

IN THE SUPREME COURT, STATE OF WYOMING

2016 WY 83

April Term, A.D. 2016

August 24, 2016

**BOARD OF PROFESSIONAL
RESPONSIBILITY, WYOMING
STATE BAR,**

Petitioner,

v.

**RICHARD C. BOHLING, WSB #
5-2625,**

Respondent.

D-16-0004

ORDER OF DISBARMENT

[¶1] **This matter** came before the Court upon a “Report and Recommendation for Order of Disbarment,” filed herein August 15, 2016, by the Board of Professional Responsibility for the Wyoming State Bar, pursuant to Rule 12 of the Wyoming Rules of Disciplinary Procedure (stipulated discipline). The Court, after a careful review of the Board of Professional Responsibility’s Report and Recommendation and the file, finds that the Report and Recommendation should be approved, confirmed, and adopted by the Court, and that Respondent Richard C. Bohling should be disbarred. It is, therefore,

[¶2] **ADJUDGED AND ORDERED** that the Board of Professional Responsibility’s “Report and Recommendation for Order of Disbarment,” which is attached hereto and incorporated herein, shall be, and the same hereby is, approved, confirmed, and adopted by this Court; and it is further

[¶3] **ADJUDGED AND ORDERED** that, as a result of the conduct set forth in the Report and Recommendation for Order of Disbarment, Respondent Richard C. Bohling shall be, and hereby is, disbarred; and it is further

[¶4] **ORDERED** that, for purposes of reinstatement, the disbarment is considered effective June 15, 2016, the day this Court entered its “Order of Immediate Suspension.” Also, if Respondent prevails in the pending appeal of his criminal convictions, he will be

eligible to petition for reinstatement to the Bar, notwithstanding Rule 22(b)(1) of the Wyoming Rules of Disciplinary Procedure; and it is further

[¶5] **ORDERED** that the Wyoming State Bar may issue a press release consistent with the one set out in the Report and Recommendation for Disbarment; and it is further

[¶6] **ORDERED** that Respondent shall comply with the requirements of the Wyoming Rules of Disciplinary Procedure, particularly the requirements found in Rule 21 of those rules. That rule governs the duties of disbarred and suspended attorneys; and it is further

[¶7] **ORDERED** that, pursuant to Rule 25 of the Wyoming Rules of Disciplinary Procedure, Mr. Bohling shall reimburse the Wyoming State Bar the amount of \$50.00, representing the costs incurred in handling this matter, as well as pay the administrative fee of \$750.00. Mr. Bohling shall pay the total amount of \$800.00 to the Wyoming State Bar on or before September 30, 2016; and it is further

[¶8] **ORDERED** that the Clerk of this Court shall docket this Order of Disbarment, along with the incorporated Report and Recommendation for Order of Disbarment, as a matter coming regularly before this Court as a public record; and it is further

[¶9] **ORDERED** that, pursuant to Rule 9(b) of the Wyoming Rules of Disciplinary Procedure, this Order of Disbarment, along with the incorporated Report and Recommendation for Order of Disbarment, shall be published in the Wyoming Reporter and the Pacific Reporter; and it is further

[¶10] **ORDERED** that the Clerk of this Court cause a copy of this Order of Disbarment to be served upon Respondent Richard C. Bohling.

[¶11] **DATED** this 24th day of August, 2016.

BY THE COURT:

/s/

E. JAMES BURKE
Chief Justice

BEFORE THE SUPREME COURT

STATE OF WYOMING

D - 16 - 0004

In the matter of

RICHARD C. BOHLING

WSB # 5-2625,

Respondent.

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BPR No. 2016-010

IN THE SUPREME COURT
STATE OF WYOMING
FILED

AUG 15 2016

CAROL THOMPSON, CLERK
Carol Thompson
by CHIEF DEPUTY

**REPORT AND RECOMMENDATION
FOR ORDER OF DISBARMENT**

THIS MATTER came before the Board of Professional Responsibility on the 9th day of August, 2016, for consideration of the Stipulation Motion for Disbarment submitted pursuant to Rules 9 and 12 of the Wyoming Rules of Disciplinary Procedure, and the Board having reviewed the Stipulation, the accompanying affidavit of factual basis and being fully advised in the premises, FINDS, CONCLUDES and RECOMMENDS as follows:

1. On March 21, 2016, a Sentence was entered in the matter of *State of Wyoming, Plaintiff, v. Richard Carl Bohling, Defendant*, Criminal Case No. 8230, Second Judicial District Court, Albany County, Wyoming (the "Sentence"), evidencing Respondent's conviction of four (4) counts of Obtaining Property by False Pretenses, a felony, for which Respondent was ordered to be incarcerated for a period of not less than two (2) years nor more than four (4) years and fined \$10,000.00; and one (1) count of Official Misconduct, a misdemeanor, for which Respondent was fined \$5,000.00. Respondent was further ordered to pay certain fees and to pay restitution to Albany County, Wyoming, in the amount of \$3,028.31. A certified copy of the Sentence is attached to the Formal Charge on file in this matter.

2. W.R.D.P. Rule 18, "Attorney Convicted of a Crime," provides in pertinent part:

(d) *Conviction of a Serious Crime—Immediate Suspension.* Bar Counsel shall report to the Court the name of any attorney who has been convicted of a serious crime, as hereinafter defined. The report shall be in writing and accompanied by a copy of the judgment of conviction. The Court shall thereupon issue an order directing the convicted attorney to show cause why the attorney's license to practice law should not be immediately suspended pursuant to Rule 17. Upon full consideration of the matter, the Court may either impose immediate suspension for a definite or indefinite period or may discharge the order to show cause. The fact that a convicted attorney is seeking appellate review of the conviction shall not limit the power of the Court to impose immediate suspension.

(e) *Serious Crime Defined.* The term serious crime as used in these rules shall include:

(1) Any felony; and

(2) Any lesser crime a necessary element of which, as determined by its statutory or common law definition, involves interference with the administration of justice, false swearing, misrepresentation, fraud, willful extortion, misappropriation, or theft; or an attempt or conspiracy to commit such crime; or solicitation of another to commit such crime.

3. Respondent's conviction of four counts of Obtaining Property by False Pretenses, a felony, meets Rule 18(e)(2)'s definition of a "serious crime."

4. Pursuant to the Rule, on April 27, 2016, Bar Counsel filed a certified copy of the Sentence with the Wyoming Supreme Court.

5. On June 15, 2016, the Court issued an Order of Immediate Suspension which provided, in relevant part, "effective immediately, the Respondent, Richard C. Bohling, shall be, and hereby is, suspended from the practice of law, pending resolution of the formal charge that has been, or will be, filed against him."

6. Respondent does not wish to contest the Formal Charge in this matter and desires to stipulate to disbarment for violation of Rule 8.4(b), Wyoming Rules of Professional Conduct; provided that in the event Respondent prevails in the appeal of his criminal conviction, he will be eligible to apply for reinstatement.

7. Respondent and Bar Counsel agree and stipulate that disbarment is an appropriate disciplinary sanction for Respondent's criminal conviction, and the Board so finds. In the event

that the Court issues an Order of Disbarment in accordance herewith, Bar Counsel and Respondent have agreed to the following press release:

The Wyoming Supreme Court issued an order of disbarment of former Laramie attorney Richard C. Bohling. While Bohling was serving as Albany County and Prosecuting Attorney, he was charged with multiple crimes, including Obtaining Property by False Pretenses, a felony, and Official Misconduct, a misdemeanor. Following a jury trial, Bohling was convicted of both crimes, sentenced to prison for the felony convictions, and fined for the felony and misdemeanor convictions. Following Bohling's sentencing, the Wyoming Supreme Court issued an order of immediate suspension and directed Bar Counsel for the Wyoming State Bar to initiate formal disciplinary proceedings. Bohling elected not to contest the formal disciplinary charge, electing to stipulate to disbarment. In the event Bohling prevails in the pending appeal of his criminal convictions, he will be eligible to petition for reinstatement to the Bar. In addition to being disbarred, Bohling was ordered to pay an administrative fee in the amount of \$750.00 and costs of \$50.00 to the Wyoming State Bar.

For the foregoing reasons, the Board of Professional Responsibility recommends that the Court issue an Order of Disbarment in accordance with the terms of this report and recommendation, including a provision that in the event Respondent prevails in the pending appeal of his criminal convictions, he will be eligible to petition for reinstatement to the Bar.

DATED this 9th day of August, 2016.



Judith A. W. Studer, Chair
Board of Professional Responsibility
Wyoming State Bar