July 2, 2021, the detective responded to all of Ms. Manlove's questions in the Declination of Case letter and offered to amend the Affidavit of Probable cause to include the Lab results.

128. These circumstances prompted the City of Cheyenne on August 10, 2021, to file a *Petition for Request to Appoint Attorney General's Office in Accordance with W.S. § 9-1-603(c)*, to investigate the case.

129. In the conduct alleged in the second Formal Charge, proof of which has been made by clear and convincing evidence, Ms. Manlove violated Rule 1.1 (duty of competence) by:

a. Failing to comply with the Court Order in the Rodney Law case to produce material to defense counsel, and failing to collect and review all available evidence in the case, and

b. Failing to collect and examine all relevant evidence in the [REDACTED] case before making a charging decision.

130. Ms. Manlove violated Rule 1.3 (duty of diligence) by:

a. Failing to timely comply with the discovery order in the Law case and failing to collect and review all available evidence in the case in a timely manner, and

b. Failing to examine all relevant evidence in the [REDACTED] case before making a charging decision and failing to collect and review all available evidence in the case.

131. Ms. Manlove violated Rule 3.3(a) (duty of candor to the tribunal) by misrepresenting the reason for her failure to comply with court ordered discovery in the Rodney Law case. The Panel finds that Ms. Manlove's knowledge of the falsity of such representations may reasonably be inferred from the circumstances, including contrary, substantial, and credible evidence and testimony from witnesses called to testify by Special Bar Counsel.

132. Ms. Manlove violated Rule 3.4(c) (duty to abide by the rules of the tribunal) by failing to provide discovery in the Rodney Law case.

133. Ms. Manlove violated Rule 8.1(a) (material false statements in a disciplinary proceeding) by misrepresenting to Special Bar Counsel the reason for her failure to review Wyoming State Crime Lab results in the [REDACTED] case.

134. The same conduct set forth above violated Rule 8.4(d) (conduct prejudicial to the administration of justice). The evidence presented at the hearing constitutes clear and convincing evidence that Ms. Manlove's conduct substantially interfered with the legal process in the district and circuit courts of Laramie County. As detailed above, Ms. Manlove acted improperly in that she either took improper action or failed to act when she should have acted. Ms. Manlove repeatedly failed to access crime lab data in the Law case and the [REDACTED] case. She declined prosecution of the [REDACTED] case without conducting a complete review of all available evidence wherein the City of Cheyenne Police Department stated that Ms. Manlove

ignored the case and had more than ample probable cause facts to charge the defendant with several serious felonies. We note that this case was subsequently referred to the Wyoming Attorney General's Office for prosecution. The Panel finds that such conduct bears directly upon the judicial process (i.e., the administration of justice) in more than a *de minimis* way; that such conduct at least potentially impacted upon the process to a serious and advanced degree. Ms. Manlove's conduct impacts negatively the public's perception of the efficacy of the courts and the legal profession.

135. As to the second Formal Charge, this Panel finds that Special Bar Counsel failed to prove by clear and convincing evidence the alleged violations of Rule 3.1, Rule 8.2(a), and Rule 8.4(b). Accordingly, those charges are dismissed.

136. The Panel members take no pleasure in the task of recommending a sanction for Ms. Manlove's conduct. This matter has been difficult in the extreme. As members of the Board of Professional Responsibility, however, it is this Panel's duty to hear evidence and make recommendations to our Wyoming Supreme Court. Lawyers can and must police themselves and protect the honor and privilege of the profession. This Panel has been careful, thoughtful, deliberate, and thorough in its review of a substantial volume of evidence and the testimony of numerous witnesses. This Panel has deliberated the facts and relevant law and considered the arguments of counsel.

137. This Panel has given great attention to the structured analysis required by the rules and makes the following recommendations for sanctions to the Supreme Court. The Panel fully understands its recommendations impact the life of not just Ms. Manlove, but the lives of many.

138. This Panel further finds that the evidentiary record is complete. Ms. Manlove has had more than adequate time to conduct discovery, as well as to present testimony and

evidence necessary for this Panel to make its findings. This Panel finds Ms. Manlove's defense was conducted diligently and vigorously by highly competent counsel who presented testimony and evidence in the most effective manner possible.

139. Considering the broad range of Ms. Manlove's misconduct and its impact upon the administration of criminal justice in Laramie County, the Hearing Panel finds that the presumptive discipline, after application of the ABA Standards for Imposing Lawyer Sanctions and before consideration of aggravating and mitigating factors, is disbarment. Ms. Manlove's course of conduct clearly demonstrates that she does not understand the most fundamental legal doctrines or procedures, and such conduct caused serious injury to the administration of criminal justice in Laramie County, Wyoming. Ms. Manlove engaged in a pattern of neglect, thereby causing serious injury to the administration of criminal justice in Laramie County. Ms. Manlove improperly withheld material information and submitted false reasons for declining to charge cases. In this regard, Ms. Manlove intended to deceive the court, making numerous false statements, published numerous false documents, and caused serious injury to the administration of justice in Laramie County, Wyoming.

140. This Panel finds no evidentiary or testimonial support for the following contentions of Ms. Manlove:

That a "coordinated effort" existed or exists to have her removed from office;<sup>6</sup>

That Bar Counsel attempted to "sabotage" her office or "weaponize" her employees;

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<sup>6</sup> As previously noted, this Panel has no authority to remove Ms. Manlove from office. Further, the Wyoming Statutes creating the position of District Attorney require only that the elected District Attorney be a member in good standing of the Wyoming State Bar *at the time of their election*. *Infra* at ¶ 3. It is this Panel's opinion, then, that even if its recommendations were accepted by the Wyoming Supreme Court and Ms. Manlove were disbarred, she could not be removed from office for that reason.

**That the seven Laramie County judges engaged in a coordinated effort with Bar Counsel to undermine her and have her removed from office;**

**That Bar Counsel engaged in a vendetta against her whatsoever, and in particular over the prosecution of county mask orders;**

**That this Panel was predisposed to find the Formal Charges established; and**

**That this Panel was predisposed to recommend any sanction.**

141. This Panel finds no support for Ms. Manlove's statement that the Bar disciplinary process is in any way "unconstitutional." As to these Formal Charges, their investigation, and this hearing, Ms. Manlove has been afforded all her substantive and procedural due process rights.

142. Regarding Ms. Manlove's mental state, the Hearing Panel finds that Ms. Manlove acted, depending on the alleged rule violation, negligently, knowingly, and intentionally. Despite Ms. Manlove's claims not to have knowledge with respect to certain requirements of her position, the Panel finds that Ms. Manlove's knowledge may reasonably be inferred from the circumstances, including contrary, substantial, and credible testimony from witnesses called to testify by Special Bar Counsel. This Panel notes the significance of the testimony of Respondent's former employees and the sitting judges in Laramie County, all, and each of whom testified with abundant credibility.

143. The Hearing Panel finds that Ms. Manlove's misconduct caused actual, serious injury to the administration of criminal justice in Laramie County.

144. The Panel finds the following mitigating factors: (a) personal or emotional problems and (b) COVID-19 Pandemic and the State Budget Crisis.

145. The Panel finds the following Aggravating factors: (a) dishonest or selfish motive; (b) a pattern of misconduct; (c) multiple offenses; (d) submission of false evidence,

false statements, or other deceptive practices during the disciplinary process; (e) refusal to acknowledge wrongful nature of conduct; (f) vulnerability of the victim (i.e., the public); and (g) substantial experience in the practice of law.

### Conclusions of Law

1. The Wyoming Supreme Court has often discussed the purposes of Wyoming's lawyer disciplinary system, most recently in *Bd. of Pro. Responsibility v. Hinckley*, 22 WY 18 (Wyo. 2022):

[¶2] Wyoming statutes charge this Court with adopting rules establishing “practice and procedure for disciplining, suspending, and disbaring attorneys.” Wyo. Stat. Ann. § 5-2-118(a)(iii) (LexisNexis 2021). Disciplinary proceedings are “necessarily incident to the inherent power of courts to control properly their own affairs.” *State Bd. of Law Examiners v. Brown*, 53 Wyo. 42, 49, 77 P.2d 626, 628 (1938). As a result, this Court has “the power, the duty, and the corresponding jurisdiction to supervise the conduct of all Wyoming attorneys, each of whom is an officer of the court.” *Meyer v. Norman*, 780 P.2d 283, 288 (Wyo. 1989)

[¶3] “The purposes of the state bar disciplinary procedures are to maintain the integrity of the bar, to prevent the transgressions of an individual lawyer from bringing its image into disrepute and to protect the public and the administration of justice.” *Bd. of Pro. Responsibility v. Richard*, 2014 WY 98, ¶ 51, 335 P.3d 1036, 1051 (Wyo. 2014) (citations and quotation marks omitted). *See also*, *ABA Standards for Imposing Lawyer Sanctions* § 1.1 (ABA Standards). In disciplinary proceedings, the responsibility of this Court is not to punish, but to inquire into and gauge a lawyer's continued fitness to practice law. This inquiry is conducted with a view to safeguarding the interests of the public, the courts, and the legal profession. *See* ABA Standards, Methodology (“The purpose of the disciplinary proceeding is not punitive but to inquire into the fitness of the lawyer to continue in that capacity for the protection of the public, the courts, and the legal profession.”); *State ex rel. Okla. Bar Ass'n v. Wintory*, 2015 OK 25, ¶ 15, 350 P.3d 131, 135 (Okla. 2015) (“The purpose of lawyer discipline proceedings is to protect the public and the administration of justice from lawyers who have not discharged, will not discharge, or are unlikely to properly discharge their professional duties to clients, the public, the legal system, and the legal profession.”). To this end, the Wyoming Supreme Court adopts and promulgates rules governing the professional conduct of attorneys, organizing the bar association, and establishing the procedure for attorney discipline. *See Bd. of Pro. Responsibility v. Custis*, 2015 WY 59, ¶ 18, 348 P.3d 823, 828 (Wyo. 2015) (citing § 5-2-118).

2. W.S. § 9-1-804 provides:

(a) In addition to other duties prescribed by law, each district attorney has exclusive jurisdiction to:

(i) Act as prosecutor for the state in all felony, misdemeanor and juvenile court proceedings arising in the counties in his district, and prosecute such cases in the district courts and courts of limited jurisdiction or in other counties upon a change of venue;

(ii) Defend against all petitions for writs of habeas corpus filed in his district by any person charged with or convicted of any public offense in his district. This duty does not extend to petitions filed by inmates of state penal institutions;

(iii) Render assistance as required by the attorney general in the preparation and argument of criminal appeals arising in his district and in the defense of petitions for habeas corpus filed by inmates in state institutions arising from alleged deprivation of rights at the time of or prior to conviction;

(iv) Appear before any judge in the preliminary examination of persons charged with any offense in his district;

(v) Appear at all inquests held by any coroner in his district;

(vi) Appear at all sessions of any grand jury convened in any county within his district.

(b) Each district attorney shall employ and assign to each county in the judicial district at least one (1) of the following to serve at his pleasure: a deputy district attorney, an assistant district attorney or a part-time assistant district attorney. The deputy, assistant or part-time assistant district attorney assigned to a county shall reside in the county and be a resident of Wyoming and his primary responsibility shall be to matters arising in the county.

(c) Subject to the rules of the Wyoming personnel division as to compensation, and as is authorized by the approved budget, each district attorney may employ administrative and clerical personnel necessary for the proper and efficient operation of his office. Such personnel shall serve at the pleasure of the district attorney.

3. “A prosecutor stands perhaps unique, among officials whose acts could deprive persons of constitutional rights, in his amenability to professional discipline by an association of his peers.” *Imbler v. Pachtman*, 424 U.S. 409, 429 (1976).

4. The preamble to the Wyoming Rules of Professional Conduct provides in relevant part:

[10] The legal profession is largely self-governing. Although other professions also have been granted powers of self-government, the legal profession is unique in this respect because of the close relationship between the profession and the processes of government and law enforcement. This connection is manifested in the fact that ultimate authority over the legal profession is vested largely in the courts.

[11] To the extent that lawyers meet the obligations of their professional calling, the occasion for government regulation is obviated. Self-regulation also helps maintain the legal profession's independence from government domination. An independent legal profession is an important force in preserving government under law, for abuse of legal authority is more readily challenged by a profession whose members are not dependent on government for the right to practice.

[12] The legal profession's relative autonomy carries with it special responsibilities of self-government. The profession has a responsibility to assure that its regulations are conceived in the public interest and not in furtherance of parochial or self-interested concerns of the bar. *Every lawyer is responsible for observance of the Rules of Professional Conduct.* A lawyer should also aid in securing their observance by other lawyers. Neglect of these responsibilities compromises the independence of the profession and the public interest which it serves.

[Italics supplied.]

5. Rule 1(a), W.R.Disc.P., provides, "All members of the Wyoming State Bar, having taken an oath to support the Constitution and laws of this state and of the United States, are charged with obedience to those laws at all times. As officers of the Wyoming Supreme Court, attorneys must observe the highest standards of professional conduct. A license to practice law is a continuing proclamation by this Court that its holder is a person to whom members of the public may entrust their legal affairs with confidence; that the attorney will be true to that trust; that the attorney will hold inviolate the confidences of clients; and that the attorney will competently fulfill the responsibilities owed to clients and to the courts. In order to maintain the highest standards of professional conduct, attorneys who have demonstrated that they are unable, or are likely to be unable, to discharge their professional responsibilities shall be subject to appropriate disciplinary or disability proceedings."

6. Rule 1(b), W.R.Disc.P., provides, "Every member of the Wyoming State Bar, any attorney admitted *pro hac vice*, and any attorney who is not admitted to the Wyoming State Bar but practicing law in Wyoming is subject to the disciplinary and disability jurisdiction of the Court. By practicing law in Wyoming, an attorney is deemed to consent to the disclosure of

any Wyoming disciplinary action to those jurisdictions in which the attorney is licensed to practice.”

7. Rule 1(c), W.R.Disc.P., provides, “Acts or omissions by an attorney, individually or in concert with any other person or persons which violate the Wyoming Rules of Professional Conduct or these rules shall constitute misconduct and shall be grounds for discipline, whether or not the act or omission occurred in the course of any attorney-client relationship. Failure to respond to a request from Bar Counsel or to comply with the requirements of these rules may be grounds for discipline.”

8. Rule 2(a), W.R.Disc.P., provides, “‘Attorney’ means a person duly admitted to practice law in this state, a person permitted by rule to practice in this state, or a person admitted to practice law in any other jurisdiction who engages in the practice of law within this state.”

9. Rule 2(o), W.R.Disc.P., provides, “‘Special Bar Counsel’ is included within the definition of ‘Bar Counsel.’”

10. Rule 6(c), W.R.Disc.P., provides with respect to powers and duties of members of the Board of Professional Responsibility (BPR), “The BPR shall \*\*\* (4) [w]hen misconduct has been proved by clear and convincing evidence at a hearing, or misconduct has been established by default, issue a private reprimand or recommend an appropriate public discipline to the Court \*\*\*.”

11. Rule 15(b)(5), W.R.Disc.P., provides, “Proceedings before the Hearing Panel, like any proceeding before a tribunal, are formal occasions. All participating in the process are expected to conduct themselves in a manner consistent with the solemnity of the occasion. Off-the-record socializing between or among participants is not appropriate. The Hearing Panel

Chair shall take such action as is necessary and appropriate to assure compliance with this rule.”

12. Rule 2.15(B) of the Code of Judicial Conduct provides, “A judge having knowledge that a lawyer has committed a violation of the Rules of Professional Conduct which raises a substantial question regarding the lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects shall inform the appropriate authority.”

13. Rule 1.0(g), W.R.Prof.Cond., provides, “‘Knowingly,’ ‘known,’ or ‘knows’ denotes actual knowledge of the fact in question. A person’s knowledge may be inferred from the circumstances.”

14. Rule 1.1, W.R.Prof.Cond., provides, “A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”

15. Rule 1.3, W.R.Prof.Cond., provides, “A lawyer shall act with reasonable diligence and promptness in representing a client.”

16. Rule 3.1(a), W.R.Prof.Cond., provides in relevant part, “A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law.”

17. Rule 3.3(a), W.R.Prof.Cond., provides in relevant part, “A lawyer shall not knowingly: (1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer; ... or (3) offer evidence that the lawyer knows to be false. If a lawyer, the lawyer’s client, or a witness called by the lawyer, has offered material evidence and the lawyer comes to know of its falsity, the

lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. ...”

18. Rule 3.4(c), W.R.Prof.Cond., provides, “A lawyer shall not \*\*\* knowingly disobey and obligation existing under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists\*\*\*.”

19. Rule 8.1(a) provides in relevant part, “[A] lawyer \*\*\* in connection with \*\*\* a disciplinary matter shall not \*\*\* knowingly make a false statement of material fact.”

20. Rule 8.2(a), W.R.Prof.Cond., provides, “A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer or public legal officer, or of a candidate for election or appointment to judicial or legal office.”

21. Rule 8.4(b), W.R.Prof.Cond., provides, “It is professional misconduct for a lawyer to ... commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects.”

22. Rule 8.4(d), W.R.Prof.Cond., provides, “It is professional misconduct for a lawyer to ... engage in conduct that is prejudicial to the administration of justice.”

23. In *Bd. of Pro. Responsibility v. Hinckley*, 22 WY 18 (Wyo. 2022), the Court held:

[¶71] Although we have addressed violations of Rule 8.4(d) in prior cases, we have never precisely defined what type of conduct violates the rule. Our cases demonstrate Rule 8.4(d) does not prohibit an attorney from making a mistake, or even from committing malpractice. It focuses on conduct which interferes with the legal process. *See, e.g., Bd. of Pro. Responsibility v. Fulton*, 2006 WY 51, 133 P.3d 514, 518 (Wyo. 2006) (the attorney violated Rule 8.4(d) “by counseling [the clients] regarding how to unlawfully avoid tax consequences of interest earned from the settlement monies”); *Bd. of Pro. Responsibility v. Barnes*, 2013 WY 5, 297 P.3d 77, 78-79 (Wyo. 2013) (attorney was disbarred after falsifying documents he presented to the county treasurer in violation of several rules of professional conduct, including Rule 8.4(d)); *Bd. of Pro. Responsibility v. Davidson*, 2009 WY 48, ¶¶ 5, 19, 205 P.3d 1008, 1010, 1016 (Wyo. 2009)

(attorney violated Rule 8.4(d) by falsely alleging in a motion for reassignment of the trial judge that the judge had engaged in an improper *ex parte* communication with opposing counsel and was “rumored” to afford favoritism to members of opposing counsel’s firm).

[¶72] In light of this precedent, we adopt a test from the D.C. Court of Appeals for determining whether an attorney’s conduct violates Rule 8.4(d). *In re Owusu*, 886 A.2d 536 (D.C. 2005). Under that test, the disciplinary authority must present clear and convincing evidence: “(1) that the attorney acted improperly in that he either [took] improper action or fail[ed] to take action when ... he or she should [have] act[ed]; (2) that the conduct involved bear[s] directly upon the judicial process (*i.e.*, the administration of justice) with respect to an identifiable case or tribunal; and (3) that the conduct taint[ed] the judicial process in more than a *de minimis* way, meaning that it at least potentially impact[ed] upon the process to a serious and adverse degree.” *Id.* at 541 (citations and quotation marks omitted). *See also, Att’y Grievance Comm’n v. Moawad*, 475 Md. 424, 257 A.3d 611, 644 (2021) (“An attorney violates [Rule 8.4(d)] when his or her conduct impacts negatively the public’s perception or efficacy of the courts or legal profession.”) (citation and quotation marks omitted).

24. Comment [5] to Rule 8.4, W.R.Prof.Cond., provides in relevant part, “Lawyers holding public office assume legal responsibilities going beyond those of other citizens. A lawyer’s abuse of public office can suggest an inability to fulfill the professional role of lawyers.”

25. The opinions of an expert witness as to whether an attorney’s conduct violated a particular Rule of Professional Conduct “are not opinions that assist the trier of fact in understanding the evidence or determining a fact in issue. They instead offer a legal conclusion, which is the province of the [BPR] and [the Wyoming Supreme] Court.” *Bd. of Prof. Cond. v. Stinson*, 337 P.3d 401, 419 (Wyo. 2014). Accordingly, the opinions of Ms. Manlove’s expert witnesses as to whether she violated any Rules of Professional Conduct are given no weight by this Panel.

26. It is not necessary for a lawyer to be convicted of, or even charged with, a crime to violate Rule 8.4(b), W.R.Prof.Resp. *See, e.g., People v. Odom*, 941 P.2d 919 (Colo. 1997) (lawyer disciplined for committing crime for which he never was charged); *In re Riddle*, 700

N.E.2d 788 (Ind. 1998) (prosecutor used deputy to work in prosecutor's private law office; rule violated even though no criminal charges filed); *In re Ivey*, 374 P.3d 374 (Alaska 2016) (lawyer's false testimony violated rule, though never charged with perjury; rule does not require conviction, but only that it "would be criminal" under state law).

27. Rule 15(b)(3), W.R.Disc.P., provides in relevant part:

At the hearing, the BPR shall first receive evidence regarding whether a violation of the Wyoming Rules of Professional Conduct occurred. When all evidence on that issue has been received, the BPR shall recess to determine whether a violation has been proved by clear and convincing evidence.

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- (C) If the BPR determines by a majority of a quorum that there has been a violation, the BPR shall then receive evidence of aggravating or mitigating circumstances before determining the appropriate discipline for the violation. Evidence of prior discipline against the respondent shall be admissible in the second phase of the hearing regarding the appropriate discipline to be ordered or recommended.
- (D) In imposing a sanction after a finding of misconduct by the respondent, the BPR shall consider the following factors, as enumerated in the ABA Standards for Imposing Lawyer Sanctions, which standards shall be applied by the BPR in determining the appropriate sanction:
- (i) Whether the lawyer has violated a duty owed to a client, to the public, to the legal system, or to the profession;
  - (ii) Whether the lawyer acted intentionally, knowingly, or negligently;
  - (iii) The amount of the actual or potential injury caused by the lawyer's misconduct; and
  - (iv) The existence of any aggravating or mitigating factors.

28. With respect to costs of disciplinary proceedings, Rule 25, W.R.Disc.P., provides:

**Rule 25. Expenses and Costs.**

(a) The expenses of members of the BPR, the ROC, Bar Counsel, and Special Bar Counsel, costs of a Disciplinary Judge, and other expenses incurred in the implementation or administration of these rules, shall be paid with funds allocated for that purpose by the Wyoming State Bar. The Wyoming State Bar shall compensate and pay the expenses of Disciplinary Judges.

(b) In addition to any costs assessed by the BPR, the ROC or the Court, an administrative fee of seven hundred fifty dollars (\$750.00) shall be imposed by the BPR in all cases where private discipline, diversion, or public discipline is ordered. The administrative fee shall be assessed on a per-complaint basis.

(c) "Costs" means actual expenses incurred by Bar Counsel, the ROC, the BPR, and the Wyoming State Bar in connection with a disciplinary proceeding,

reinstatement proceeding or diversion program, including without limitation the cost of depositions used in a proceeding, hearing transcripts, copying costs, conference call and other telephone expenses, fees for service of process and subpoenas, witnesses fees, fees paid to expert witnesses, and costs associated with travel, meals and lodging for the ROC, the BPR, the BPR Clerk and the Office of Bar Counsel.

(d) When an attorney is privately disciplined, the BPR or the ROC may assess against the attorney the costs incurred in connection with the investigation and disciplinary proceeding, together with the administrative fee.

(e) When public discipline is recommended by the BPR, it shall certify to the Court the costs incurred in connection with the investigation and disciplinary proceeding, together with the administrative fee. The BPR may recommend to the Court the assessment of those costs and, if the Court imposes discipline, the Court may assess all or any part of the certified costs, together with the administrative fee, against respondent.

(f) In any case where costs and fees are assessed, they shall be paid to the Wyoming State Bar.

29. Rule 15(b)(3)(D), Wyo.R.Disc.P., lists the factors to be considered in determining lawyer sanctions:

(D) In imposing a sanction after a finding of misconduct by the respondent, the BPR shall consider the following factors, as enumerated in the ABA Standards for Imposing Lawyer Sanctions:

- (v) Whether the lawyer has violated a duty owed to a client, to the public, to the legal system, or to the profession;
- (vi) Whether the lawyer acted intentionally, knowingly, or negligently;
- (vii) The actual or potential injury caused by the lawyer's misconduct; and
- (viii) The existence of any aggravating or mitigating factors.

30. The American Bar Association's "Standards for Imposing Lawyer Sanctions" (hereinafter referred to as the "ABA Standards") state, "The purpose of lawyer discipline proceedings is to protect the public and the administration of justice from lawyers who have not discharged, will not discharge, or are unlikely properly to discharge their professional duties to clients, the public, the legal system, and the legal profession." ABA Standard 3.0 lists

**the factors to be considered in imposing a sanction after a finding of lawyer misconduct, and mirrors the language of Rule 15(b)(3)(D), Wyo.R.Disc.Proc.:**

- (a) the duty violated;**
- (b) the lawyer’s mental state;**
- (c) the potential or actual injury caused by the lawyer’s misconduct; and**
- (d) the existence of aggravating or mitigating factors.**

**31. A determination of the appropriate sanction for violations of Rule 1.1 requires the application of ABA Standard 4.5:**

**Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving failure to provide competent representation to a client:**

**4.51 Disbarment is generally appropriate when a lawyer’s course of conduct demonstrates that the lawyer does not understand the most fundamental legal doctrines or procedures, and the lawyer’s conduct causes injury or potential injury to the client.**

**4.52 Suspension is generally appropriate when a lawyer engages in an area of practice in which the lawyer knows he or she is not competent and causes injury or potential injury to a client.**

**4.53 Reprimand [i.e., “public censure” under Rule 9(a)(3), Wyo.R.Disc.Proc.] is generally appropriate when a lawyer:**

- (a) demonstrates failure to understand relevant legal doctrines or procedures and causes injury or potential injury to a client; or**
- (b) is negligent in determining whether he is she is competent to handle a legal matter and causes injury or potential injury to a client.**

**4.54 Admonition [i.e., “private reprimand” under Rule 9(a)(4), Wyo.R.Disc.Proc.] is generally appropriate when a lawyer engages in an isolated instance of negligence in determining whether he or she is competent to handle a legal matter, and causes little or no actual or potential injury to a client.**

**32. ABA Standard 4.4 is to be applied in determining the appropriate sanction for breach of a lawyer’s Rule 1.3 duty of diligence:**

**Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving failure to provide competent representation to a client:**

**4.41 Disbarment is generally appropriate when:**

- (a) a lawyer abandons the practice and causes serious or potentially serious injury to a client; or**
- (b) a lawyer knowingly fails to perform services for a client and causes injury or potentially serious injury to a client;**
- (c) a lawyer engages in a pattern of neglect with respect to client matters and causes serious or potentially serious injury to a client.**

**4.42 Suspension is generally appropriate when:**

- (a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client, or**
- (b) a lawyer engages in a pattern of neglect and causes injury or potential injury to a client.**

**4.43 [Public censure] is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client, and causes injury or potential injury to a client.**

**4.44 [Private reprimand] is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client, and causes little or no actual or potential injury to a client.**

**33. ABA Standard 6.2 (“Abuse of the Legal Process”) provides the sanction analysis for violations of Rule 3.4(c) (duty to comply with the rules and orders of the tribunal):**

**Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving failure to expedite litigation or bring a meritorious claim, or failure to obey any obligation under the rules of the tribunal except for an open refusal based on an assertion that no valid obligation exists:**

**6.21 Disbarment is generally appropriate when a lawyer knowingly violates a court order or a rule with the intent to obtain a benefit for the lawyer or another, and causes serious or potentially serious injury to a party or causes serious or potentially serious interference with a legal proceeding.**

**6.22 Suspension is generally appropriate when a lawyer knows that he or she is violating a court order or rule, and causes injury or potential injury to a client or a party, or causes interference or potential interference with a legal proceeding.**

6.23 [Public censure] is generally appropriate when a lawyer negligently fails to comply with a court order or rule, and causes injury or potential injury to a client or other party, or causes interference or potential interference with a legal proceeding.

6.24 [Private reprimand] is generally appropriate when a lawyer engages in an isolated instance of negligence in complying with a court order or rule, and causes little or no actual or potential injury to a party, or causes little or no actual or potential interference with a legal proceeding.

34. Violations of Rule 3.3 (candor to the tribunal) fall within ABA Standard 6.1,

which provides:

Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving conduct that is prejudicial to the administration of justice or that involves dishonesty, fraud, deceit, or misrepresentation to a court:

6.11 Disbarment is generally appropriate when a lawyer, with the intent to deceive the court, makes a false statement, submits a false document, or improperly withholds material information, and causes serious or potentially serious injury to a party, or causes a significant or potentially significant adverse effect on the legal proceeding.

6.12 Suspension is generally appropriate when a lawyer knows that false statements or documents are being submitted to the court or that material information is improperly being withheld, and takes no remedial action, and causes injury or potential injury to a party to the legal proceeding, or causes an adverse or potentially adverse effect on the legal proceeding.

6.13 [Public censure] is generally appropriate when a lawyer is negligent either in determining whether the statements or documents are false or in taking remedial action when material information is being withheld, and causes injury or potential injury to a party to the legal system, or causes an adverse or potentially adverse effect on the legal proceeding.

6.14 [Private reprimand] is generally appropriate when a lawyer engages in an isolated instance of neglect in determining whether the submitted statements or documents are false or in failing to disclose material information upon learning of its falsity, and causes little or no actual or potential injury to a party, or causes little or no adverse or potentially adverse effect on the legal proceeding.

35. Violations of Rule 8.1(a) (material false statements in a disciplinary proceeding) fall under ABA Standard 7.0 (Violations of Other Duties Owed as a Professional) which provides:

Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving false or misleading communication about the lawyer or the lawyer's services, improper communication of fields of practice, improper solicitation of professional employment from a prospective client, unreasonable or improper fees, unauthorized practice of law, improper withdrawal from misrepresentation, or failure to report professional misconduct.

- 7.1 Disbarment is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for the lawyer or another and causes serious or potentially serious injury to a client, the public or the legal system.
- 7.2 Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.
- 7.3 [Public censure] is generally appropriate when a lawyer negligently engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.
- 7.4. [Private reprimand] is generally appropriate when a lawyer engages in an isolated instance of negligence that is a violation of a duty owed as a professional, and causes little or no actual or potential injury to a client, the public, or the legal system.

36. ABA Standard 9.0, entitled "Aggravation and Mitigation," provides as follows:

9.1 *Generally*

After misconduct has been established, aggravating and mitigating circumstances may be considered in deciding what sanction to impose.

9.2 *Aggravation*

- 9.21 *Definition.* Aggravation or aggravating circumstances are any considerations or factors that may justify an increase in the degree of discipline to be imposed.
- 9.22 *Factors which may be considered in aggravation.* Aggravating factors include:
  - (a) prior disciplinary offenses;
  - (b) dishonest or selfish motive;
  - (c) a pattern of misconduct;
  - (d) multiple offenses;
  - (e) bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency;
  - (f) submission of false evidence, false statements, or other deceptive practices during the disciplinary process;
  - (g) refusal to acknowledge wrongful nature of conduct;

- (h) vulnerability of the victim;
- (i) substantial experience in the practice of law;
- (j) indifference in making restitution; and
- (k) illegal conduct, including that involving the use of controlled substances.

**9.3 Mitigation**

**9.31 Definition.** Mitigation or mitigating circumstances are any considerations or factors that may justify a reduction in the degree of discipline to be imposed.

**9.32 Factors which may be considered in mitigation.** Mitigating factors include:

- (a) absence of a prior disciplinary record;
- (b) absence of a dishonest or selfish motive;
- (c) personal or emotional problems;
- (d) timely good faith effort to make restitution or to rectify consequences of misconduct;
- (e) full and free disclosure of disciplinary board or cooperative attitude toward proceedings;
- (f) inexperience in the practice of law;
- (g) character or reputation;
- (h) physical disability;
- (i) mental disability or chemical dependency including alcoholism or drug abuse when:
  - (1) there is medical evidence that the respondent is affected by a chemical dependency or mental disability;
  - (2) the chemical dependency or mental disability caused the misconduct;
  - (3) the respondent's recovery from the chemical dependency or mental disability is demonstrated by a meaningful and sustained period of successful rehabilitation; and
  - (4) the recovery arrested the misconduct and recurrence of that misconduct is unlikely.
- (j) delay in disciplinary proceedings;
- (k) imposition of other penalties or sanctions;
- (l) remorse; and
- (m) remoteness of prior offenses

**9.4 Factors Which Are Neither Aggravating nor Mitigating**

The following factors should not be considered as either aggravating nor mitigating:

- (a) forced or compelled restitution;
- (b) agreeing to the client's demand for certain improper behavior or result;
- (c) withdrawal of complaint against the lawyer;
- (d) resignation prior to completion of disciplinary proceedings;
- (e) complainant's recommendation as to sanction; and
- (f) failure of injured client to complain.

37. The preamble to the ABA Standards includes the following discussion regarding mental state:

The mental states used in this model are defined as follows. The most culpable mental state is that of intent, when the lawyer acts with the conscious

objective or purpose to accomplish a particular result. The next most culpable mental state is that of knowledge, when the lawyer acts with conscious awareness of the nature or attendant circumstances of his or her conduct both without the conscious objective or purpose to accomplish a particular result. The least culpable mental state is negligence, when a lawyer fails to be aware of a substantial risk that circumstances exist or that a result will follow, which failure is a deviation of a care that a reasonable lawyer would exercise in the situation.

38. Under the ABA Standards, “injury” is defined as “harm to a client, the public, the legal system, or the profession which results from a lawyer’s misconduct. The level of injury can range from ‘serious’ injury to ‘little or no’ injury; a reference to ‘injury’ alone indicates any level of injury greater than ‘little or no’ injury.” “Potential injury” is defined as “harm to a client, the public, the legal system or the profession that is reasonably foreseeable at the time of the lawyer’s misconduct, and which, but for some intervening factor or event, would probably have resulted from the lawyer’s misconduct.”

#### Recommendation

Based upon the foregoing findings of fact and conclusions of law, this Panel recommends that the Court issue an order disbaring Ms. Manlove from the practice of law in the State of Wyoming; that Ms. Manlove be required to pay an administrative fee of \$3,000.00 (\$750.00 for each complaint) as provided in Rule 25(b), W.R.Disc.P.; and that Ms. Manlove be required to reimburse the Wyoming State Bar for certified costs of this proceeding as provided in Rule 25(e), W.R.Disc.P.

Respectfully submitted this 1<sup>st</sup> day of March, 2022.

  
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Christopher Hawks, Hearing Panel Chair,  
Wyoming Board of Professional Responsibility

## CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing was delivered via electronic mail to D. Stephen Melchior, at [steve@melchlaw.com](mailto:steve@melchlaw.com), and by United States Mail, first class postage prepaid, on this 11<sup>th</sup> day of February <sup>March 12</sup>, 2022, to the following:

D. Stephen Melchior  
Melchior Law Firm, PC  
2010 Warren Avenue  
Cheyenne, WY 82001

and to

Weston W. Reeves, Special Bar Counsel  
[wwr@parkstreetlaw.com](mailto:wwr@parkstreetlaw.com)

  
\_\_\_\_\_  
Brandi Robinson, Clerk  
Board of Professional Responsibility  
Wyoming State Bar