Bradley F. Perry, Bar No. 025682 State Bar of Arizona 4201 N. 24<sup>th</sup> Street, Suite 100 Phoenix, Arizona 85016-6266 Telephone

Email: <u>LRO@staff.azbar.org</u>

### BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

JENNIFER PRAGER SODARO, Bar No. 033463,

Respondent.

**PDJ 2021-** 9045

STATE BAR'S NOTICE OF NONCOMPLIANCE WITH TERMS OF PROBATION

[State Bar No. 21-1310-N]

The State Bar of Arizona, by undersigned Bar Counsel, pursuant to Rule 60(a)(5)(C), Ariz. R. Sup. Ct., hereby gives notice to the Presiding Disciplinary Judge of the Supreme Court of Arizona (PDJ) that Respondent has committed a material violation of the terms of probation entered by the Presiding Disciplinary Judge.

On December 16, 2020, Respondent was reinstated to the practice of law. The Order of Reinstatement contained the following language: "Ms. Sodaro shall contact the State Bar Compliance Monitor at (602) 340-7258, within ten (10) days

from the date of this Order of Reinstatement, to schedule an assessment. The Compliance Monitor shall develop terms and conditions of participation if the results of the assessment so indicate and the terms, including reporting requirements, shall be incorporated herein. [Emphasis added]. Ms. Sodaro shall be responsible for any costs associated with participation with compliance." (Exhibit A).

In January 2021, Respondent informed the Bar she was having issues scheduling the evaluation as ordered. The Bar agreed to allow Respondent to find her own provider and gave Respondent until January 31, 2021, to schedule the assessment. (Exhibit B) On January 20, 2021, the Bar approved Respondent's request to have the evaluation completed by Dr. Lavit, instead of Dr. Phillip Lett, the provider normally used by the Bar. (Exhibit C).

Respondent failed to schedule the evaluation with Dr. Lavit by January 31, 2021. On February 24, 2021, SBA Compliance Monitor Yvette Penar emailed Respondent about her failure to comply. Respondent stated that she would update Ms. Penar when the appointment was scheduled. (Exhibit D). Respondent again failed to schedule the evaluation.

On April 22, 2021, Ms. Penar emailed Respondent again to remind her of her obligations. (Exhibit E). Respondent scheduled her evaluation for May 11, 2021, with Dr. Lavit. (Exhibit F). Respondent then cancelled her appointment with Dr. Lavit and scheduled with Dr. Lett for May 19, 2021. (Exhibit G).

Respondent attended her evaluation on May 19, 2021. Dr. Lett authored a report and directed Respondent to: (1) undergo medical monitoring a treatment for mental health and insomnia for at least one year, (2) undergo psychotherapy twice a month for six months, and (3) direct her providers to supply the Bar with progress reports. (Exhibit H at 5). Ms. Penar sent Respondent her terms of probation on June 2, 2021. (Exhibit I). Respondent then refused to sign the terms and refused to participate in probation. (Exhibit J).

Yvette Penar's Declaration is attached as Exhibit K.

Based upon the foregoing, and pursuant to Rule 60(a)(5)(C), Ariz. R. Sup. Ct., the State Bar moves the PDJ to set a hearing date within 30 days of the filing of this Notice of Noncompliance to determine whether Respondent has failed to comply with the terms of probation and, if so, whether additional sanctions should be imposed. A proposed order setting a hearing date is attached hereto as Exhibit L.

# STATE BAR OF ARIZONA

/s/ Bradley F. Perry
Bradley F. Perry
Staff Bar Counsel

Original filed with the Disciplinary Clerk of the Office of the Presiding Disciplinary Judge of the Supreme Court of Arizona this 10<sup>th</sup> day of June, 2021.

Copies of the foregoing were emailed this <u>10<sup>th</sup></u> day of June, 2021, to:

Jennifer Prager Sodaro
Law Office of Jennifer Sodaro
P.O. Box 25130
Scottsdale, Arizona 85255-0102
Email: jennifersodaro@gmail.com
Respondent

The Honorable Margaret H. Downie Presiding Disciplinary Judge Supreme Court of Arizona 1501 West Washington Street, Suite 102 Phoenix, Arizona 85007 E-mail: officepdj@courts.az.gov

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

by: /s/ Sharon Berkley



#### BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

JENNIFER PRAGER SODARO, Bar No. 033463

Respondent.

PDJ-2020-9119-R

ORDER OF REINSTATEMENT PURSUANT TO RULE 64(e)(2)(A), ARIZ. R. SUP. CT.

FILED DECEMBER 16, 2020

On December 11, 2020, Jennifer Prager Sodaro applied for reinstatement under Rule 64(e)(2)(A), Ariz. R. Sup. Ct. On December 14, 2020 the State Bar gave notice by email of no opposition to the application.

Now Therefore,

IT IS ORDERED reinstating Applicant JENNIFER PRAGER SODARO,

Bar No. 033463, to the active practice of law in Arizona effective immediately.

**IT IS FURTHER ORDERED** Ms. Sodaro shall be placed on probation for a period of two (2) years with the State Bar's Member Assistance Program (MAP) as follows:

a) LRO MAP: Ms. Sodaro shall contact the State Bar Compliance Monitor at (602) 340-7258, within ten (10) days from the date of this Order of Reinstatement, to schedule an assessment. The Compliance Monitor shall develop terms and conditions of participation if the results of the

assessment so indicate and the terms, including reporting requirements, shall be incorporated herein. Ms. Sodaro shall be responsible for any costs associated with participation and compliance of MAP.

**DATED** this 16<sup>th</sup> day of December 2020.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

COPY of the foregoing e-mailed this 16<sup>th</sup> day of December 2020 to:

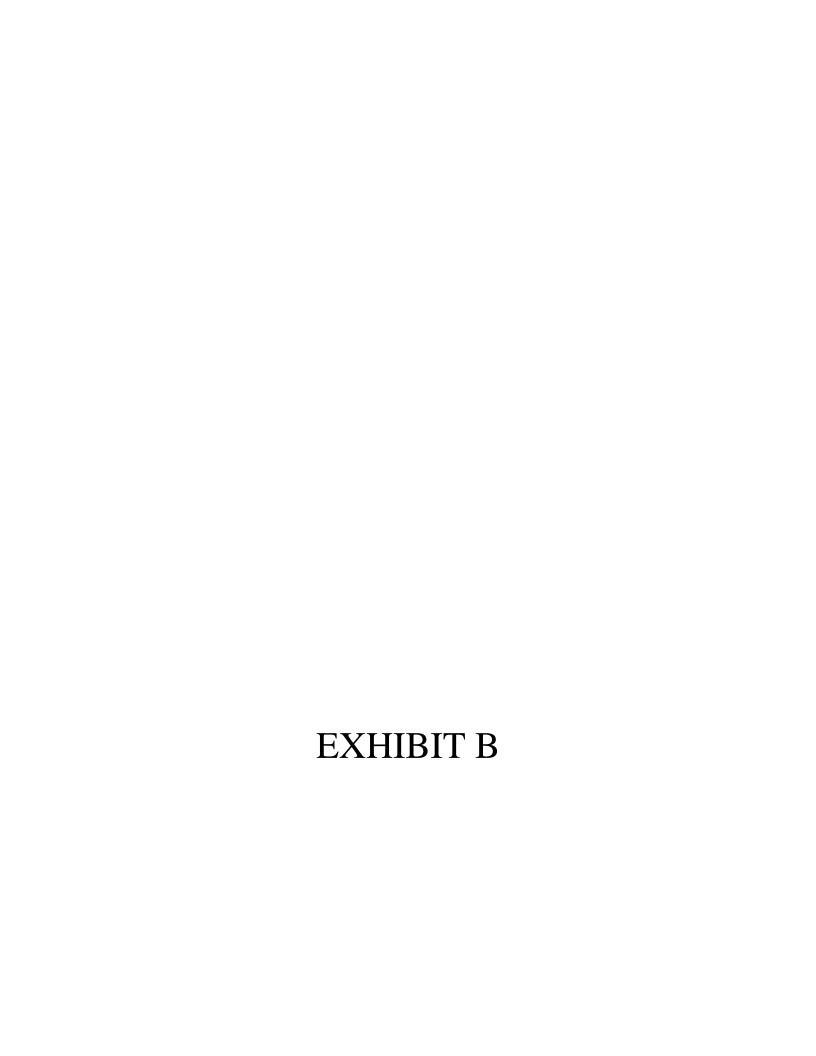
Bradley F. Perry Bar Counsel State Bar of Arizona 4201 N. 24<sup>th</sup> Street, Suite 100 Phoenix, AZ 85016-6266 Email: lro@staff.azbar.org

Jennifer P. Sodaro P.O. Box 25130 Scottsdale, AZ 85255

Email: jennifersodaro@gmail.com

**Applicant** 

by: MSmith



 From:
 Yvette F. Penar

 To:
 Jennifer Sodaro

 Cc:
 Bradley Perry

**Date:** Tuesday, January 5, 2021 3:50:00 PM

Attachments: image001.gif

Ms. Sodaro,

The order requires the evaluation to be scheduled with 10 days of the reinstatement order. We are past that date however, I will give you until January 31, 2021 to find an alternative provider or schedule the evaluation with Dr. Lett.

Please keep me updated prior to that date.

Thank You,

Yvette Penar, Compliance Monitor T: 602.340.7258 F: 602.416.7458

**From:** Jennifer Sodaro < jennifersodaro@gmail.com>

Sent: Tuesday, January 5, 2021 3:24 PM

**To:** Yvette F. Penar < Yvette.Penar@staff.azbar.org>

Subject: Re: Voicemail Follow-up 20-2700-R

I will let you know when I can produce the list that I have found on line.

Right now I am required to enter my CLE hours which has to be done ASAP. The site is not taking my

There is also the problem of paying for the therapist. I don't have the money to do it.

So, there is nothing in the order that requires me to do it by a certain date.

I would appreciate a bit of leeway on this matter as the Arizona Bar has ruined my life and career and I am coping with a lot right now.

Jennifer Sodaro

**From:** "Yvette F. Penar" < <u>Yvette.Penar@staff.azbar.org</u>>

Date: Tuesday, January 5, 2021 at 2:24 PM

**To:** Jennifer Sodaro < <u>jennifersodaro@gmail.com</u>>

Subject: RE: Voicemail Follow-up 20-2700-R

Ms. Sodaro,

Mr. Perry is open to you finding a qualified licensed psychologist to conduct a psychological evaluation that may be conducted via zoom. The current provider you're seeing is not a licensed psychologist and therefore is not approved.

Please let me know your plans on finding a qualified psychologist who conducts psychological evaluations and is willing to submit a final evaluation report to us and work with the State Bar of

Arizona including; receiving documentation from us to be used for the evaluation such as the orders of reinstatement and report of investigation and referral form. The report would need to be submitted to my attention and include any recommendations for further treatment. Let me know if you found someone and their name prior to scheduling an appointment. If not, you will need to let me know your plans for securing payment for Dr. Lett and completing the evaluation.

Thank you.

Yvette Penar, Compliance Monitor

T: 602.340.7258 F: 602.416.7458

**From:** Jennifer Sodaro < <u>jennifersodaro@gmail.com</u>>

**Sent:** Tuesday, January 5, 2021 12:39 PM

**To:** Yvette F. Penar < <u>Yvette.Penar@staff.azbar.org</u>>

Subject: Re: Voicemail Follow-up 20-2700-R

Dear Yvette:

Thank you for your email.

I am 69 years old and my husband is 70. Since COVID is raging in this state, and we have the highest number of cases in the country, as of today, I cannot risk my health by spending 6 hours with Dr. Lett, even if masks are used.

Our doctors have advised both of us that we are very high risk.

I am very vulnerable to respiratory infections and have been taking all reasonable precautions. We spoke of Dr. Lett since he is the only therapist who is charging \$100.00 per hour. His assistant did not give a Zoom evaluation as an option.

Therefore, I will be searching for the therapists who are listed on the Maricopa Superior Court list of therapists approved for evaluations, to see if I can find one or more who can do an evaluation by Zoom or Face Time.

Then, I will check with you to see if that therapist is acceptable.

I am already seeing a therapist every other week, on Face Time and that is covered by my insurance. Her name is Sabra House, a licensed therapist.

If you can evaluate her credentials and approve her, we could proceed immediately.

Otherwise, I will need time to accumulate the funds needed to pay for this evaluation.

Since I have not been able to work since March, that is a problem.

I will keep you advised and will attempt to comply with this process.

Thank you, Jennifer Sodaro

**From:** "Yvette F. Penar" < <u>Yvette.Penar@staff.azbar.org</u>>

Date: Tuesday, January 5, 2021 at 12:24 PM

To: "jennifersodaro@gmail.com" < jennifersodaro@gmail.com >

**Subject:** Voicemail Follow-up 20-2700-R

Ms. Sodaro,

I received your voicemail and am sending you an email as requested.

Thank You,



Yvette Penar, Compliance Monitor

State Bar of Arizona

4201 N. 24th St., Suite 100 | Phoenix, AZ 85016-6266

T: 602.340.7258 F: 602.416.7458

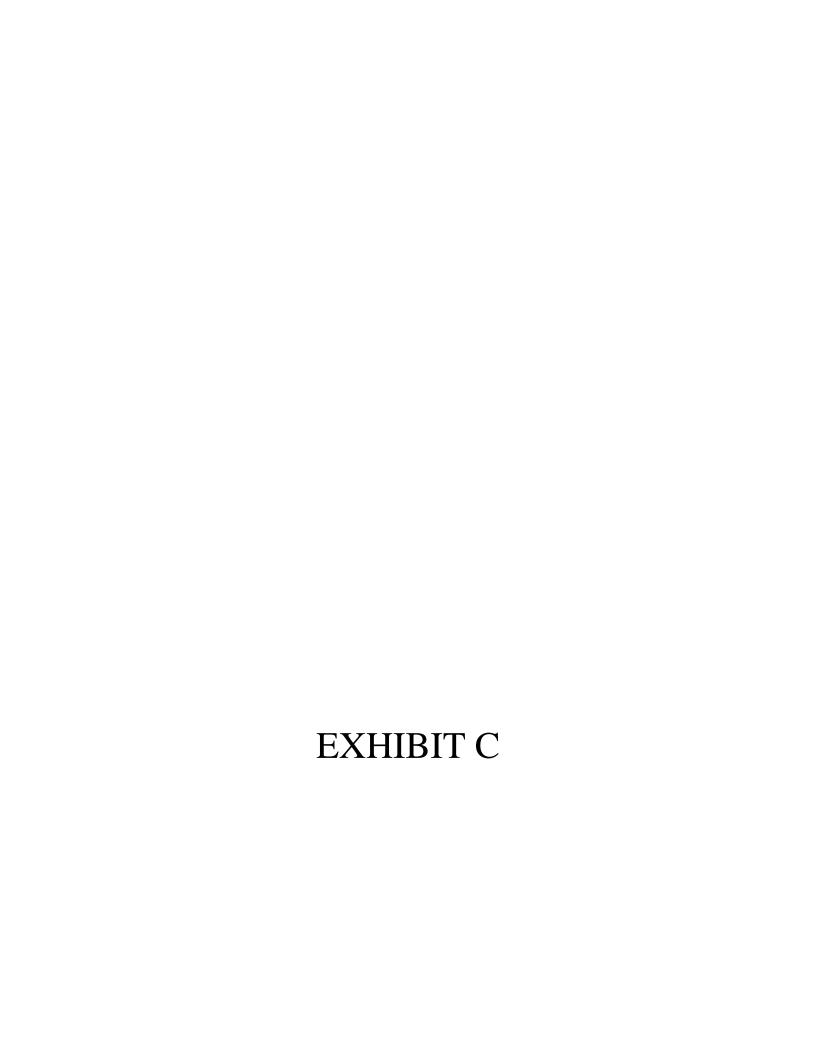
EMAIL: Yvette.Penar@staff.azbar.org

www.azbar.org

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From: Yvette F. Penar
To: Jennifer Sodaro

**Date:** Wednesday, January 20, 2021 3:09:00 PM

Attachments: <u>image001.qif</u>

Ms. Sodaro,

Yes, he is approved to complete your evaluation for the State Bar of Arizona. Let me know what date the appointment is scheduled.

Thank You,

Yvette Penar, Compliance Monitor

T: 602.340.7258 F: 602.416.7458

From: Jennifer Sodaro < jennifer sodaro@gmail.com>

Sent: Wednesday, January 20, 2021 3:08 PM

**To:** Yvette F. Penar < Yvette.Penar@staff.azbar.org>

**Subject:** Re: Provider- Lavit

Yes, I will see Dr. Lavit.

Please write and verify that his examination will satisfy the Order of Reinstatement.

I will then call him and make the appointment arrangements.

Jennifer Sodaro

**From:** "Yvette F. Penar" < <u>Yvette.Penar@staff.azbar.org</u>>

**Date:** Wednesday, January 20, 2021 at 10:53 AM **To:** Jennifer Sodaro < <u>jennifersodaro@gmail.com</u>>

Subject: Provider- Lavit

Ms. Sodaro,

I called and left you a message. I wanted to send you an email regarding my conversation with, Dr. Lavit. Dr. Lavit has agreed to work with the State Bar and is willing to meet with you regarding the evaluation. He will send us a copy of the report if you choose to see him. He did indicate that his fee is, \$300 per hour and prior to making an appointment you should contact him to discuss costs and payments since the evaluation will more than likely reach the \$1000's in price range. The evaluation will be determined by him and he will conduct the full psychological evaluation and there may be a specific time range for that meeting with him.

Let me know if you decide to use him and I will make a note in our file.



Yvette Penar, Compliance Monitor

State Bar of Arizona

4201 N. 24th St., Suite 100 | Phoenix, AZ 85016-6266

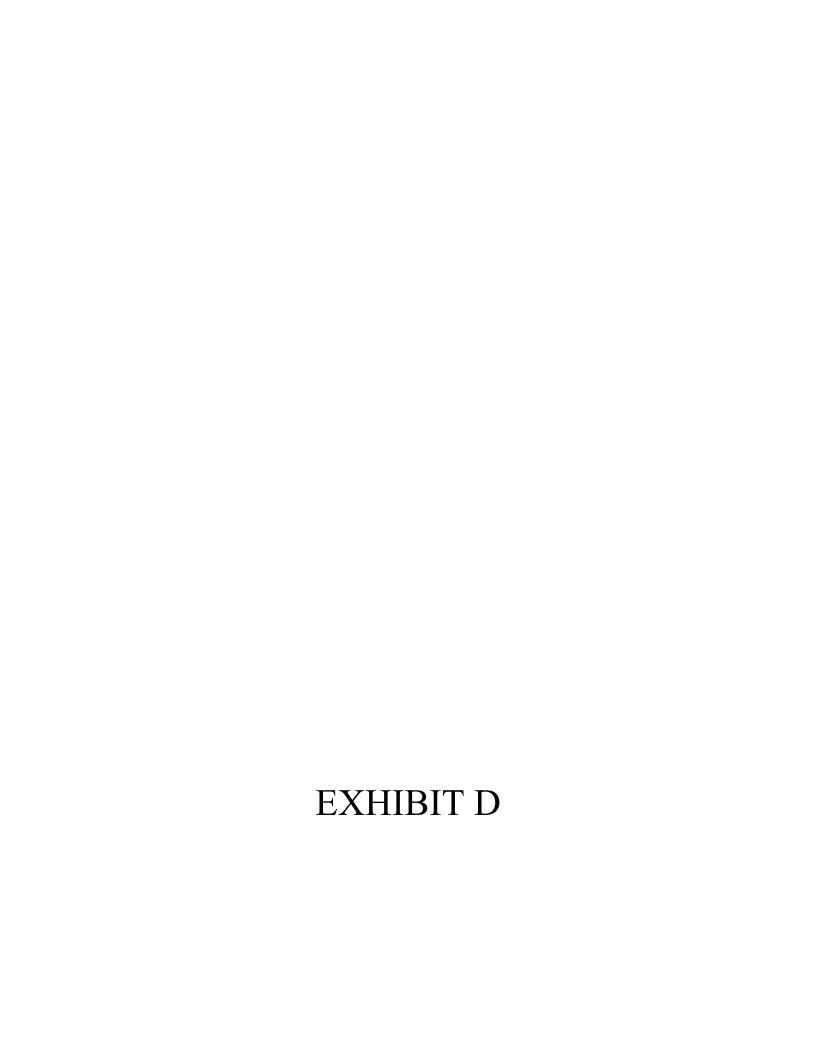
T: 602.340.7258 F: 602.416.7458

EMAIL: Yvette.Penar@staff.azbar.org

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From: <u>Jennifer Sodaro</u>
To: <u>Yvette F. Penar</u>

**Date:** Wednesday, February 24, 2021 11:41:05 AM

Attachments: <u>image001.gif</u>

I will. Thanks and take care.

Jennifer

From: "Yvette F. Penar" < Yvette.Penar@staff.azbar.org>

**Date:** Wednesday, February 24, 2021 at 11:40 AM **To:** Jennifer Sodaro <jennifersodaro@gmail.com>

Subject: RE: MAP Update 20-2700-R

Ms. Sodaro,

Thank you for the response. Please keep me updated on the next steps and when an appointment has been scheduled.

Thank You,

Yvette Penar, Compliance Monitor

T: 602.340.7258 F: 602.416.7458

**From:** Jennifer Sodaro < jennifersodaro@gmail.com> **Sent:** Wednesday, February 24, 2021 11:39 AM **To:** Yvette F. Penar < Yvette.Penar@staff.azbar.org>

Subject: Re: MAP Update 20-2700-R

Hello Yvette: I filled out the form requested by Dr. Lavit. I asked him a few questions about how much time his evaluation would take and what the costs would be. I have not heard back from him. The costs are a big issue since Judge O'Neil has prevented me from going back to work. I cannot do the only work he has ordered me to do because of COVID and my doctors' orders. So if Dr. Lavit will let me know the costs, and if there is more than one session, I will pay as I go. But he has not responded back yet.

And it should not be a big issue for all of you since I am involuntarily retired anyway. Jennifer Sodaro

**From:** "Yvette F. Penar" < <u>Yvette.Penar@staff.azbar.org</u>>

**Date:** Wednesday, February 24, 2021 at 10:00 AM **To:** Jennifer Sodaro < <u>jenniferSodaro@gmail.com</u>>

Subject: MAP Update 20-2700-R

Ms. Sodaro,

I wanted to follow-up since the last I heard you were going to schedule an appointment with Dr. Lavit. Did you get the appointment scheduled with him and if so, when was or is that meeting scheduled. Dr. Lavit needed a copy of the order and report of investigation from me for when that appointment was scheduled and I need to make sure we get a copy of the report.

Thank You,



Yvette Penar, Compliance Monitor

State Bar of Arizona

4201 N. 24th St., Suite 100 | Phoenix, AZ 85016-6266

T: 602.340.7258 F: 602.416.7458

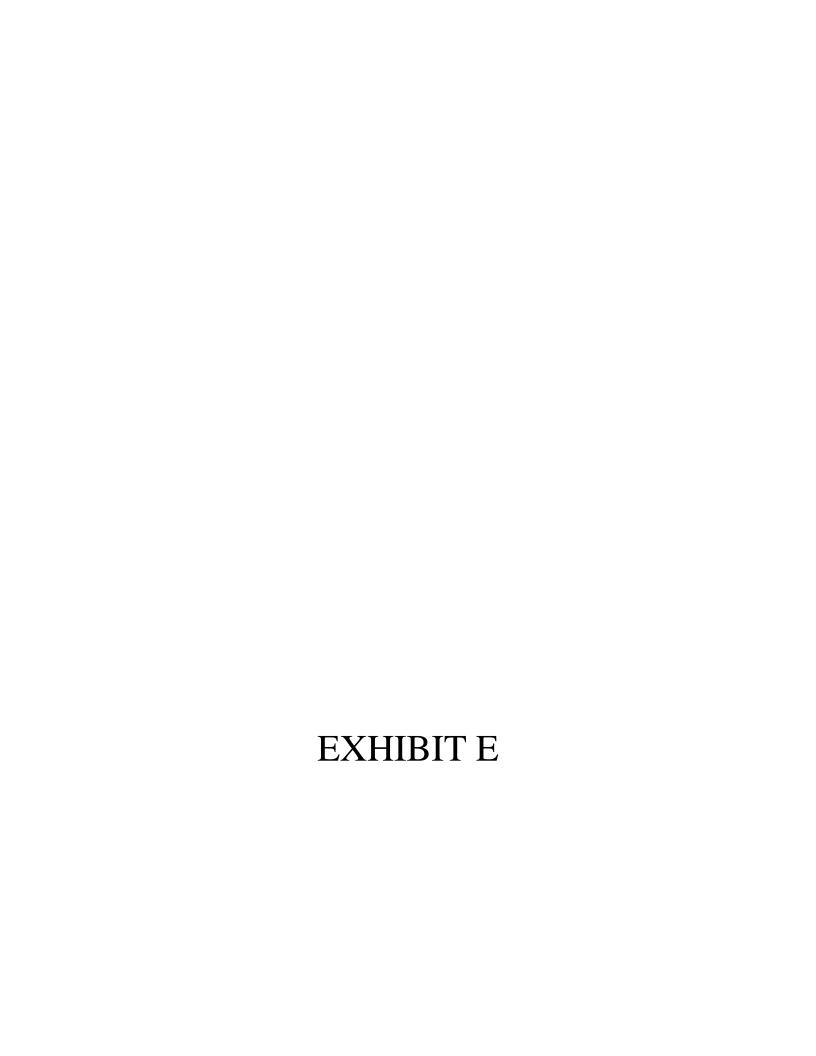
EMAIL: Yvette.Penar@staff.azbar.org

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From: Yvette F. Penar Jennifer Sodaro To: Cc: **Bradley Perry** 

Date: Thursday, April 22, 2021 4:11:00 PM Attachments: Order of reinstatement - corrected.pdf

image001.gif

Ms. Sodaro,

I wanted to reach out to see if you scheduled the appointment with, Dr. Lavit for the evaluation appointment? You were placed on Probation in December and I understand you're not practicing however, you're required to obtain the MAP evaluation per the order of reinstatement. Let me know if you have scheduled the appointment or your plan to get the evaluation completed. You are still able to schedule with Dr. Lett and pay a fee of, \$600. If, you do not get an evaluation scheduled in the next few weeks, we are required per Rule 60(a)(5)(C) to file a violation with the PDJ.

Let me know your status of the MAP evaluation and plans to comply.

Thank You,

Yvette Penar, Compliance Monitor

T: 602.340.7258 F: 602.416.7458

**From:** Jennifer Sodaro < jennifersodaro@gmail.com> Sent: Wednesday, February 24, 2021 11:41 AM **To:** Yvette F. Penar < Yvette.Penar@staff.azbar.org>

Subject: Re: MAP Update 20-2700-R

I will. Thanks and take care.

Jennifer

**From:** "Yvette F. Penar" < <u>Yvette.Penar@staff.azbar.org</u>>

Date: Wednesday, February 24, 2021 at 11:40 AM **To:** Jennifer Sodaro < <u>jennifersodaro@gmail.com</u>>

Subject: RE: MAP Update 20-2700-R

Ms. Sodaro,

Thank you for the response. Please keep me updated on the next steps and when an appointment has been scheduled.

Thank You,

Yvette Penar, Compliance Monitor

T: 602.340.7258 F: 602.416.7458

From: Jennifer Sodaro < <u>jennifersodaro@gmail.com</u>>
Sent: Wednesday, February 24, 2021 11:39 AM
To: Yvette F. Penar < <u>Yvette.Penar@staff.azbar.org</u>>

**Subject:** Re: MAP Update 20-2700-R

Hello Yvette: I filled out the form requested by Dr. Lavit. I asked him a few questions about how much time his evaluation would take and what the costs would be. I have not heard back from him. The costs are a big issue since Judge O'Neil has prevented me from going back to work. I cannot do the only work he has ordered me to do because of COVID and my doctors' orders. So if Dr. Lavit will let me know the costs, and if there is more than one session, I will pay as I go. But he has not responded back yet.

And it should not be a big issue for all of you since I am involuntarily retired anyway. Jennifer Sodaro

**From:** "Yvette F. Penar" < <a href="mailto:Yvette.Penar@staff.azbar.org">Yvette.Penar@staff.azbar.org</a>>

**Date:** Wednesday, February 24, 2021 at 10:00 AM **To:** Jennifer Sodaro < <u>jenniferSodaro@gmail.com</u>>

Subject: MAP Update 20-2700-R

Ms. Sodaro,

I wanted to follow-up since the last I heard you were going to schedule an appointment with Dr. Lavit. Did you get the appointment scheduled with him and if so, when was or is that meeting scheduled. Dr. Lavit needed a copy of the order and report of investigation from me for when that appointment was scheduled and I need to make sure we get a copy of the report.

Thank You,



Yvette Penar, Compliance Monitor

State Bar of Arizona

4201 N. 24th St., Suite 100 | Phoenix, AZ 85016-6266

T: 602.340.7258 F: 602.416.7458

EMAIL: Yvette.Penar@staff.azbar.org

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From: <u>Jennifer Sodaro</u>
To: <u>Yvette F. Penar</u>

**Date:** Friday, April 23, 2021 12:04:54 PM

This is the first doctor appointment I can get for a letter for you. May 11.

From: GRAYHAWK MEDICAL GROUP <noreply@patient-message.com>

Date: Wednesday, April 21, 2021 at 1:45 PM

**To:** "jennifersodaro@gmail.com" <jennifersodaro@gmail.com>

Subject: Jennifer's Appointment Scheduled: May 11, 2021 at 10:20 AM MST

## GRAYHAWK MEDICAL GROUP

# Jennifer's Appointment Has Been Scheduled

May 11, 2021 at 10:20 AM MST

Sandy Sargent FNP-C GRAYHAWK MEDICAL GROUP 7920 E. Thompson Peak Pkwy Suite 100

Scottsdale, AZ 85255-7402

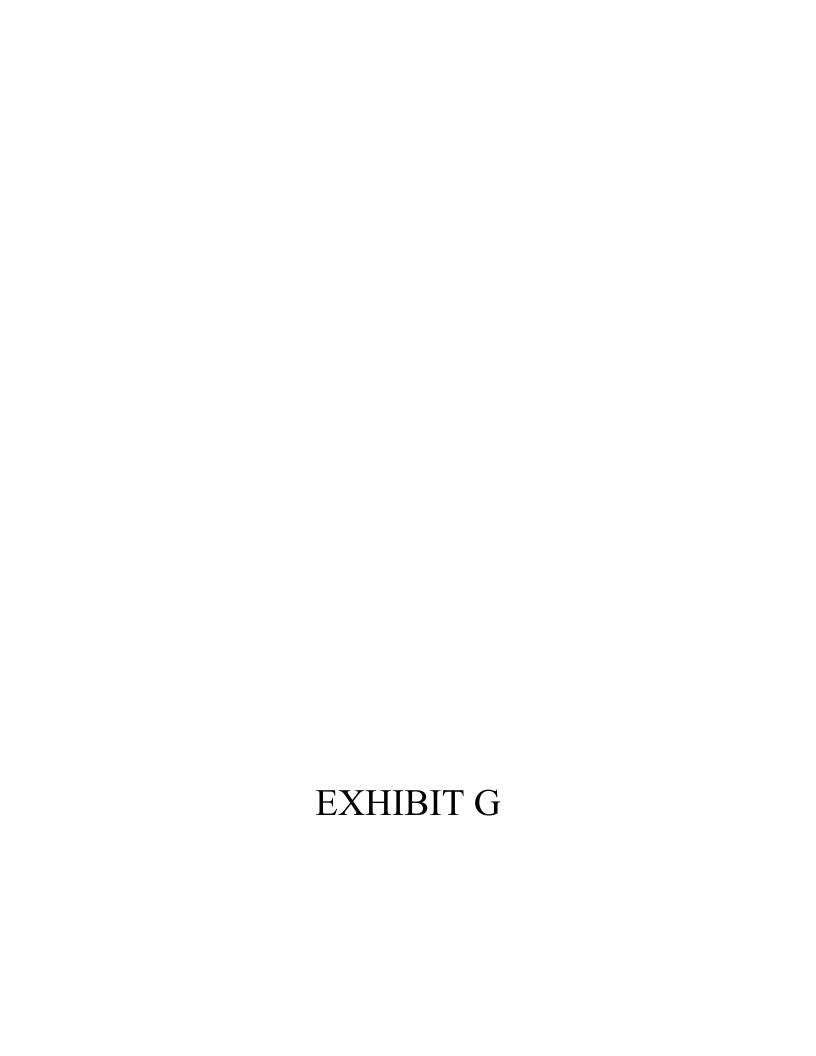
Add to calendar

Log in to your Patient Portal to change or cancel this appointment. If this appointment is within 48 hours, please call your practice instead.

Our practice uses email, text, and/or calls to notify patients of information available regarding care, test results, appointments, and financial statements. Please call (480) 661-1679 to update your contact preferences. Please do not reply to this email. It was sent from an unmonitored inbox on behalf of GRAYHAWK MEDICAL GROUP. The email and its contents are only intended for use by the named addressee. If you are not the intended recipient of this email or received this message in error, please inform the staff at GRAYHAWK MEDICAL GROUP at (480) 661-1679, then immediately and permanently delete this email.

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From: <u>Jennifer Sodaro</u>

To: Yvette F. Penar; Bradley Perry

Date: Monday, April 26, 2021 3:13:41 PM

Attachments: NewClientForm-Newest.pdf

Hello: I have forwarded the information I could find on an independent examiner, since the judge has ordered an "evaluation".

If you review the form, you should conclude, as I do, that the kind of evaluations normally conducted are often related to family custody, divorce, and other serious matters.

There is absolutely no evidence in my record which suggest that I have any conditions which would necessitate the kind of exam such as this independent expert would do.

I will not submit to an examination by the expert of your choice, who will be biased in your favor and could pose a risk to my health.

I will obtain a letter from my doctor's office after my May 13 appointment. It should be within your common knowledge that approximately ½ of the people in this state will refuse the vaccination or not be vaccinated. You seem to be disregarding the fact that we are still in the middle of a pandemic. A pandemic which did NOT EXIST at the time I was compelled to agree to your settlement or face a year of suspension. I am sure that you also know that my lack of ability to pay more attorney fees that would be sought by Mr. Rhodes made it necessary for me to meet your demands.

My doctor will verify for you that my health issues make me especially vulnerable to this infection and jeopardize my life.

I don't know why you are concerned because the judge's order which requires me to only practice in the area of in person bankruptcy hearings, which no longer exist, should satisfy your goals in this prosecution.

If you wish me to take an MMPI evaluation at your expense and I can do it on-line, I will do that.

Otherwise, my probation will not expire until December 15, 2022. If you can wait until the time before that expiration for your desired evaluation, perhaps my financial resources will permit an evaluation and the pandemic may be under control.

I am asking you to be reasonable under these extraordinary circumstances.

This is not too much to ask.

Jennifer Sodaro

From: Ronn Lavit <dr.ronnlavit@gmail.com>
Date: Friday, January 22, 2021 at 3:05 PM

**To:** Jennifer Sodaro <jennifersodaro@gmail.com> **Subject:** Re: Exam for Arizona Bar for Jennifer Sodaro

Good Afternoon,

We are currently not offering in-person appointments. We are conducting interview appointments via Skype and telephone. However, for psychological testing my office offers

From: Jennifer Sodaro
To: Yvette F. Penar

**Date:** Monday, May 17, 2021 10:54:21 PM

Hello Yvette: I will be meeting with Dr. Lett on Wednesday, the 19<sup>th</sup> and have made all the necessary arrangements with his assistant.

Thank you, Jennifer Sodaro

**From:** "Yvette F. Penar" < Yvette.Penar@staff.azbar.org>

Date: Monday, May 10, 2021 at 9:44 AM

**To:** Jennifer Sodaro < jennifer sodaro@gmail.com>

**Subject:** RE: Compliance with examination

Ms. Sodaro,

Thank you. I'll await further update on the appointment.

Yvette Penar, Compliance Monitor

T: 602.340.7258 F: 602.416.7458

From: Jennifer Sodaro < jennifersodaro@gmail.com>

**Sent:** Monday, May 10, 2021 8:49 AM

**To:** Yvette F. Penar < Yvette.Penar@staff.azbar.org>

**Subject:** Re: Compliance with examination

Hello Yvette: This is agreeable and I will phone the doctor's office to set up an appointment.

I am vaccinated and it appears that his office is in compliance with mainstream medical advisors, so I will be comfortable going to his office.

I will let you know when we have our appointment set up.

Have a good day, Jennifer Sodaro

**From:** "Yvette F. Penar" < <u>Yvette.Penar@staff.azbar.org</u>>

**Date:** Monday, May 10, 2021 at 8:42 AM

**To:** Jennifer Sodaro < <u>jennifersodaro@gmail.com</u>>

**Subject:** RE: Compliance with examination

Good Morning,

I have attached the polices from his office and yes, the fee is \$600 payable directly to, Dr. Lett. You can contact him @ 602-852-0911 and let me know the date when it's scheduled.

Let me know if you have further questions.

Yvette Penar, Compliance Monitor

T: 602.340.7258 F: 602.416.7458

**From:** Jennifer Sodaro < <u>jennifersodaro@gmail.com</u>>

Sent: Sunday, May 9, 2021 6:10 PM

**To:** Yvette F. Penar < <u>Yvette.Penar@staff.azbar.org</u>>

**Subject:** Compliance with examination

Hello Yvette: I assume you are reading this on Monday, so I hope you had a restful and safe weekend.

I have reconsidered about how to comply with the probation conditions.

I will go see your expert, Dr.Lett, I believe it was.

Will you please re-send his safety protocols statements and his contact information?

I will make an appointment and as long as his costs are \$600, I will find a way to make this work.

Thank you for your help.

Jennifer Sodaro

**From:** "Yvette F. Penar" < <u>Yvette.Penar@staff.azbar.org</u>>

**Date:** Friday, April 23, 2021 at 1:52 PM

**To:** Jennifer Sodaro < <u>jennifersodaro@gmail.com</u>>

**Subject:** Re: inquiry

Ms. Sodaro,

Yes, I would inquire with them to see if they have you listed.

Yvette Penar Compliance Monitor (602) 340-7258

**From:** Jennifer Sodaro < <u>iennifersodaro@gmail.com</u>>

**Sent:** Friday, April 23, 2021 1:49:14 PM

**To:** Yvette F. Penar < <u>Yvette.Penar@staff.azbar.org</u>>

**Subject:** Re: inquiry

Ms. Penar: To my knowledge, I have never signed up for the program and have never received a request before.

I will contact them and make sure they remove me.

I have no outlet to practice any sort of law in Arizona in the future and have no intention of doing so.

**From:** "Yvette F. Penar" < <u>Yvette.Penar@staff.azbar.org</u>>

Date: Friday, April 23, 2021 at 12:16 PM

**To:** Jennifer Sodaro < <u>jennifersodaro@gmail.com</u>>

**Subject:** RE: inquiry

Ms. Sodaro,

No, I do not know why you would receive this. I know the SBA has a referral program through the find a lawyer program that members of the bar can sign up for. You can review that program via this link and/ or contact the program.

https://www.azbar.org/for-lawyers/benefits-services/find-a-lawyer-for-lawyers/

Yvette Penar, Compliance Monitor

T: 602.340.7258 F: 602.416.7458

**From:** Jennifer Sodaro < <u>jennifersodaro@gmail.com</u>>

**Sent:** Friday, April 23, 2021 12:13 PM

**To:** Yvette F. Penar < <u>Yvette.Penar@staff.azbar.org</u>>

**Subject:** FW: inquiry

Do you have any knowledge of why I would receive such a query?

I have never received any referrals before from the Bar.

**From:** Jennifer Sodaro < <u>jennifersodaro@gmail.com</u>>

Date: Thursday, April 22, 2021 at 3:43 PM

**To:** Douglas King <<u>douglasking900@icloud.com</u>>

**Subject:** Re: inquiry

Hello: No, I am sorry. I am not doing any litigation in my practice.

Thank you, Jennifer Sodaro

**From:** Douglas King < douglasking 900@icloud.com >

Date: Thursday, April 22, 2021 at 1:53 PM

To: "jennifersodaro@gmail.com" < jennifersodaro@gmail.com >

**Subject:** inquiry

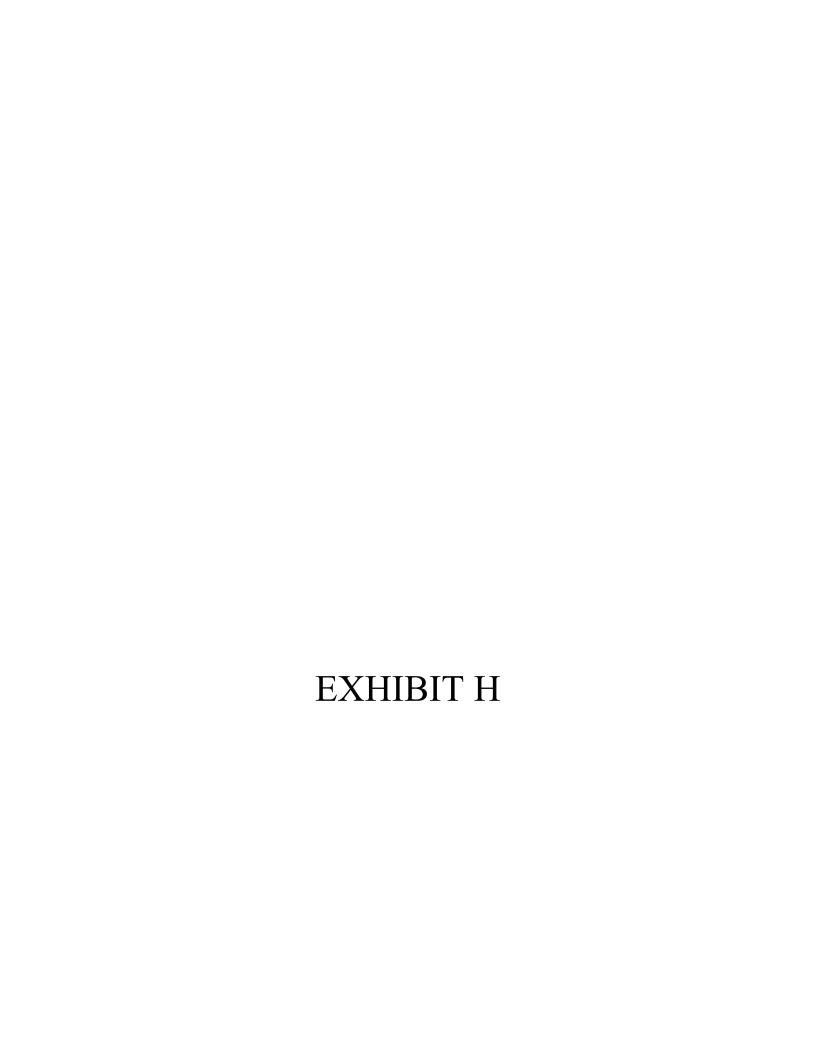
I was referred to you by the state bar referral service. Are you open to handle any new dispute cases?.

Important Notice: State Bar offices will be closed to the public indefinitely due to COVID-19. Operations will continue remotely, but you might experience a delayed response time. Your patience is appreciated. Visit our <u>Coronavirus (COVID-19) Information Center</u> for resources and timely updates.

Important Notice: State Bar offices will be closed to the public indefinitely due to COVID-19. Operations will continue remotely, but you might experience a delayed response time. Your patience is appreciated. Visit our <u>Coronavirus (COVID-19) Information Center</u> for resources and timely updates.

Social Justice - Lawyers as Agents of Change
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**The State Bar of Arizona Annual Convention** is back June 16-18, 2021! Learn more and register now at <u>azbar.org/convention</u>



Phillip D. Lett, Ph.D.
Professional Psychology Associates, PC
11811 North Tatum Boulevard, Suite 3031
Phoenix, Arizona 85028
602-852-0911

## **Psychological Report**

Name: Occupation:	Date of birth:  Date of evaluation:
Evaluated by:	Referred by:
Acknowledgement of Consent	
	<b>=</b> ,
Background and Reason for Referral	
Basis of Evaluation	

## Clinical Interview with Jennifer Sodaro

Background			10010 01		D	
Social History	60 W	2000 NAVA 2000	V V V V V	0.90g2 9 200507	70 PAGE 1842	_
Educational/Vocational					3	
Legal/Criminal Justice						
Medical						

Behavioral/Psychiatric
Substance Use
Recreation, Leisure and Social Activity
Results
Behavioral Observations and Mental Status

Intellectual and Cognitive Screening
Alcohol Use Assessment
Personality and Screening for Psychopathology
Summary, Discussion and Recommendations



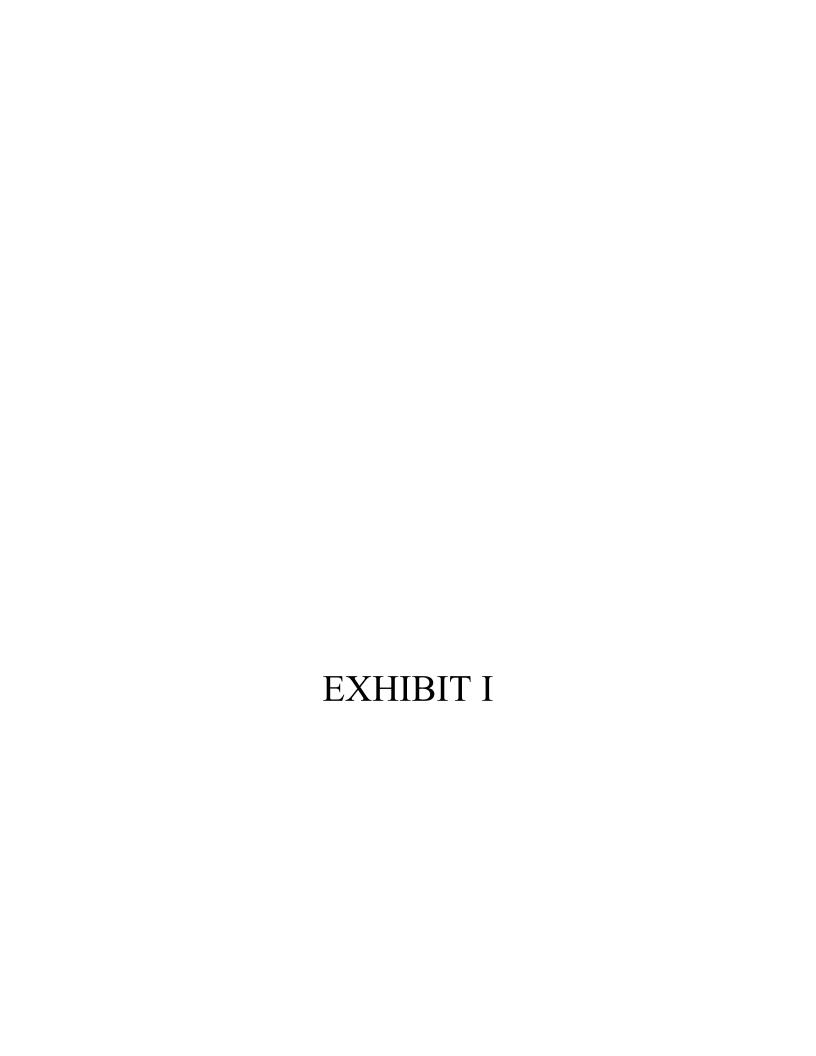
The following is recommended:

- 1. Mrs. Sodaro continues undergoing medical monitoring and treatment for mental health including sleep for at least one year.
- 2. She undergoes psychotherapy at least twice a month for six months to address the psychological issues identified in this evaluation.
- 3. She has her professional provider in number 1 above send progress reports every three months and the provider in number 2 to send reports every other month to a designated Bar staff regarding compliance with recommended treatment.

If you have any questions or require further information please contact me.

Phillip D. Lett, Ph.D.

Arizona Licensed Psychologist #PSY001627



From: <u>Yvette F. Penar</u>
To: <u>"Jennifer Sodaro"</u>

Date:Wednesday, June 2, 2021 3:03:00 PMAttachments:Sodaro 20-2700-R MAP Eval.pdf

Counseling Report Updated Feb 2014 3.pdf

Counseling Report Updated Feb 2014 (2017 retention).docx

Sodaro 20-2700-R Terms of Probation-unsigned.pdf

image001.gif

Ms. Sodaro,

I have attached the terms of probation based on the report received from Dr. Lett. I have also attached a copy of the report for your records. The reporting forms are to be used to submit the required counseling reports on the indicated reporting dates.

Please sign and return the terms no later than, June 9, 2021. Let me know if you have questions.



# Yvette Penar, Compliance Monitor

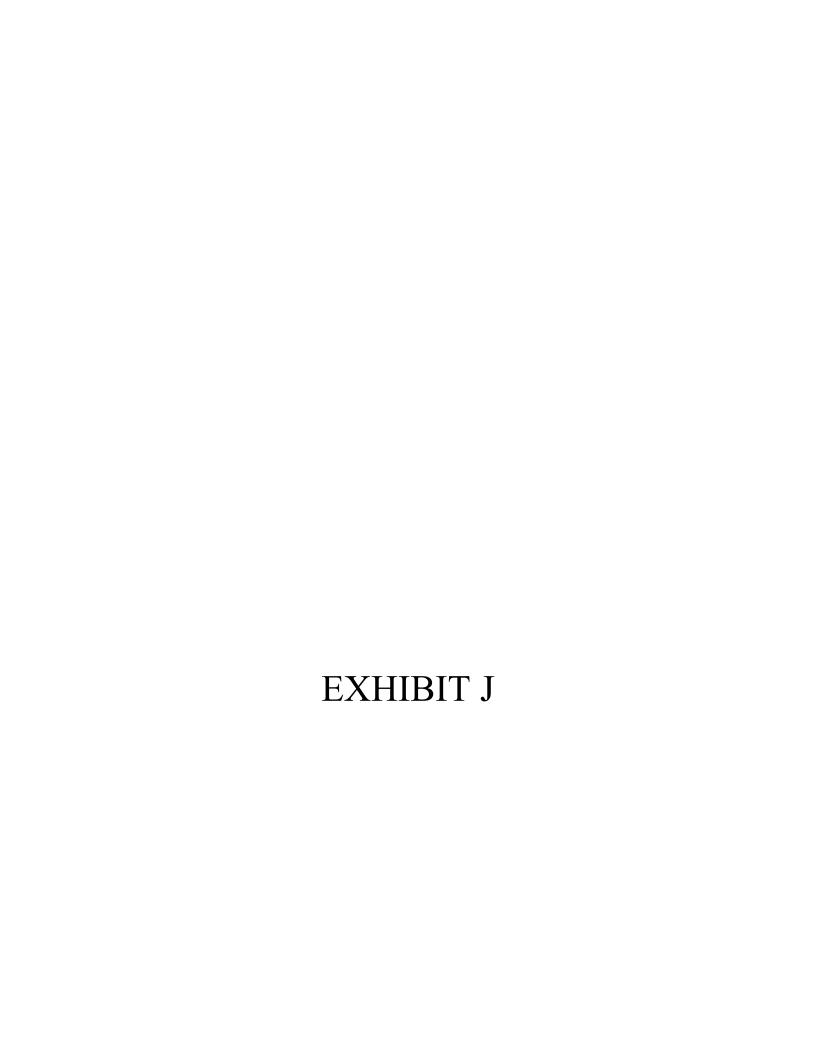
State Bar of Arizona

4201 N. 24th St., Suite 100 | Phoenix, AZ 85016-6266

T: 602.340.7258 F: 602.416.7458 EMAIL: Yvette.Penar@staff.azbar.org

www.azbar.org

Serving the public and enhancing the legal profession.



Jennifer Sodaro Yvette F. Penar Wednesday, June 2, 2021 10:51:57 PM AZBar6.21.docx From: To:

Date:

Attachments:

Here is my answer.

# Jennifer Sodaro

P O Box 25130 ♦ Scottsdale, Arizona 85255 602-697-5866 ♦ sodarolaw.net ♦ jennifersodaro@gmail.com

June 3, 2021

Yvette Penar Compliance Monitor State Bar of Arizona 4201 N. 24<sup>th</sup> Street Suite 100 Phoenix, Arizona 85016-6266

Re: Jennifer Prager Sodaro
Bar Number 033463
File No. 20-2700-R

Ms. Penar:

I have reviewed the documents you forwarded to me concerning my probationary status.

Per your direction, I submitted to a day long Psychological Examination by Dr. Phillip Lett. His report expressly states that the purpose of the Independent Exam was for the purpose of Assessment, not treatment. Therefore, your office, not being medical professionals, have no right to dictate future medical treatment for me.

His entire report clearly reveals that I have:

- 1. No relevant legal, economic, or criminal history whatsoever.
- 2. That I have no significant change in energy or social issues.
- 3. That there are no reports or signs of alcohol or substance abuse.
- 4. That my affect is appropriate, speech normal and fluent and that I have no problems with attention or memory, nor any unusual behaviors.
- 5. The doctor stated that I have remarkable strength in verbal comprehension and functioning.
- 6. That other testing revealed that my behaviors fall within the normal range compared to peers of my age group.
- 7. Also, that there are no indications of severe personality disorder or clinical psychopathology, nor are there any cognitive concerns.

8. Dr. Lett pointed out that my depression is stable and/or in remission.

And then, as I assume was pursuant to your direction, or someone in your office, I am presented with a variety of treatment requirements, reports and expenses that are neither justified nor within your authority to mandate.

When I agreed to the initial discipline settlement, after being advised by Mr. Rhodes, I was told that I would have to undergo an evaluation. That is all.

What you propose to impose upon me is entirely without basis and is punitive in nature.

I also consider such a demand to be a violation of my rights under HIPA, and perhaps other civil rights protections that I have.

In conclusion, the order entered by Judge O' Neil is not only punitive but unjustified. The Arizona Supreme Court states that discipline is for corrective purposes and should not be punitive.

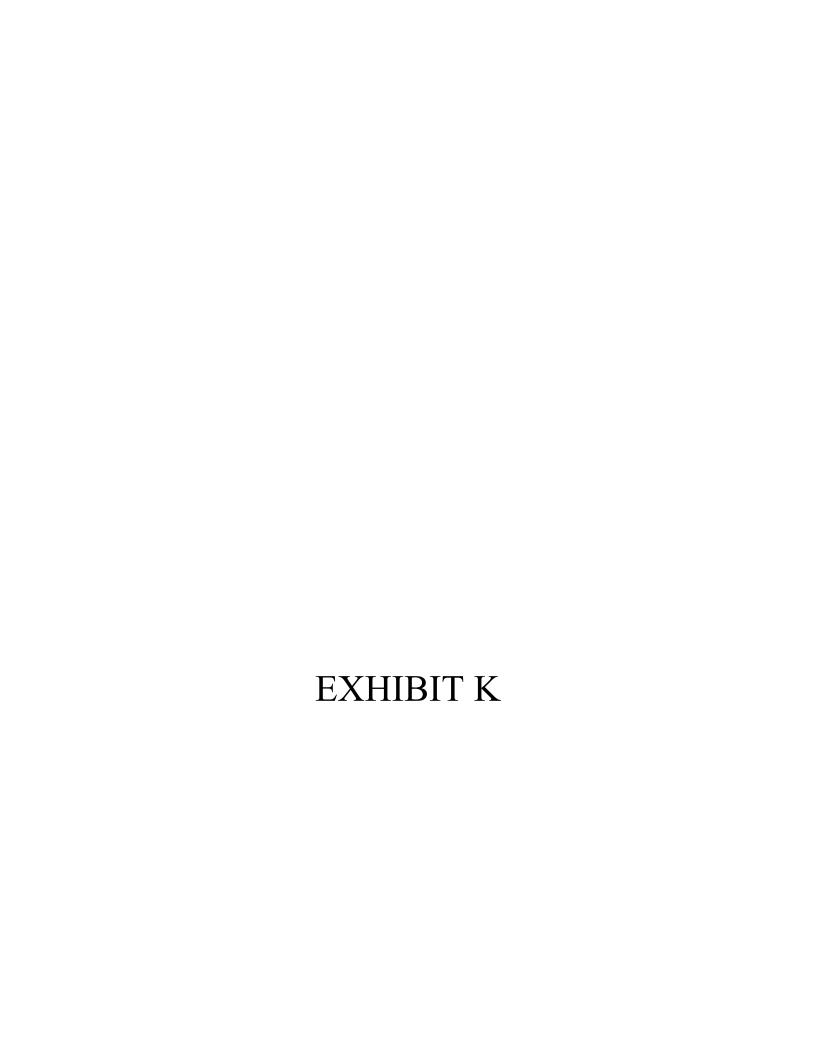
I have complied with all of my required conditions and will not be disclosing any further medical information to your office.

Judge O'Neil's order was entered before the pandemic and all that followed.

He refused to amend his order after I informed him that the legal work that I was ordered to limit my practice to, for the next two years NO LONGER EXISTS and will not likely ever exist in the future.

Therefore, the effect of this judge's order is that I am prevented from pursuing my profession for 2 and ½ years. That is not what I agreed to, nor is it justified in any way. It is a violation of my right to my profession and to earn a living. There is a United States Supreme Court opinion which states that specifically.

I have not violated any of the terms of the discipline your office has imposed and I will not be signing your "Terms of Probation" document.



Bradley F. Perry, Bar No. 025682 State Bar of Arizona 4201 N. 24<sup>th</sup> Street, Suite 100 Phoenix, Arizona 85016-6266 Telephone

Email: LRO@staff.azbar.org

## BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA,	PDJ 2021
	DECLARATION
JENNIFER PRAGER SODARO, Bar No. 033463,	State Bar No. 21-1310-N
Respondent	

- I, Yvette Penar, do hereby declare the following:
- 1. I am over the age of 18.
- 2. I am the Compliance Monitor at the State Bar of Arizona.
- 3. As Compliance Monitor it is my responsibility to ensure Respondents comply with the terms of their probation or diversion.
- 4. I have first-hand knowledge of Ms. Sodaro's probation non-compliance.
- 5. I reviewed the State Bar's Notice of Non-Compliance with Terms of Probation (Notice) and attached exhibits A-J.

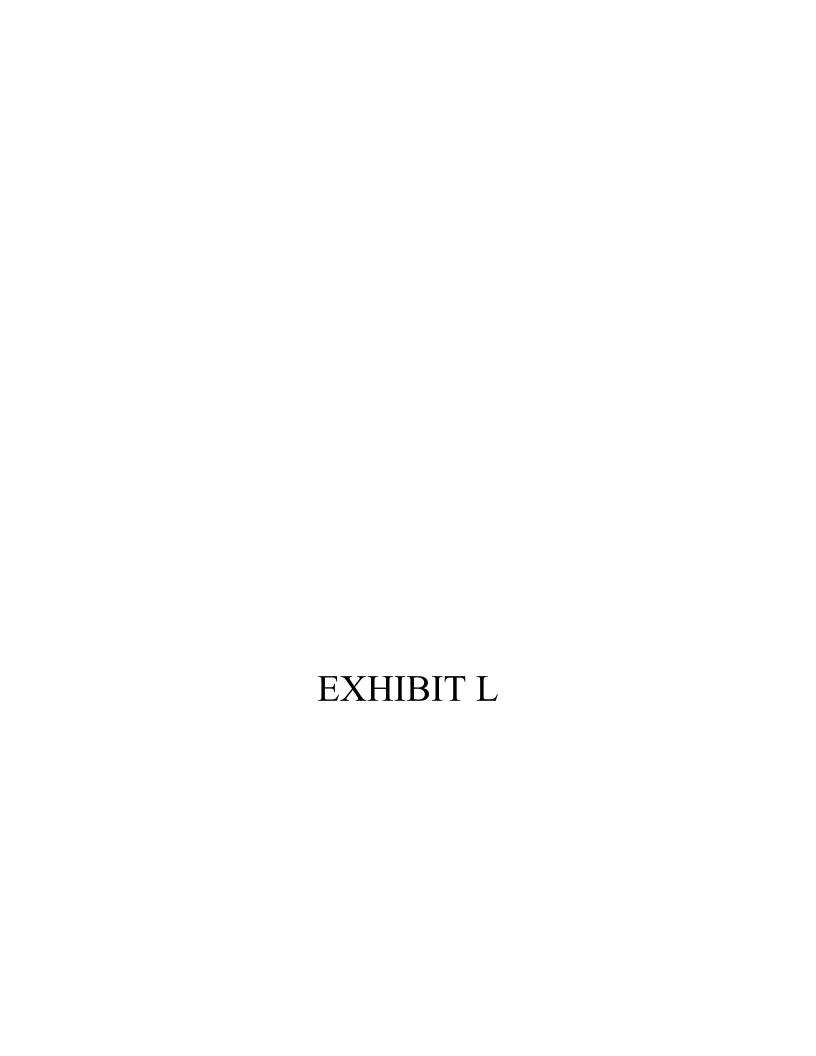
- 5. I reviewed the State Bar's Notice of Non-Compliance with Terms of Probation (Notice) and attached exhibits A-J.
- 6. I hereby verify that the facts contained in the Notice are true and correct to the best of my knowledge and that the exhibits are accurate copies that have not been altered.

**DATED** this 2021.

STATE BAR OF ARIZONA

Yvette Penar

Compliance Monitor



Bradley F. Perry, Bar No. 025682 Staff Bar Counsel State Bar of Arizona 4201 N. 24<sup>th</sup> Street, Suite 100 Phoenix, Arizona 85016-6266 Telephone (602)340-7247 Email: <u>LRO@staff.azbar.org</u>

## BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A MEMBER | PDJ 2021-\_\_\_\_

OF THE STATE BAR OF ARIZONA,  JENNIFER PRAGER SODARO, Bar No. 033463,  Respondent.	ORDER SETTING HEARING DATE  [State Bar No. 21-1310-N]
The Presiding Disciplinary Judge i	is in receipt of the State Bar's Notice of
Noncompliance and Motion to Set Hearing	g date within thirty (30) days of the filing
of the Notice of Noncompliance pursuant	to Rule 60(a)(5)(C), Ariz. R. Sup. Ct.
IT IS ORDERED granting the Stat	te Bar's motion to set a hearing date.
IT IS HEREBY ORDERED setti	ing the hearing date for the day of
, 2021.	

DiffED and any of vane 2021	<b>DATED</b> this	d	lay of	June	2021
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Margaret H. Downie, 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 June, 2021.

Copy of the foregoing were emailed this \_\_\_\_ day of June, 2021, to:

Jennifer Prager Sodaro Law Office of Jennifer Sodaro P.O. Box 25130 Scottsdale, Arizona 85255-0102 Email: jennifersodaro@gmail.com Respondent

Bradley F. Perry Staff Bar Counsel State Bar of Arizona 4201 N. 24th Street, Suite 100 Phoenix, Arizona 85016-6266 Email: LRO@staff.azbar.org Lawyer Regulation Records Manager State Bar of Arizona 4201 N. 24<sup>th</sup> Street, Suite 100 Phoenix, Arizona 85016-6266

b	y:_									

## BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

JENNIFER PRAGER SODARO, Bar No. 033463

Respondent.

PDJ 2021-9045

ORDER FINDING PROBATION VIOLATION AND IMPOSING TERM OF SUSPENSION

[State Bar No. 21-1310-N]

**FILED JUNE 30, 2021** 

The State Bar filed a Notice of Noncompliance with Terms of Probation on June 10, 2021. Respondent Jennifer Prager Sodaro filed a response on June 22, 2021. An evidentiary hearing was held before Presiding Disciplinary Judge (PDJ) Margaret H. Downie on June 28, 2021, at which exhibits were introduced into evidence and the following witnesses testified:

- Jennifer Prager Sodaro
- Yvette Penar

Ms. Sodaro appeared on her own behalf. The State Bar was represented by Bradley F. Perry. Having considered the matters presented, the PDJ issues the following findings of fact, conclusions of law, and order.

#### FINDINGS OF FACT

1. On April 29, 2020, Ms. Sodaro, her then-counsel (J. Scott Rhodes), and Bar Counsel Bradley Perry signed and filed an Agreement for Discipline by Consent that resolved a four-count formal complaint the State Bar had filed against Ms. Sodaro in PDJ no. 2019-9098.

2. Pursuant to the consent agreement, Ms. Sodaro agreed to a six-month suspension from the practice of law based on admitted violations of Rule 42, Ariz. R. Sup. Ct., ERs 1.1, 1.3, 1.7(a)(2), 1.15, 4.2, 4.3, and 8.4(d) and Rule 43. The consent agreement also provided that Ms. Sodaro would serve two years of probation upon reinstatement, with enumerated terms. As relevant here, the agreement stated:

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: Suspension of six (6) months, and two (2) years of probation upon Reinstatement, the terms of probation will consist of:

LRO MAP: Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within ten (10) days from the date of service of an Order of Reinstatement, to schedule an assessment. The Compliance Monitor shall develop terms and conditions of participation if the results of the assessment so indicate and the terms, including reporting requirements, shall be incorporated herein. Respondent will be responsible for any costs associated with participation with compliance.

- 3. PDJ William J. O' Neil accepted the consent agreement, and Ms. Sodaro thereafter served a six-month term of suspension.
- 4. At the conclusion of her suspension term, Ms. Sodaro applied for reinstatement, which the State Bar did not oppose. By order dated December 16, 2020, Judge O'Neil granted Ms. Sodaro's application. As contemplated by the consent agreement, the order of reinstatement included the following language:

**IT IS FURTHER ORDERED** Ms. Sodaro shall be placed on probation for a period of two (2) years with the State Bar's Member Assistance Program (MAP) as follows:

a) LRO MAP: Ms. Sodaro shall contact the State Bar Compliance Monitor at (602) 340-7258, within ten (10) days from the date of this Order of Reinstatement, to schedule an assessment. The Compliance Monitor shall develop terms and conditions of participation if the results of the

- assessment so indicate and the terms, including reporting requirements, shall be incorporated herein. Ms. Sodaro shall be responsible for any costs associated with participating and compliance of MAP.
- 5. In January of 2021, Ms. Sodaro advised Yvette Penar, the State Bar's Compliance Monitor, that she was searching for an evaluator who could conduct the required assessment virtually. Ms. Penar responded: "The order requires the evaluation to be scheduled with[in] 10 days of the reinstatement order. We are past that date however, I will give you until January 31, 2021 to find an alternative provider or schedule the evaluation with Dr. Lett."
- 6. Ms. Penar followed up with Ms. Sodaro on February 24, 2021. Ms. Sodaro advised she was waiting to hear back from Dr. Lavit (whom she preferred to use for the assessment), and she agreed to notify Ms. Penar once the appointment was scheduled.
- 7. Having heard nothing further, Ms. Penar emailed Ms. Sodaro on April 22, 2021 to remind her of her obligations. Ms. Penar further advised: "If, you do not get an evaluation scheduled in the next few weeks, we are required per Rule 60(a)(5)(C) to file a violation with the PDJ."
- 8. On April 26, 2021, Ms. Sodaro wrote to Ms. Penar and Bar Counsel, stating, in pertinent part: "I will not submit to an examination by the expert of your choice, who will be biased in your favor and could pose a risk to my health." However, on May 9, 2021, Ms. Sodaro advised Ms. Penar she had "reconsidered about how to comply with the probation conditions" and stated she would meet with Dr. Lett "as long as his costs are \$600." Ms. Penar confirmed the \$600 fee, and Ms. Sodaro scheduled the assessment with Dr. Lett for May 19, 2021.

- 9. After conducting the assessment of Ms. Sodaro on May 19, 2021, Dr. Lett made the following recommendations:
  - Psychiatric consultation
  - Continued medical monitoring and treatment for mental health, including sleep, for at least one year
  - Psychotherapy at least twice a month for six months to address the issues identified in the evaluation

Dr. Lett further recommended that Ms. Sodaro's medical/mental health providers submit periodic reports to the State Bar regarding her progress.

- 10. On June 2, 2021, Ms. Penar sent Ms. Sodaro terms of probation that incorporated Dr. Lett's recommendations. She asked Ms. Sodaro to sign and return the terms of probation by June 9, 2021.
- 11. Ms. Sodaro responded to Ms. Penar on June 3, 2021, stating, in pertinent part:

Per your direction, I submitted to a day long Psychological Examination by Dr. Phillip Lett. His report expressly states that the purpose of the Independent Exam was for the purpose of Assessment, **not treatment**. Therefore, your office, not being medical professionals, have no right to dictate future medical treatment for me.

\* \* \* \* \*

When I agreed to the initial discipline settlement, after being advised by Mr. Rhodes, I was told that I would have to undergo an evaluation. That is all.

What you propose to impose upon me is entirely without basis and is punitive in nature.

I also consider such a demand to be a violation of my rights under HIPA, and perhaps other civil rights protections that I have.

In conclusion, the order entered by Judge O'Neil is not only punitive but unjustified. The Arizona Supreme Court states that discipline is for corrective purposes and should not be punitive.

I have complied with all of my required conditions and will not be disclosing any further medical information to your office.

\* \* \* \* \*

I have not violated any of the terms of the discipline your office has imposed and I will not be signing your "Terms of Probation" document.

12. Ms. Sodaro confirmed at the evidentiary hearing that she will not sign the terms of probation.

### **CONCLUSIONS OF LAW**

- 1. The sole issue is whether the State Bar proved by a preponderance of the evidence that Ms. Sodaro violated her terms of probation. In these proceedings, Ms. Sodaro may not collaterally attack the consent agreement she signed or the order Judge O'Neil entered upon her reinstatement.
- 2. Ms. Sodaro's refusal to sign or agree to terms of probation is in violation of the December 16, 2020 order placing her on probation.
- 3. Violation of a condition of probation constitutes grounds for discipline and subjects the respondent lawyer to an additional sanction. *See* Rules 54(e) and 60(a)(5)(C), Ariz. R. Sup. Ct.

#### DISCUSSION

The State Bar requests that Ms. Sodaro be suspended from the practice of law for six months and one day. Ms. Sodaro's position is that she should be permitted to resign from the State Bar of Arizona, with an indication she has served her suspension and

complied with the terms of her reinstatement order. But see Rule 32(c)(12) (only members

in good standing may resign).

Although the PDJ encouraged Ms. Sodaro to identify specific terms of probation

that might be modified to gain her compliance, she did not do so, instead insisting she

should never have been placed on probation in the first instance. Of course, it was her

own agreement to probation, as well as her agreement to the terms at issue here, that

resulted in her probationary status and the State Bar's requirement that she sign terms of

probation. Under the circumstances, no viable alternative to suspension exists. Ms.

Sodaro's refusal to comply with probation demonstrates that any future application for

reinstatement should proceed under Rules 64(e)(1) and 65.

ORDER

For the reasons stated,

**IT IS ORDERED** that Jennifer Prager Sodaro is in violation of probation.

IT IS FURTHER ORDERED suspending Jennifer Prager Sodaro from the practice

of law in Arizona for six months and one day, effective immediately.

Margaret H. Downie

Margaret H. Downie

Presiding Disciplinary Judge

Copies of the foregoing emailed

this 30th day of June, 2021, to:

6

Bradley F. Perry Bar Counsel State Bar of Arizona 4201 N. 24th Street, Suite 100 Phoenix, Arizona 85016-6266 Email: <u>LRO@staff.azbar.org</u>

Jennifer Prager Sodaro P.O. Box 25130 Scottsdale, Arizona 85255

Email: jennifersodaro@gmail.com

Respondent

by: SHunt