



James Concannon, Senator Robert J. Dole Distinguished Professor of Law Emeritus, with Michael C. Manning, '77. Photo by Earl Richardson

## Seeking Justice

### *Michael C. Manning Relentless in Pursuit of Justice.*

*By James Concannon, Senator Robert J. Dole Distinguished Professor of Law Emeritus*

*Professor Concannon joined the full-time law faculty in 1973. Michael C. Manning, '77, was a student in Concannon's classes in the spring and fall semesters of 1975. They have remained friends throughout Manning's legal career.*

When **Mike Manning**, '77, relocated in 1989 from the Washington, D.C., office of the firm then known as Morrison & Hecker to manage its Phoenix office, he already had earned a reputation as a fierce litigator with the courage needed to hold the wealthy and powerful accountable for their wrongdoing. He had spent the last four years litigating bank fraud claims for the FDIC against New York mob-affiliated money broker Mario Renda.

The move to Arizona was prompted by Manning's selection by the Resolution Trust Corporation as lead counsel for what became the largest multi-district litigation in history at that time, exposing massive fraud in the Charles Keating – Lincoln Savings and Loan scandal. Later, he brought claims on behalf of union pension funds against Arizona's sitting governor, Fife Symington, for fraud in the governor's financial statements used to support personal guarantees of loans, and he successfully represented an employee of the Arizona State Bar in a suit for sexual harassment against its executive director that other lawyers refused to bring because of his prominence in Arizona's legal community.

However, the public knows Manning best for his relentless, two-decades-long pursuit of justice for victimized prisoners in suits against the Maricopa County Sheriff's Office and its infamous Sheriff Joe Arpaio, who proclaimed himself "the toughest sheriff in America" and housed prisoners even during Arizona summers in an outdoor tent city he described as a "concentration camp."

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In 1997, Manning agreed as a favor to a friend to take over a wrongful death/civil rights case arising from the death in Arpaio's jail restraint chair of the friend's son, Scott Norberg. The case was settled in 1999 for \$8.25 million. As Manning later wrote in "The Arizona Republic," "we uncovered evidence that 10 of Arpaio's jailers started the assault, kicked in Scott's throat and choked him to death. They then destroyed evidence of their guilt and altered other evidence, all while Internal Affairs officers covered up for Arpaio."

An action for the wrongful death of a second inmate, placed in the jail restraint chair in 2001, resulted in a judgment for \$4 million in damages and an award of \$2.6 million in attorney fees. The 2006 judgment led Arpaio to discontinue use of the restraint chair. Manning's suit for the death of a diabetic inmate arrested in 2005 on a minor drug possession charge alleged she died of a diabetic coma after being denied insulin and necessary medical treatment. Manning produced reports commissioned by the county describing a "culture of cruelty" that included denial of health care to inmates. He found witnesses who described the destruction of critical evidence. When the trial judge ruled that the jury could be told of the coverup and of missing jail videos and recordings of the victim's phone calls, the county settled for \$3.25 million.

In all, Manning won judgments or settlements in 16 cases against Arpaio. The last to conclude, in 2018, was an action for wrongful death of a mentally ill inmate after a Taser was used while he was

being booked into the jail. Maricopa County settled its part of liability in the case for \$7 million. Judgments and settlements in cases Manning litigated against Arpaio and Maricopa County exceeded \$45 million. Not all of those cases were for wrongful death or catastrophic injury to a prisoner. In some, he represented judges, newspaper reporters, county supervisors, Latino citizens, and others claiming abuse of power by the sheriff. What Manning learned about practices in Arpaio's office incensed him – there were so many other victims.

"Winning these cases is not enough for me," Manning told a reporter. "I didn't take the cases just because I wanted to win them. I took them because I wanted people to know. I wanted people to wake up in this community."

In April 2008, he wrote to Attorney General Michael Mukasey requesting that the Civil Rights Division of the Department of Justice initiate "an investigation into a pattern and practice of cruelty, abuse, deliberate indifference, and willful civil rights violations against detainees and inmates by Sheriff Joe Arpaio and the Maricopa County Sheriff's Office." He expressed his "belief that the Maricopa County jails have become unconstitutional places of confinement." His 10-page letter described many of the seven death cases he had filed by then and the tampering with evidence he encountered in them. He contrasted those cases with the complex commercial law cases in which he specialized:

The dishonorable and unethical behavior by those types of commercial fraud adversaries was never surprising to our team or to me. But, when we discovered that type of conduct by a law enforcement agency, like the MCSO, it had a gut-wrenching impact on all of us. It was one thing to needlessly take the lives of vulnerable citizens. But, to compound the cruelty by corrupting the system that they were sworn to uphold was heartbreaking and maddening.

Others also urged DOJ to act, and it initiated a formal investigation in early 2009. Manning's suits continued to force voters in Maricopa County to pay for Arpaio's abuses, and they finally voted Arpaio out of office in 2016.

As a student, Mike endured my classes in Legal Research and Writing and Evidence. As a lawyer, his tenacity and commitment to seek both justice for the vulnerable in our society and accountability from those who abuse positions of power make me proud he is a Washburn graduate.