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*Attorneys for Respondent*

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA,	)	<b>CASE NO. PDJ 2020-9051</b>
	)	
	)	<b>AGREEMENT FOR DISCIPLINE</b>
	)	<b>BY CONSENT</b>
KEO'VONNE KENNA WILSON, Bar No. 031255,	)	
	)	
Respondent.	)	
	)	

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The State Bar of Arizona, through undersigned Bar Counsel David Wood, and Respondent, Keo'vonne Wilson through her counsel, hereby submits this Agreement for Discipline by Consent, pursuant to Rule 57 (a), Ariz. R. Sup. Ct.

A formal complaint was filed in this matter. Respondent voluntarily waives the right to an adjudicatory hearing, unless otherwise ordered, and waives all motions, defenses, objections, and requests, which have been made or raised, if the conditional admission and proposed form of discipline is approved.

Pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct., notice of this agreement was provided to the complainant by telephone on March 24, 2021 and by email on March 30, 2021. Complainant has been notified of the opportunity to file a written objection to the

agreement with the State Bar within five (5) business days of bar counsel's March 30, 2021 notice. Copies of Complainant's objections, if any, will be provided to the presiding disciplinary judge.

Respondent conditionally admits that her conduct, as set forth below, violated Rule 42, specifically ER 3.1, 3.3(a)(1), 8.4(c), and 8.4(d). Upon acceptance of this Agreement, Respondent agrees to accept imposition of the following discipline:

- A. **Suspension for 120 days** – Disclosure of misconduct in the Arizona Attorney Magazine;
- B. **Probation** – Two years of probation consisting of: (1) additional 10 Ethical CLE hours (5 per year); and (2) Law Office Management Assistance Program completion during that time.
- C. **Costs** – Respondent also agrees to pay the costs and expenses of the disciplinary proceeding, within 30 days from the date of this order. If costs are not paid within the 30 days interest will begin to accrue at the legal rate.<sup>1</sup> The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit A.

## FACTS

### GENERAL ALLEGATIONS

1. Respondent was licensed to practice law in Arizona having been first admitted to practice in Arizona on June 3, 2014.
2. A formal complaint was filed on July 8, 2020 for alleged violations of Arizona Rule of Supreme Court, Ethical Rules 3.1, 3.3(a)(1), 8.4(c), and 8.4(d).

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<sup>1</sup> Respondent understands that the costs and expenses of the disciplinary proceeding include the costs and expenses of the State Bar of Arizona, the Disciplinary Clerk, the Probable Cause Committee, the Presiding Disciplinary Judge and the Supreme Court of Arizona.

## COUNT ONE

(File No. 19-3408/Blair)

3. Respondent represented Frank Blair in a breach of contract action.

4. On October 8, 2019, the defendant filed a Motion to Compel Arbitration and Dismiss. The due date for any response was October 24, 2019.

5. Mr. Blair found out no response was filed by calling the Clerk's office. Mr. Blair asked Respondent about the response, and she adamantly repeated that they have it and it was filed in a night drop box. Mr. Blair asked her to refile the Response, to which Respondent insisted, instead, they have it.

6. No response was filed to the Motion to Compel Arbitration. On November 13, 2019, the Court granted the Motion, finding no response filed and good cause shown.

7. On December 4, 2019, Mr. Blair sent Respondent the following message:

**Frank Blair (Client)**

Dec 04, 2019 - 4:31am

Counselor Wilson, I have repeatedly expressed my concerns to you about the status and progression of my case for quite some time now. I asked you if we had missed any deadlines after I spoke with a clerk of the court who indicated that we had not responded to a motion to compel and made me aware of other filings that were not consistent with what we had discussed. I asked you about this weeks ago and you said that they had received it and everything was okay. On November 27, 2019, you called me to inform me that you were out of the country and that my case had been dismissed. You went on to say that you would see what was going on on Monday, December 2, 2019 after your return. That Monday has passed and I have not heard from you. What in the world is going on with my case?!!! Please send me a copy of all motions filed in my case and all related responses.

8. Respondent did not respond to this message or provide Mr. Blair any copy of an allegedly filed response.

9. At 12:10 a.m. December 10, 2019, Respondent e-filed a Motion to Reconsider stating that she had timely filed a response to the Motion to Compel Arbitration on October 15, 2019 via the Maricopa County Superior Court night drop box .

10. Respondent attached a copy of a claimed filed response as Exhibit A to the Motion to Reconsider. The attached copy has no filing stamp from the Court night drop box. The attached copy states that it was mailed “via USPS” on October 16, 2019.

11. Defense counsel never received the allegedly filed October 15<sup>th</sup> response.

12. Defense counsel stated that she called Respondent sometime after October 28, 2019 to ask whether a response would be filed, and that Respondent reported that she had not had the opportunity to prepare a response yet.

13. On February 3, 2020, the Court denied the Motion to Reconsider.

14. The Bar requested copies of the native, electronic draft of the allegedly filed response.

15. Respondent appeared for a requested interview and located the only Word document of the allegedly filed response on her computer. The title of that document is “Answer to Respondent’s Motion to Dismiss.” The document properties reflect that it was created on December 9, 2019 at 11:10 p.m. and last modified on December 10, 2019 at 12:04 a.m.

16. Respondent did not file the response on October 15, 2019.

17. Respondent’s statement to the Court and her client that she filed the response on October 15, 2019 was a misrepresentation.

### **CONDITIONAL ADMISSIONS**

Respondent’s admissions are being tendered in exchange for the form of discipline stated below and are submitted freely and voluntarily and not as a result of coercion or intimidation.

Respondent conditionally admits that her statement to the court and her client that the response was filed was a misrepresentation in violation of ER 3.1, 3.3(a)(1), 8.4(c), and 8.4(d).

### **CONDITIONAL DISMISSALS**

No allegations are dismissed.

### **RESTITUTION**

Restitution is not an issue in this matter.

### **SANCTION**

Respondent and the State Bar of Arizona agree that based on the facts and circumstances of this matter, as set forth above, the following sanctions are appropriate:

- A. **Suspension for 120 days** – Disclosure of misconduct in the Arizona Attorney Magazine;
- B. **Probation** – Two years of probation consisting of: (1) additional 10 Ethical CLE hours (5 per year); and (2) Law Office Management Assistance Program completion during that time.

### **LEGAL GROUNDS IN SUPPORT OF SANCTION**

In determining the appropriate sanctions, the Parties consulted the American Bar Association's *Standards for Imposing Lawyer Sanctions (Standards)* pursuant to Rule 57(a)(2)(E). The *Standards* are designed to promote consistence in the imposition of sanctions by identifying relevant factors that courts should consider and then applying those factors to situations where lawyers have engaged in various types of misconduct. *Standards* 1.3, Commentary. The *Standards* provide guidance with respect to an appropriate sanction in this matter. *In re Peasley*, 208 Ariz. 27, 35, ¶ 33(2004); *In re Rivkind*, 162 Ariz. 154, 157 (1990).

In determining an appropriate sanction, consideration is given to the duty violated, the lawyer's mental state, the actual or potential injury caused by the misconduct, and the existence of aggravating and mitigating factors. *Peasley*, 2018 Ariz. at 35, ¶ 33; *Standard* 3.0.

The Parties hereby agree that *Standard* 6.1 is the appropriate standard given the facts and circumstances of this matter. *Standard* 6.12 provides that, "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 . . . ."

#### **The Lawyer's Mental State**

For purposes of this Agreement, the Parties agree that Respondent acted knowingly.

#### **The Extent of Actual/Potential Injury**

For purposes of this Agreement, the Parties agree that there was no actual harm to the client and the legal system as Mr. Blair's contract contained an Arbitration Clause and the Court considered The Response to Motion To Compel Arbitration and Dismiss in making a ruling on the merits.

#### **Aggravating Factors**

The Parties agree that there are no applicable *Standard* 9.22 aggravating circumstances following the admissions in this Agreement.

#### **Mitigating Factors**

The Parties agree the applicable *Standard* 9.32 mitigating circumstances are: (a) no prior discipline; (f) inexperience in the practice of law; and (g) character or reputation.

*Standard 9.32 (a)*: Respondent has no prior discipline.

*Standard 9.32 (f)*: Respondent graduated from Phoenix School of Law and began her practice in 2014 as a licensed attorney. Respondent almost exclusively practices in probate and family law matters and is inexperienced in civil litigation.

*Standard 9.32 (g)*: Respondent is active in the legal community and regularly volunteers her spare time. Her volunteer and pro-bono work consists of: Fresh Start Women's Foundation, Wills for Heroes Arizona Attorney General Office-Mediator; Maricopa Bar Association Volunteer Lawyers Program HIV/Aids Project, and Election Protection Poll Observer. She received additional training in mediation and victim-offender situations. Respondent is also highly rated by her clients and peers on Avvo and Facebook. Following Mr. Blair's complaint, he contacted Respondent to represent him in another matter.

### **DISCUSSION**

The Parties have conditionally agreed that, upon application of the aggravating and mitigating factors, the presumptive sanction of suspension is appropriate.

The Parties have conditionally agreed that a greater or lesser sanction would not be appropriate under the facts and circumstances of this matter.

Based on the *Standards*, and in light of the facts and circumstances, the Parties conditionally agree that the sanction(s) set forth above are within the range of appropriate sanctions and will serve the purposes of lawyer discipline.

### **CONCLUSION**

The objective of lawyer discipline is not to punish the lawyer, but to protect the public, the profession, and the administration of justice. *Peasley, supra* ¶ 64. Recognizing that determination of the appropriate sanction is the prerogative of the Presiding

Disciplinary Judge. The State Bar and Respondent believe that the objectives of discipline will be met by the imposition of the proposed sanction of Reprimand with Probation and the imposition of costs and expenses. A proposed order is attached hereto as **Exhibit B**.


**DATED** this 30th day of March 2021

**STATE BAR OF ARIZONA**

/s/David E. Wood  
David E. Wood  
Staff Bar Counsel

**This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation. I acknowledge my duty under the Rules of the Supreme Court with respect to discipline and reinstatement. I understand these duties may include notification of clients, return of property and other rules pertaining to suspension.**

**DATED** this 29th day of March, 2021.

  
\_\_\_\_\_  
Keo'vonne Kenna Wilson  
Respondent

**DATED** this 30th day of March, 2021.

/s/Kira Nicole Barrett  
Kira Nicole Barrett Esq  
Counsel for Respondent

Approved as to form and content



/s/Maret Vessella

Maret Vessella  
Chief Bar Counsel

Original filed with the Disciplinary Clerk of  
the Office of the Presiding Disciplinary Judge  
of the Supreme Court of Arizona  
this 30th day of March, 2021.

Copy of the foregoing emailed  
this 30th day of March, 2021, to:

Kira Nicole Barrett Esq  
Gordon & Rees Scully Mansukhani LLP  
2 N Central Ave Ste 2200  
Phoenix, Az 85004-4406  
Email: knbarrett@grsm.com  
Respondent's Counsel

Lawyer Regulation Records Manager  
State Bar of Arizona  
4201 N. 24<sup>th</sup> St., Suite 100  
Phoenix, Arizona 85016-6266

by: /s/Jackie Brokaw

DEW/jlb

**EXHIBIT A**

## Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona  
Keo'vonne Kenna Wilson, Bar No. 031255, Respondent

File No. 19-3408

### Administrative Expenses

The Supreme Court of Arizona has adopted a schedule of administrative expenses to be assessed in lawyer discipline. If the number of charges/complainants exceeds five, the assessment for the general administrative expenses shall increase by 20% for each additional charge/complainant where a violation is admitted or proven.

Factors considered in the administrative expense are time expended by staff bar counsel, paralegal, secretaries, typists, file clerks and messenger; and normal postage charges, telephone costs, office supplies and all similar factors generally attributed to office overhead. As a matter of course, administrative costs will increase based on the length of time it takes a matter to proceed through the adjudication process.

### *General Administrative Expenses for above-numbered proceedings*

**\$1,200.00**

Additional costs incurred by the State Bar of Arizona in the processing of this disciplinary matter, and not included in administrative expenses, are itemized below.

### Additional Costs

Total for additional costs \$ 0.00

**TOTAL COSTS AND EXPENSES INCURRED \$ 1,200.00**

**EXHIBIT B**

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

**IN THE MATTER OF A MEMBER OF  
THE STATE BAR OF ARIZONA,**

**KEO'VONNE KENNA WILSON,  
BAR NO. 031255,**

**PDJ 2019-3408**

**FINAL JUDGMENT AND ORDER**

State Bar No. 19-3307

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The Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent pursuant to Rule 57(a), Ariz. R. Sup. Ct., accepts the parties' proposed agreement.

Accordingly:

**IT IS ORDERED** that Respondent, **Keo'Vonne Wilson**, is Suspended for one hundred twenty (120) days for her conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective upon entry of this order.

**IT IS FURTHER ORDERED** that, upon reinstatement, Respondent is placed on probation for a period. The terms of probation are:

- a) an additional 10 Ethical CLE hours (5 per year); and
- b) Law Office Management Assistance Program completion during the period of probation.
- c) Respondent shall commit no further violations of the Rules of Professional Conduct.

**IT IS FURTHER ORDERED** that, pursuant to Rule 72 Ariz. R. Sup. Ct., Respondent shall immediately comply with the requirements relating to notification of clients and others.

**IT IS FURTHER ORDERED** that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \_\_\_\_\_, within 30 days from the date of service of this Order.

**IT IS FURTHER ORDERED** that Respondent shall pay the costs and expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings in the amount of \_\_\_\_\_, within 30 days from the date of service of this Order.

**DATED** this \_\_\_\_\_ day of March, 2021.

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**William J. O'Neil, Presiding Disciplinary Judge**

Original filed with the Disciplinary Clerk of  
the Office of the Presiding Disciplinary Judge  
of the Supreme Court of Arizona  
this \_\_\_\_\_ day of March, 2021.

Copies of the foregoing mailed/mailed  
this \_\_\_\_\_ day of March, 2021, to:

Kira Nicole Barrett  
Gordon & Rees Scully Mansukhani LLP  
2 N Central Ave Ste 2200  
Phoenix, Az 85004-4406  
Email: [knbarrett@grsm.com](mailto:knbarrett@grsm.com)  
Respondent's Counsel

Copy of the foregoing emailed/hand-delivered  
this \_\_\_\_\_ day of March, 2021, to:

David E. Wood  
Staff Bar Counsel  
State Bar of Arizona  
4201 N 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Email: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

Copy of the foregoing hand-delivered  
this \_\_\_\_\_ day of March, 2021 to:

Lawyer Regulation Records Manager  
State Bar of Arizona  
4201 N 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266

by: \_\_\_\_\_

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

IN THE MATTER OF A MEMBER OF  
THE STATE BAR OF ARIZONA,

**KEO'VONNE KENNA WILSON,**  
**Bar No. 031255**

Respondent.

**PDJ 2020-9051**

**FINAL JUDGMENT AND  
ORDER**

State Bar No. [19-3307]

**FILED APRIL 14, 2021**

The Presiding Disciplinary Judge accepted the parties' Agreement for Discipline by Consent pursuant to Rule 57(a), Ariz. R. Sup. Ct.

Accordingly:

**IT IS ORDERED** Respondent, **KEO'VONNE KENNA WILSON, Bar No. 031255**, is suspended from the practice of law for one hundred twenty (120) days for her conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective the date of this order.

**IT IS FURTHER ORDERED** upon reinstatement, Ms. Wilson shall be placed on probation for two (2) years. The terms of probation are:

- a) Obtain an additional 10 Ethical CLE hours (5 per year); and
- b) Participate in the State Bar's Law Office Management Assistance Program and complete the program during the period of probation.
- c) Respondent shall commit no further violations of the Rules of Professional Conduct.



**IT IS FURTHER ORDERED** pursuant to Rule 72 Ariz. R. Sup. Ct., Respondent shall comply with the requirements relating to notification of clients and others.

**IT IS FURTHER ORDERED** Respondent shall pay the costs and expenses of the State Bar of Arizona in the amount of \$1,200.00 within thirty (30) days from the date of this Order. There are no costs or expenses incurred by the Office of the Presiding Disciplinary Judge in these disciplinary proceedings.

**DATED** this 14<sup>th</sup> day of April, 2021.

*William J. O'Neil*  
**William J. O'Neil, Presiding Disciplinary Judge**

Copies of the foregoing mailed/mailed  
this 14<sup>th</sup> day of April, 2021, to:

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Email: [knbarrett@grsm.com](mailto:knbarrett@grsm.com)  
Respondent's Counsel

David E. Wood  
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Phoenix, Arizona 85016-6266  
Email: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

By: SHunt

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

IN THE MATTER OF A MEMBER OF  
THE STATE BAR OF ARIZONA,

**KEO’VONNE KENNA WILSON,**  
**Bar No. 031255**

Respondent.

**PDJ 2020-9051**

**DECISION ACCEPTING  
DISCIPLINE BY CONSENT**

[State Bar No. 19-3408]

**FILED APRIL 14, 2021**

Under Rule 57(a), Ariz. R. Sup. Ct.,<sup>1</sup> an Agreement for Discipline by Consent was filed on March 31, 2021. The formal complaint was filed on July 8, 2020. The State Bar of Arizona is represented by Bar Counsel David E. Wood. Ms. Wilson is represented by Kira N. Barnett, *Gordon Rees Scully Mansukhani, LLP*.

Rule 57 requires admissions be tendered solely “...in exchange for the stated form of discipline...” Under that rule, the right to an adjudicatory hearing is waived only if the “...conditional admission and proposed form of discipline is approved...” If the agreement is not accepted, those conditional admissions are automatically withdrawn and shall not be used against the parties in any subsequent proceeding. Ms. Wilson has voluntarily waived the right to an adjudicatory hearing, and waived all motions, defenses, objections or requests that could be asserted upon approval of the proposed form of discipline.

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<sup>1</sup> Unless otherwise stated rule references are to the Ariz. R. Sup. Ct.

The agreed upon sanction of a 120-day suspension and two years of probation is a significant sanction and requires what this judge hopes will be a remedial term of probation. It is proportional to other discipline cases involving similar misconduct. The mental state agreed upon is knowing rather than intentional. This is accomplished only by this Agreement to Discipline by Consent. The facts as stipulated are far murkier.

The Agreement details a factual basis to support the conditional admissions. It is incorporated by this reference. Ms. Wilson admits she violated Rule 42, ERs 3.1 (meritorious claims and contentions), 3.3(a)(1) (false statement of fact or law to tribunal), 8.4(c) (engage in conduct involving dishonesty, fraud, deceit or misrepresentation) and 8.4(d) (conduct prejudicial to the administration of justice). As a sanction, the parties agree to a 120-day suspension, and upon reinstatement, two years of probation with the State Bar's Law Office Management Assistance Program (LOMAP), and the payment of costs within 30 days.

The parties stipulate that in 2019 Ms. Wilson represented a client in a breach of contract matter. She failed to file a response to defendant's Motion to Compel Arbitration and Dismiss (Motion). Ms. Wilson was adamantly and repeatedly deceitful in telling her client she had filed the response by the due date of October 24, 2019. No response had been written and therefore unable to be filed by Ms. Wilson. Finding no response had been filed, the Court granted the Motion on November 13, 2019.

Later, Ms. Wilson moved for reconsideration stating she had timely filed the response via the court's night drop box. This was patently untrue and deceitful to the court. A copy of the claimed filed response she attached to the motion for reconsideration, bore no filing stamp and stated the response was mailed "via USPS." Even the claim it was mailed was untrue. The State Bar wisely sought the native, electronic draft of the allegedly filed response. It was initially created on December 9, 2019, over six weeks after the date she claimed to have filed it. The agreement finally acknowledges to be true that which Ms. Wilson always knew; she filed no response.

Notice to the complainant and an opportunity to object under Rule 53(b)(3) was sent to the complainant by telephone on March 24, 2021 and by email on March 30, 2021. An objection by the complainant was filed on April 2, 2021 stating a one-year suspension is a more appropriate sanction given the lack of ethics and sensitivity demonstrated by Ms. Wilson. Both a lack of ethics and insensitivity to any meaningful duty to complainant were the steadfast aspects displayed by Ms. Wilson to him. These began early in her representation. Ms. Wilson was faithful only in her consistency in knowing these absences were present and her complete disregard for that knowledge.

Added to this was her proclivity for deception and dishonesty that was blatant. Bluntly, she lied to complainant. She lied to the court. And she lied to the State Bar. When a lawyer feels they must lie to others who trust them they lay a trap for those others but also for themselves. Relationships become nearly impossible to maintain or

even restore because the lawyer must then live the lie to maintain it as Ms. Wilson did here. In this way lying becomes a habit. It is equally a self-deception. Lying camouflages, the real malady within the lawyer and is destructive of the self as well. Notwithstanding these, the objection is overruled because the purpose of attorney discipline is not to punish the offending lawyer. *In re Petrie*, 154 Ariz. 295 (1987).

The parties stipulate Ms. Wilson knowingly violated her duties to her client and the legal system. This judge questions the stipulation that her misconduct caused no actual harm to the client or the legal system. Repeatedly lying to the client and then the court causes immeasurable harm in the most fundamental way as demonstrated by the objection from complainant. Likewise, at some point “knowledge” becomes more than a “conscious awareness.” It transforms into “a conscious objective or purpose.” [*ABA Standards Definitions* p. 13.]

Also problematic is that the parties stipulate that “No response to the Motion to compel was filed.” They stipulate that “the Court granted the motion to compel arbitration on November 13, 2019, “finding no response was filed.” [Stipulated Fact 6.] They stipulate Ms. Wilson did not even write the motion until December 9, 2019. Yet to reduce the sanction they stipulate that “the Court considered the Response to the Motion to Compel Arbitration and Dismiss in making a ruling on the merits.” Notwithstanding, the sanction is reasonable and will hopefully bring Ms. Wilson to

contemplate her conduct and rehabilitate herself. Her conduct undermines her volunteer and pro-bono work which is otherwise commendable.

The presumptive sanction is suspension under ABA *Standards* 6.12, *False Statements, Fraud, and Misrepresentation*. The parties stipulate there are no aggravating factors and stipulate to mitigating factors 9.32(a) absence of prior disciplinary record, (f) inexperience in the practice of law and (g) character or reputation.

**IT IS ORDERED** accepting the Agreement and incorporating it with any supporting documents by this reference. A final judgment and order is signed this date.

**DATED** this 14<sup>th</sup> day of April 2021.

*William J. O'Neil*  
**William J. O'Neil, Presiding Disciplinary Judge**

COPY of the foregoing e-mailed  
on this 14<sup>th</sup> day of April 2021 to:

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by: SHunt