

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

CARLIE OWSLEY WALKER,
Bar No. 022255

Respondent.

PDJ 2018-9035

**FINAL JUDGMENT AND
ORDER**

[State Bar Nos. 17-2154 and 17-3385]

FILED JULY 24, 2018

The Presiding Disciplinary Judge having reviewed the Agreement for Discipline by Consent filed on July 23, 2018 pursuant to Rule 57(a), Ariz. R. Sup. Ct., accepts the parties' proposed Agreement. Accordingly:

IT IS ORDERED Respondent, **Carlie Owsley Walker**, is reprimanded and placed on two (2) years of probation 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 as a condition of her probation, Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within ten (10) days from this order. Respondent shall submit to a LOMAP examination of her office procedures. Respondent shall sign terms and conditions of participation,

including reporting requirements, which shall be incorporated herein. Respondent shall be responsible for any costs associated with LOMAP.

IT IS FURTHER ORDERED as a term of her probation, Respondent shall contact the State Bar Compliance Monitor, at 602-340-7258, within twenty (20) days from this order to schedule a MAP assessment. The Compliance Monitor shall develop "Terms and Conditions of Diversion" if the results of the assessment so indicate, and the terms shall be incorporated by reference. Respondent shall be responsible for any costs associated with participation with compliance.

NON-COMPLIANCE LANGUAGE

If Respondent fails to comply with any of the foregoing probation terms, and information thereof, is received by the State Bar of Arizona, Bar Counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge may conduct a hearing within thirty (30) days to determine whether a term of probation has been breached and, if so, to recommend a sanction. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

IT IS FURTHER ORDERED Respondent shall pay the costs and expenses of the State Bar of Arizona totaling \$1,522.50, within thirty (30) days from this order. There are no costs or expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in these disciplinary proceedings.

DATED this 24th day of July, 2018.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing emailed this 24th day of July, 2018, and mailed July 25, 2018, to:

Counsel for State Bar:

Hunter F. Perlmeter
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, AZ 85016-6266
Email: lro@staff.azbar.org

Respondent

Carlie Owsley Walker
The Owsley Law Firm, PLLC
10265 W. Camelback Rd., Suite 160
Phoenix, AZ 85037-5068
Email: carlie@owsleylaw.com

by: AMcQueen

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

CARLIE OWSLEY WALKER,
Bar No. 022255

Respondent.

PDJ-2018-9035

**DECISION ACCEPTING
DISCIPLINE BY CONSENT**

[State Bar Nos. 17-2154, 17-3385]

FILED JULY 24, 2018

Under Rule 57(a), Ariz. R. Sup. Ct.,¹ an Agreement for Discipline by Consent (“Agreement”), was filed July 23, 2018. Probable cause orders were issued on May 4, 2018 and a formal complaint was filed on May 8, 2018. Ms. Owsley² represents herself and the State Bar of Arizona is represented by Senior Bar Counsel Hunter Perlmeter.

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

¹ Unless otherwise stated all Rule references are to the Ariz. R. Sup. Ct.

² Carlie Owsley Walker indicated that her name has been changed to Carlie Owsley but has not updated it with the State Bar. As such, she will be referred to as Ms. Owsley herein.

proceeding. Ms. Owsley 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. Notice of the agreement and an opportunity to object as required by Rule 53(b)(3), was sent to the complainants by letter on June 12, 2018, and no objections have been filed.

The Agreement details a factual basis to support the conditional admissions. It is incorporated by reference. Ms. Owsley conditionally admits she violated Rule 42, ERs 1.3~Diligence, 1.4~Communication, 1.6~Confidentiality of Information, 3.4(c)~Fairness to Opposing Party and Counsel, 5.3~Responsibilities Regarding Nonlawyer Assistants, 8.4(d)~Misconduct, and Rule 54(d) (Failure to Cooperate or Furnish Information). The misconduct is briefly summarized.

Count One

Ms. Owsley was retained by Client A for a family law matter. Ms. Owsley asked Client A to meet her thirty minutes before the hearing at the courthouse. Ms. Owsley arrived only a few minutes prior to the hearing and asked Client A to accompany her in the bathroom so that she could “vape.” Ms. Owsley billed Client A thirty minutes for the brief bathroom conversation.

By a February 28, 2017 minute entry, the court set a June 12, 2017 deadline for the parties to exchange discovery. On June 6, 2017, Client A emailed Ms. Owsley’s paralegal a reminder of the upcoming deadline. The paralegal called Client

A and told her that he was new and busy but would call her back on June 8, 2017. The paralegal failed to do so. Client A called Ms. Owsley's firm again on June 9, 2017 and three times on June 12, 2017. The paralegal indicated during the last call on June 12, that the firm could not provide the discovery timely because Ms. Owsley was behind on her work. Client A also attempted to contact Ms. Owsley on her personal cell phone. Ms. Owsley responded via text message telling her "Don't stress it. He [the paralegal] called me." Ms. Owsley wrote in a subsequent text: "Did our office already do yours?" acknowledging she was unaware of whether she had completed Client A's discovery. Ms. Owsley provided the discovery to the opposing party the following day, June 13, 2017.

In the joint pre-trial statement, the opposing party objected to all of Client A's exhibits and witnesses because they were disclosed late. Ms. Owsley failed to timely file the exhibits despite a text message from Client A reminding her of the due date and requesting an update. Ms. Owsley failed to call or text Client A back. Shortly thereafter, Client A terminated Ms. Owsley. Ms. Owsley's conduct in this count violates ERs 1.3, 1.4, and 5.3.

Count Two

Ms. Owsley represented Client B for several years in her family law matter. On March 31, 2016, Client B emailed Ms. Owsley providing consent to withdraw because she could no longer afford Ms. Owsley's representation. On that same day,

Ms. Owsley filed the Motion to Withdraw. However, the motion was denied because Ms. Owsley failed to include Client B's contact information, as required by rule. Ms. Owsley did not try to file a modified Motion to Withdraw. As a result, she continued to be listed as counsel of record for Client B. During the subsequent months, several notifications from the court went out, but Client B never received them because Ms. Owsley continued as counsel of record.

Ms. Owsley received a Request for Hearing from opposing counsel. The Court sent to Ms. Owsley a copy of its minute entry from the court issued on October 13, 2017, granting the request and setting a hearing for November 2, 2017. Ms. Owsley did not inform Client B of the request, the minute entry, or the hearing date. Instead, on October 13, 2017, Ms. Owsley filed a Motion to Withdraw without communicating to Client B that she was doing so.

Ms. Owsley knew the address of her client had been sealed by protective order because the opposing party had threatened to kill her. Despite this, Ms. Owsley included Client B's home address in her Motion to Withdraw. She also attached an email from March 2016 in which Client B had given consent to withdraw which included client protected information. Client B never authorized the disclosure of the correspondence between her and the firm. Client B.

This was compounded because Ms. Owsley failed to send a copy of her motion to Client B. Instead, Client B only learned that the Motion to Withdraw had

been filed after reviewing the Court docket, not from receiving a copy from Ms. Owsley.

State Bar Intake Counsel attempted to call Ms. Owsley several times beginning on November 1, 2017. Ms. Owsley emailed Intake Counsel indicating that her office manager (her sister) had filed the Motion to Withdraw without her consent. She also stated that the office manager had recently experienced a stroke and was no longer working for her. Numerous times thereafter, Intake Counsel and Bar Counsel attempted contacting Ms. Owsley. However, each time Ms. Owsley scheduled a call to discuss this matter, she failed to follow through. Ms. Owsley's misconduct in this count violates ERs 1.3, 1.4, 1.6, 3.4(c), 5.3, 8.4(d), and 54(d).

The agreed upon sanction includes reprimand and two years' probation requiring participation in Law Office Management Assistance Program (LOMAP) and Member Assistance Program (MAP). State Bar screening files 18-0437 and 18-0936 are dismissed per stipulation.

Rule 58(k) provides sanctions shall be determined under the *American Bar Association Standards for Imposing Lawyer Sanctions*, ("*Standards*"). The parties agree *Standard 7.3, Violations of Duties Owed to the Profession* applies to Ms. Owsley's misconduct.

Ms. Owsley appears to blame much of the misconduct in both counts around her lack of supervision of her staff. This may have led to missed deadlines and

miscommunication to clients. However, there comes a point when lack of supervision becomes willful avoidance of fundamental duties. That has occurred here. That Ms. Owsley failed to notify Client B of the request for hearing, failed to notify her of the resulting hearing, and failed to notify her client that she had moved to withdraw, does not explain why she failed to protect her client's address and protected communications. That was her responsibility. She also knew she was not answering the calls to her cell phone from Client A. These give the appearance of callousness and disregard.

The best evidence is the multiple refusals by Ms. Owsley to respond to the State Bar. She did not return calls, she did not return emails and her failings are not negligent, they appear willful. The concern is that Ms. Owsley has offered nothing that demonstrate any interest in change, but rather a willful disinclination to take the responsibility necessary to follow through with her responsibilities to her client, the profession, the legal system, and the public. Her disregard for her client and the protective order *of the Court* that sealed her client's home address is demonstrated by that fact that when the Court directed her to protect that information and "file a corrected pleading upon receipt of this Order" she refused or failed to. The agreed upon imposition of LOMAP terms of probation are relied upon to correct this repeated course of misconduct.

The purpose of attorney discipline is not to punish the offending lawyer. The parties have stipulated to a violation of ER 3.4(c) which requires a *knowing* mental state. However, the PDJ agrees that the sanction of reprimand will fulfill the object of lawyer discipline protecting the public, the profession, the administration of justice and to deter similar activity. *In re Neville*, 147 Ariz. 106 (1985).

The parties stipulate the presumptive sanction is reprimand. Ms. Owsley's misconduct caused harm to her clients and the legal system. In aggravation are factors 9.22(a) prior discipline, 9.22(c) a pattern on misconduct, and 9.22(i) substantial experience in the practice of law. In mitigation is factor 9.32(b) absence of a dishonest or selfish motive.

The parties stipulate and the PDJ agrees that upon application of the aggravating and mitigating factors, the sanction of reprimand is appropriate.

Accordingly,

IT IS ORDERED accepting and incorporating the Agreement and any supporting documents by this reference. The agreed upon sanction is reprimand with two (2) years of probation (LOMAP and MAP). Costs of \$1,522.50 to be paid within thirty (30) days is approved. A final judgment and order is signed this date.

DATED this 24th day of July, 2018.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing emailed
this 24th day of July, 2018, and
mailed July 25, 2018, to:

Counsel for State Bar:

Hunter F. Perlmeter

State Bar of Arizona

4201 N. 24th Street, Suite 100

Phoenix, AZ 85016-6266

Email: lro@staff.azbar.org

Respondent

Carlie Owsley Walker

The Owsley Law Firm, PLLC

10265 W. Camelback Rd., Suite 160

Phoenix, AZ 85037-5068

Email: carlie@owsleylaw.com

by: AMcQueen

Hunter F. Perlmeter, Bar No. 024755
Senior Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Telephone (602) 340-7278
Email: LRO@staff.azbar.org

OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

JUL 23 2018

FILED
BY 

Carlie Owsley Walker, Bar No. 022255
10265 W. Camelback Rd., Ste. 160
Phoenix, Arizona 85037-5068
Telephone (623) 748-8973
Email: carlie@owsleylaw.com
Respondent

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**CARLIE OWSLEY. WALKER
Bar No. 022255**

Respondent.

PDJ 2018-9035

**State Bar File Nos. 17-2154 and 17-
3385**

**AGREEMENT FOR DISCIPLINE
BY CONSENT**

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, Carlie Owsley Walker, who has chosen not to seek the assistance of counsel, hereby submit their Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. The complaint was filed in this matter on May 8,

2018. Respondent voluntarily waives the right to an adjudicatory hearing, unless otherwise ordered, and waives all motions, defenses, objections or requests which have been made or raised, or could be asserted thereafter, 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 complainants by letter on June 12, 2018. Complainants were 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 notice. To date, none of the Complainants have filed an objection.

Respondent conditionally admits that her conduct, as set forth below, violated Rule 42, ERs 1.3, 1.4, 1.6, 3.4(c), 5.3, 8.4(d), and Rule 54(d). Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Reprimand with Probation. Respondent also agrees to pay the costs and expenses of the disciplinary proceeding, within 30 days from the date of this order, and if costs are not paid within the 30 days, interest will begin to

accrue at the legal rate.¹ 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 on October, 24, 2003.

COUNT ONE (File no. 17-2154/ Van Kirk)

2. On December 22, 2016, Respondent filed her Notice of Appearance on behalf of Jennifer Van Kirk in Maricopa County family law case no. FC2010094650.

3. Early in the representation, Respondent asked Van Kirk to meet her at the courthouse thirty minutes before the start of a temporary orders hearing.

4. Respondent showed up a few minutes before the hearing and then asked Van Kirk to accompany her in the bathroom so that she could "vape" for

¹ 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.

three minutes before the start of the hearing. Respondent billed Van Kirk thirty minutes for the brief bathroom conversation.

5. By February 28, 2017 minute entry, the court set a June 12, 2017, deadline for the parties to exchange discovery.

6. On June 6, 2017, Van Kirk emailed Respondent's paralegal reminding her of the June 12, 2017 due date and asking what steps she needed to take to aid in compliance. The paralegal called Van Kirk and told her that he was new and busy, but that he would call her back on June 8, 2017. The paralegal, however, failed to do so.

7. On June 9, 2017, Van Kirk called and left a message with Respondent, but Respondent did not return the call.

8. On June 12, 2017, Van Kirk called Respondent's firm three times. During the third call, at 3:37 p.m., the paralegal indicated the firm would not be able to provide the discovery timely because Respondent was behind on her work.

9. On June 12, 2017, Van Kirk also called Respondent on her personal cell phone and then sent Respondent a text message indicating that she had called her office on seven separate days attempting to get the firm to take timely action on

her discovery. She asked that Respondent call her. Respondent responded via text message and told her: "Don't stress it. He [the paralegal] called me."

10. In a subsequent text, Respondent wrote, "Did our office already do yours?" referring to Van Kirk's discovery. Van Kirk was angered to find out Respondent was unaware that her discovery had not been completed.

11. The firm provided the discovery to the opposing party the following day, June 13, 2017.

12. In the joint pre-trial statement, the opposing party objected to all of Van Kirk's exhibits and witnesses because they were disclosed late.

13. Thereafter, Respondent failed to timely file exhibits by the July 3, 2017 deadline. She filed the exhibits on July 5, 2017. She failed to meet the deadline, despite a text message from Van Kirk on July 3, 2017, requesting an update. Respondent failed to call or text back.

14. On July 5, 2017, Van Kirk drove to Respondent's office to help the paralegal complete the pre-trial statement.

15. Shortly thereafter, Van Kirk terminated Respondent.

16. Respondent's conduct in Count One violated ERs 1.3, 1.4, and 5.3.

COUNT TWO (File No. 17-3385/Chavira)

17. Respondent represented Complainant Chavira for several years in her family law case (Maricopa County, DR2000011911).

18. On March 31, 2016, Chavira emailed Respondent and provided consent for Respondent to withdraw because she could no longer afford Respondent.

19. On March 31, 2016, Respondent filed the Motion to Withdraw. The motion was denied, however, because Respondent failed to include her client's contact information, as required by rule.

20. Respondent did not take any steps to file a modified Motion to Withdraw. As a result, she continued to be listed as counsel of record for Chavira. Several notifications from the court went out during the subsequent months, but Chavira never received them because Respondent was counsel of record.

21. On October 10, 2017, Father filed a Request for Hearing; Respondent was endorsed on the mailing certificate. Respondent did not notify Chavira of the Request for Hearing.

22. On October 13, 2017, the court issued a minute entry setting a hearing in the case for November 2, 2017. Respondent did not notify Chavira of the minute entry.

23. Also on October 13, 2017, Respondent filed a Motion to Withdraw without communicating with her client that she was doing so.

24. On October 17, 2017, the court granted the motion to withdraw.

25. The Motion to Withdraw included the client's address. This was in error, as the address had been sealed by a protective order after the client's husband threatened to kill her. The motion also included an email from March of 2016 (more than a year earlier) in which the client had given consent for the withdrawal. The email included correspondence between the client and the firm indicating that the client was not able to pay additional funds to Respondent. The client did not authorize the disclosure of the email.

26. On November 1, 2017, Chavira called the SBA regarding her concerns with the motion. She was particularly concerned that her husband might try to physically harm her and her children. She noted that she only learned that the motion had been filed after reviewing the court docket. She did not receive a copy from Respondent.

27. On November 1, 2017, intake counsel left a voice mail for Respondent. Respondent did not return the call.

28. When Respondent failed to respond by November 9, 2017, Intake Counsel again called Respondent and left a message.

29. Thereafter, Respondent emailed Intake Counsel and indicated that her office manager (Respondent's sister) had filed the Motion to Withdraw without Respondent's consent and that the office manager had recently experienced a stroke and was no longer working for her. She asked Intake Counsel what she should do to safeguard clients as a result of the stroke.

30. Intake Counsel responded the same afternoon and recommended that Respondent call the ethics hotline. Intake Counsel also reminded Respondent that he had left a message to discuss the subject bar charge and asked for a phone call.

31. On November 14 and 16, 2017, Intake Counsel and Respondent exchanged emails in an effort to schedule a call. Respondent asked Intake Counsel if she could call him on November 17, 2017. Intake Counsel responded that he would be available for her call on November 17, 2017. Respondent, however, failed to call on that date.

32. On approximately the same date, Respondent filed a Motion to Remove the Motion to Withdraw containing Chavira's address and the email between Chavira and the firm, from ECR. The court granted the motion on November 17, 2017, but ordered Respondent to "file a corrected pleading upon receipt of this Order."

33. Respondent failed to file a corrected pleading.

34. On November 20, 2017, Respondent emailed Intake Counsel a copy of the court's Order, and asked if he was available to talk that day. Intake Counsel responded at 12:52 p.m. indicating that he was available for a call. Respondent did not call that day.

35. On November 22, 2017, Respondent emailed Intake Counsel: "In Court I'll call you soon."

36. On November 29, 2017, Respondent and Intake Counsel spoke and Respondent detailed her employee's stroke. Following the call, Intake Counsel sent Respondent an email stating:

Attached are three minute entries and the Motion to Withdraw. You will note that all three minute entries are endorsed to you as the attorney of record for Ms. Lujan [Chavira].

I am interested in knowing what procedures you have in place for the review of minute entries you receive in cases like Ms. Lujan. Clearly, when minute entries indicate there is activity in a case, you cannot ignore them. Most importantly, the client needs to know about the minute entry because they do not receive a copy since they are not endorsed. Were these emails mailed or emailed to Ms. Lujan? If not, please explain.

Ms. Lujan says she was never consulted about the withdrawal. Obviously, a client needs to be notified when an attorney is withdrawing. Please let me know if you have any record of contact with Ms. Lujan prior to the filing of the motion. Your Motion to Withdraw indicates it is with Ms. Lujan's consent. It appears the attached email is the basis for the "consent." There are two problems. First, the email is over a year old. Second, it is a confidential communication. There is no indication Ms. Lujan ever authorized its disclosure. I need to know who initiated the drafting of the Motion to Withdraw, who drafted it, who reviewed it, who placed the electronic signature on it, and who filed it.

37. Respondent did not respond to the email. As a result, on December 8, 2017, Intake Counsel emailed Respondent and again noted her failure to respond to the email and stated that he would be forwarding the matter for formal investigation.

38. On February 12, 2018, Respondent responded to the Bar charge and stated that, while she was out of town, her office manager prepared and filed the October 13, 2017, Motion to Withdraw without her consent.

39. Bar Counsel emailed Respondent on February 19, 2018, requesting a call that day or the following day; Respondent did not respond.

40. Bar Counsel sent a follow-up email on February 21, 2018; Respondent did not respond.

41. Respondent's conduct in Count Two violated ERs 1.3, 1.4, 1.6, 3.4(c), 5.3, 8.4(d), and Rule 54(d).

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 conduct violated Rule 42, Ariz. R. Sup. Ct., specifically ERs 1.3, 1.4, 1.6, 3.4(c), 5.3, 8.4(d), and Rule 54(d).

CONDITIONAL DISMISSALS

The State Bar has conditionally agreed to dismiss State Bar screening files 18-0437 and 18-0936 as part of this consent agreement.

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: Reprimand and two years' probation requiring participation in LOMAP and MAP. If Respondent violates any of the terms of this agreement, further discipline proceedings may be brought.

LEGAL GROUNDS IN SUPPORT OF SANCTION

In determining an appropriate sanction, 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 consistency 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, 33, 35, 90 P.3d 764, 770 (2004); *In re Rivkind*, 162 Ariz. 154, 157, 791 P.2d 1037, 1040 (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*, 208 Ariz. at 35, 90 P.3d at 772; *Standard* 3.0.

The parties agree that *Standard* 7.3 is the appropriate *Standard* given the facts and circumstances of this matter. *Standard* 7.3 provides that Reprimand 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.

The duty violated

As described above, Respondent's conduct violated her duty to her client the and the legal system.

The lawyer's mental state

For purposes of this agreement the parties agree that Respondent negligently failed to adhere to court deadlines and failed to adequately supervise her staff; such conduct was in violation of the Rules of Professional Conduct.

The extent of the actual or potential injury

For purposes of this agreement, the parties agree that there was harm to Respondent's clients and the legal system.

Aggravating and mitigating circumstances

The presumptive sanction in this matter is reprimand. The parties conditionally agree that the following aggravating and mitigating factors should be considered.

In aggravation:

Standard 9.22(a): prior discipline (15-1744, 15-2811—admonition/probation)

Standard 9.22(c): a pattern of misconduct

Standard 9.22(i): substantial experience in the practice of law

In mitigation:

Standard 9.22(b): absence of a dishonest or selfish motive

Discussion

The parties have conditionally agreed that, upon application of the aggravating and mitigating factors to the facts of this case, the presumptive sanction 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 of this matter, the parties conditionally agree that the sanction set forth above is within the range of appropriate sanction and will serve the purposes of lawyer discipline.

CONCLUSION

The object of lawyer discipline is not to punish the lawyer, but to protect the public, the profession and the administration of justice. *Peasley, supra* at ¶ 64, 90 P.3d at 778. 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 form order is attached hereto as Exhibit B.

DATED this 23rd day of July 2018

STATE BAR OF ARIZONA



Hunter F. Perlmeter
Senior Bar Counsel

This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation.

DATED this 20 day of July, 2018.



Carlie Owsley Walker
Respondent

Approved as to form and content



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 20 day of July, 2018.

Copy of the foregoing emailed
this 23rd day of July, 2018, to:

The Honorable William J. O'Neil
Presiding Disciplinary Judge
Supreme Court of Arizona
1501 West Washington Street, Suite 102
Phoenix, Arizona 85007
E-mail: officepdj@courts.az.gov

Copy of the foregoing mailed/emailed
this 23rd day of July, 2018, to:

Carlie Owsley Walker
10265 W. Camelback Rd., Ste. 160
Phoenix, Arizona 85037-5068
Email: carlie@owsleylaw.com
Respondent

Copy of the foregoing hand-delivered
this 23rd day of July, 2018, to:

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

by: 
HFP/mgllp

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,
Carlie Owsley Walker, Bar No. 022255, Respondent

File Nos. 17-2154 & 17-3385

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.

Staff Investigator/Miscellaneous Charges

07/10/18 Alliance Reporting Solutions invoice: Deposition of
Carlie Owsley Walker \$ 322.50

Total for staff investigator charges \$ 322.50

TOTAL COSTS AND EXPENSES INCURRED \$ 1,522.50

EXHIBIT B

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

CARLIE OWSLEY WALKER,
Bar No. 022255,

Respondent.

PDJ 2018-9035

**FINAL JUDGMENT AND
ORDER**

[State Bar No. 17-2154 and 17-3385]

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

IT IS HEREBY ORDERED that Respondent, **Carlie Owsley Walker**, is hereby Reprimanded with Probation for her conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

IT IS FURTHER ORDERED that as a condition of her probation, Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within 10 days from the date of service of this Order/Agreement. Respondent shall submit to a LOMAP examination of their office procedures. Respondent shall sign terms and conditions of participation, including reporting requirements, which

shall be incorporated herein. Respondent will be responsible for any costs associated with LOMAP.

IT IS FURTHER ORDERED that as a term of her probation, Respondent shall contact the State Bar Compliance Monitor, at 602-340-7258, within twenty (20) days from the date of this order to schedule a MAP assessment. The Compliance Monitor shall develop "Terms and Conditions of Diversion" if the results of the assessment so indicate and the terms shall be incorporated herein by reference. Respondent shall be responsible for any costs associated with participation with compliance.

NON-COMPLIANCE LANGUAGE

In the event that Respondent fails to comply with any of the foregoing probation terms, and information thereof, is received by the State Bar of Arizona, Bar Counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge may conduct a hearing within 30 days to determine whether a term of probation has been breached and, if so, to recommend an appropriate sanction. If there is an allegation that Respondent failed to comply with any of the foregoing

terms, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

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 July, 2018

**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 July, 2018.

Copies of the foregoing mailed/emailed
this _____ day of July, 2018, to:

Carlie Owsley Walker
10265 W. Camelback Rd., Ste. 160
Phoenix, Arizona 85037-5068
Email: carlie@owsleylaw.com
Respondent

Copy of the foregoing emailed/hand-delivered
this ____ day of July, 2018, to:

Hunter F Perlmeter
Senior Bar Counsel
State Bar of Arizona
4201 N 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

Copy of the foregoing hand-delivered
this ____ day of July, 2018 to:

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

by: _____