

**BEFORE THE PRESIDING DISCIPLINARY  
JUDGE**

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

**JOSEPH J. LODGE,**  
**Bar No. 013306**

Respondent.

**No. PDJ-2015-9073**

**FINAL JUDGMENT AND ORDER**

[State Bar File No. 14-2170]

**FILED AUGUST 11, 2015**

The Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on August 4, 2015, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

**IT IS HEREBY ORDERED** Respondent, **Joseph J. Lodge**, is hereby suspended for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective thirty (30) days from the date of this Order.

**IT IS FURTHER ORDERED** Mr. Lodge shall be suspended for six (6) months and one (1) day.

**IT IS FURTHER ORDERED** Mr. Lodge shall be subject to any additional terms imposed by the Presiding Disciplinary Judge as a result of any reinstatement hearings held.

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

**IT IS FURTHER ORDERED** Mr. Lodge 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 disciplinary clerk and/or Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings.

**DATED** this 11<sup>th</sup> day of August, 2015

*William J. O'Neil*

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

Copies of the foregoing mailed/emailed  
this 11<sup>th</sup> day of August, 2015.

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

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Respondent's Counsel

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

by: JAlbright

**BEFORE THE PRESIDING DISCIPLINARY  
JUDGE**

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

**JOSEPH J. LODGE,**  
**Bar No. 013306**

Respondent.

**No. PDJ-2015-9073**

**DECISION ACCEPTING  
CONSENT FOR DISCIPLINE**

[State Bar File No. 14-2170]

**FILED AUGUST 11, 2015**

An Agreement for Discipline by Consent ("Agreement") was filed August 4, 2015, and submitted under Rule 57(a)(3), Ariz. R. Sup. Ct.<sup>1</sup> Rule 57(a) authorizes filing consent agreements with the presiding disciplinary judge ("PDJ") prior to authorization by the Attorney Discipline Probable Cause Committee to file a complaint. Rule 57(a)(3)(B), specifically provides:

If the agreement is reached before the authorization to file a formal complaint and the agreed upon sanction includes a reprimand or suspension, or if the agreement is reached after the authorization to file a formal complaint, the agreement shall be filed with the disciplinary clerk to be presented to the presiding disciplinary judge for review. The presiding disciplinary judge, in his or her discretion or upon request, may hold a hearing to establish a factual basis for the agreement and may accept, reject, or recommend the agreement be modified.

Upon filing such Agreement, the presiding disciplinary judge, "shall accept, reject or recommend modification of the agreement as appropriate."

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<sup>1</sup> Unless otherwise stated, rules references are to the Arizona Supreme Court Rules.

Rule 57(a)(2) 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. No notice to a complainant is required under Rule 53(b)(3), as Mr. Lodge self-reported his felony conviction.

Mr. Lodge was licensed to practice law in the State of Arizona on April 2, 1991. He conditionally admits his conduct violated Rule 42, ER 8.4(b). As conditionally agreed upon, restitution is not an issue in this matter.

On December 17, 2012, Mr. Lodge was charged with extreme DUI having a blood alcohol content of .20 or greater under ARS § 28-1382(A)(2). He was also charged with driving while impaired under ARS § 28-1381(A)(2). He pled guilty and was sentenced in Flagstaff Municipal Court on November 6, 2013 to violating ARS § 28-1382(A)(1), having a blood alcohol of .15 or more but less than .20. His license was suspended until October 21, 2014 and he was ordered to have an ignition interlock device installed.

On July 17, 2014, Mr. Lodge reported his July 4, 2014, arrest for driving while intoxicated. The parties stipulate the "police report relating to Respondent's 2014 arrest summarizes what transpired." The agreement details the information from the police report. Mr. Lodge told the officer he had drunk Scope mouthwash immediately prior to his stopping his vehicle in response to the officer pulling him over. The portable breath analyzer read 0.175. He later consented to a breath and blood test that reported a blood alcohol content of .193 and .190.

On April 15, 2015, Mr. Lodge pled guilty to aggravated DUI-impaired a class 4 felony; endangerment, a class 6 undesignated felony and driving under the influence of alcohol-extreme 0.15 or more, a class 1 misdemeanor. The court entered a judgment declaring Mr. Lodge guilty of endangerment and extreme DUI. The court deferred entry of judgment on the aggravated DUI count. Under the plea agreement, the court will dismiss the aggravated DUI count and designate the endangerment count as a misdemeanor upon Mr. Lodge's successful completion of the DUI/Drug Court program. The parties consent to a suspension of six (6) months and one (1) day to be followed by such terms of condition as recommended by a hearing panel upon application for reinstatement and stipulated costs of \$1,200.

***ABA Standards for Imposing Lawyer Sanctions (Standards)***

In assessing sanctions, the PDJ is guided by the American Bar Association's *Standards for Imposing Lawyer Sanctions* ("Standards") (2005). *In re Phillips*, 226 Ariz. 112, 117, ¶ 29, 244 P.3d 549, 554 (2010) (citing *In re Van Doo*, 214 Ariz. 300, 303, 152 P.3d 1183, 1186 (2007)). In submitting a consent agreement the parties, under Rule 57(a)(2)(E), must include in their agreement a discussion of the American Bar Association's *Standards for Imposing Lawyer Sanctions*, and an analysis of the proposed sanction, which includes a discussion of why a greater or lesser sanction would not be appropriate under the circumstances. The parties agree that *Standard 5.12 Violations of Duties Owed to the Public* is most applicable under these circumstances. *Standard 5.12* provides:

Suspension is generally appropriate when a lawyer knowingly engages in criminal conduct which does not contain the elements listed in Standard 5.11 and that seriously adversely reflects on the lawyer's fitness to practice.

Mr. Lodge conditionally admits he knowingly engaged in criminal conduct as outlined above.

**Aggravating and Mitigating Factors**

The parties assert the following aggravating factors are present: 9.22(c), pattern of misconduct because of his two DUI related convictions; 9.22(i), substantial experience in the practice of law as he has been a licensed lawyer since 1991 and; 9.22(k), illegal conduct. Mitigating factors include: 9.32(a), absence of prior disciplinary record; 9.32(e), full and free disclosure to disciplinary board or cooperative attitude towards proceedings; 9.32(k), imposition of other penalties or sanctions from his criminal conviction; and 9.32(l), remorse as demonstrated by his treatment and self-reporting.<sup>2</sup> The parties agree that upon application of the aggravating and mitigating factors, the stipulated sanction of suspension is appropriate. While the PDJ finds insufficient evidence submitted to find the mitigating factor of remorse, the PDJ agrees with the proposed sanction.

Accordingly,

**IT IS ORDERED** Mr. Lodge is suspended for six (6) months and one (1) day effective thirty (30) days from this order.

**IT IS FURTHER ORDERED** incorporating by this reference the Agreement and any supporting documents by this reference. Respondent agrees to pay costs associated with the disciplinary proceedings for \$1,200.00.

**IT IS FURTHER ORDERED** the Agreement is accepted. Costs as submitted  
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<sup>2</sup> See Exhibit B of the Agreement for a letter from Mr. Lodge’s counselor with Chandler Valley Hope Residential Treatment Services.

are approved. Now therefore, the final Judgment and Order is signed this date.

**DATED** 11<sup>th</sup> day of August, 2015.

*William J. O'Neil*

---

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

Copies of the foregoing mailed/emailed  
this 11<sup>th</sup> day of August, 2015.

Nicole S. Kasetta  
Staff Bar Counsel  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
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Email: rvanwyck@gzlawoffice.com  
Respondent's Counsel

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

by: JAlbright

AUG 04 2015

BY  FILED

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Respondent's Counsel

**BEFORE THE PRESIDING DISCIPLINARY  
JUDGE**

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

**JOSEPH J. LODGE,  
Bar No. 013306**

Respondent.

**PDJ 2015 -9073**

State Bar File No. **14-2170**

**AGREEMENT FOR DISCIPLINE BY  
CONSENT**

The State Bar of Arizona ("State Bar"), through undersigned Bar Counsel, and Respondent, Joseph J. Lodge, who is represented in this matter by counsel, Robert Brewster Van Wyck, hereby submit their Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. A probable cause order was entered on June 23, 2015, but no formal complaint has been filed in this matter. 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.

The State Bar is the complainant in this matter and, therefore, no notice of this agreement is required pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, Ariz. R. Sup. Ct., ER 8.4(b). Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Respondent shall be suspended from the practice of law in Arizona for a period of six months and one day and, upon reinstatement, Respondent shall be placed on probation with terms and conditions of probation to be determined at the time of reinstatement. A period of suspension of more than six months will require proof of rehabilitation and compliance with other requirements prior to being reinstated to the practice of law in Arizona. 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.<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 on April 2, 1991.

#### **COUNT ONE (File no. 14-2170/ Lodge)**

2. On December 17, 2012, Respondent was charged with extreme DUI (ARS § 28-1382(A)(2)) or having a blood alcohol content (BAC) of .20 or greater and with driving while impaired to the slightest degree (ARS § 28-1381(A)(2)) in

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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.

Flagstaff Municipal Court, both class 1 misdemeanors. See Flagstaff Municipal Court, Case No. M-0341-TR02012007016.

3. On November 6, 2013, Respondent pled guilty to violating ARS § 28-1382(A)(1) (having a BAC of .15 or more but less than .20). The court sentenced Respondent to 30 days of jail, with 21 days suspended and 9 days served, and ordered him to engage in alcohol screening and to install an ignition interlock device in his car for one year.

4. On July 17, 2014, Respondent self-reported to the State Bar that he was arrested on July 4, 2014 for driving while intoxicated.

5. The police report relating to Respondent's 2014 arrest summarizes what transpired.

6. The police report states that Respondent's fiancé, Terry Wilson, contacted the police and advised that Respondent was possibly intoxicated and driving a vehicle. Ms. Wilson further advised the police that Respondent had been drinking vodka "all morning", that they "got into a verbal argument", and that Respondent subsequently left their residence. Ms. Wilson also informed the police that Respondent drives under the influence all the time.

7. The police located Respondent driving his vehicle, stopped him, and advised him that he was being stopped "as it was reported he was intoxicated." Respondent initially denied that he had drank any alcoholic beverages that day, and refused to consent to a field sobriety test. Respondent consented to a portable breath test ("PBT") but then "held up . . . [a] single service sized bottle of Scope in his hand and said I just drank this Scope and the PBT will show a 0.14." The police

conducted the PBT which indicated a reading of 0.175. The police then arrested Respondent.

8. Respondent initially refused to consent to a blood test but then informed the police that he would consent to a blood test.

9. An Implied Consent Affidavit indicates that Respondent submitted to breath and blood tests and that the results indicated a BAC of .193 and .190.

10. The police checked on the status of Respondent's driver's license and noted that it was suspended until October 21, 2014. The police also noted that Respondent's vehicle was supposed to have an ignition interlock device until November 7, 2014, but that the vehicle Respondent was driving did not have such device.

11. Ms. Wilson advised the police that Respondent was driving her vehicle and "took her vehicle to avoid having to use the ignition interlock device in his vehicle because he was drunk."

12. The police booked Respondent for: (a) DUI; (b) DUI over .08; (c) DUI-Extreme, .15 or more but less than .20; (d) DUI-Aggravated, Suspended License (ARS § 28-1381(A)(1)), a class 4 felony; and (e) DUI-Agg, Interlock Device-Refuse Test (ARS § 28-1383(A)(4)), a class 4 felony.

13. On November 6, 2014, Respondent was charged with nine counts of aggravated DUI, all class 4 felonies. See Coconino County Superior Court Case No. CR2014-00888.

14. On April 15, 2015, Respondent pled guilty to the following: (a) aggravated DUI—impaired, a class 4 felony; (b) endangerment, a class 6

undesignated felony; and (c) driving under the influence of alcohol—extreme 0.15 or more, a class 1 misdemeanor.

15. The court accepted Respondent's plea on the same date. It entered judgment that Respondent was guilty of the endangerment and extreme DUI counts but deferred entry of judgment on the aggravated DUI count.

16. Regarding the endangerment and extreme DUI charges, the court ordered Respondent to probation for two years and order him to be admitted "into the Drug Court Program, until such time as the Defendant successfully completes the Drug Court Program, or until such time as the Court terminates the Defendant from the Drug Court Program." The court further ordered that Respondent shall not consume or possess any substance containing alcohol or any illegal substances, shall submit to UA's, and shall not enter any bar. The court also ordered that Respondent shall serve 30 days in the Coconino County Jail and up to 364 days but the 364 days "is suspended, subject to further review by the Court." Finally, the court ordered that Respondent equip any vehicle that he operates with an ignition interlock device for 12 months "upon the conclusion of her license suspension or revocation."

17. Pursuant to the plea agreement that Respondent executed, the court will dismiss the aggravated DUI count and designate the endangerment count as a misdemeanor upon Respondent's successful completion of the DUI/Drug Court program.

18. Respondent maintains that he has been clean and sober since July of 2014.

19. To date, Respondent has complied with the terms of his probation. Respondent's probation officer advised the State Bar that Respondent "has had perfect compliance with no violations" of his probation.

#### **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 his conduct violated Rule 42, Ariz. R. Sup. Ct., specifically ER 8.4(b).

#### **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: Respondent shall be suspended from the practice of law in Arizona for a period of six months and one day and, upon reinstatement, Respondent shall be placed on probation with terms and conditions of probation to be determined at the time of reinstatement.

If Respondent violates any of the terms of this agreement, further discipline proceedings may be brought.

#### **NON-COMPLIANCE LANGUAGE**

In the event that Respondent fails to comply with any 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 an appropriate sanction. If there is an allegation that Respondent failed to comply with the foregoing terms, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

#### **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 5.12* is the appropriate *Standard* given the facts and circumstances of this matter. *Standard 5.12* provides that "[s]uspension is generally appropriate when a lawyer knowingly engages in criminal conduct which does not contain the elements listed in *Standard 5.11* and that seriously adversely reflects on the lawyer's fitness to practice." In the present case, Respondent

knowingly engaged in criminal conduct. Respondent pled guilty to (a) aggravated DUI—impaired, a class 4 felony; (b) endangerment, a class 6 undesignated felony; and (c) driving under the influence of alcohol—extreme 0.15 or more, a class 1 misdemeanor.

**The duty violated**

As described above, Respondent's conduct violated his duty to the public.

**The lawyer's mental state**

For purposes of this agreement, the parties agree that Respondent knowingly engaged in the above described criminal conduct and that his 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 potential harm to the public.

**Aggravating and mitigating circumstances**

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

**In aggravation:**

*Standard 9.22(c):* A pattern of misconduct. Respondent pled guilty to DUI-related offenses in 2013 and 2015.

*Standard 9.22(i):* Substantial experience in the practice of law. Respondent has been licensed to practice law in Arizona since April 2, 1991.

*Standard 9.22(k):* Illegal conduct.

**In mitigation:**

*Standard 9.32(a)*: Absence of a prior disciplinary record.

*Standard 9.32(e)*: Full and free disclosure to disciplinary board or cooperative attitude toward proceedings.

*Standard 9.32(k)*: Imposition of other penalties or sanctions. Respondent is currently on probation as a result of his guilty plea in case no. CR2014-00888.

*Standard 9.32(l)*: Remorse. Respondent self-reported to the State Bar and sought treatment at a rehabilitation facility shortly after self-reporting. See Exhibit B.

### **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. This agreement was based on the following: While Respondent has taken steps to address his alcoholism, including by seeking treatment at a rehabilitation facility, a six month and a day suspension will protect the public and ensure that Respondent is rehabilitated before practicing law again.

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 a six month and one day suspension, probation to be determined upon reinstatement, and the imposition of costs and expenses. A proposed form order is attached hereto as Exhibit C.

DATED this 4<sup>th</sup> <sup>August</sup> day of July, 2015.

STATE BAR OF ARIZONA



Nicole S. Kaseta  
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.**

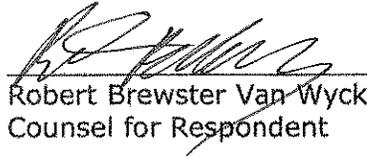
DATED this 22 day of July, 2015.



Joseph J. Lodge  
Respondent

DATED this 28 day of July, 2015.

Goldman & Zwilling PLLC



Robert Brewster Van Wyck  
Counsel for Respondent

Approved as to form and content



Original filed with the Disciplinary Clerk of  
the Office of the Presiding Disciplinary Judge  
of the Supreme Court of Arizona  
this 4<sup>th</sup> day of August, 2015.

Copies of the foregoing mailed/emailed  
this 4<sup>th</sup> day of August, 2015, to:

Robert Brewster Van Wyck  
Goldman & Zwillinger PLLC  
7047 East Greenway Parkway, Suite 150  
Scottsdale, Arizona 85254-8109  
Email: [rvanwyck@gzlawoffice.com](mailto:rvanwyck@gzlawoffice.com)  
Respondent's Counsel

Copy of the foregoing emailed  
this 4<sup>th</sup> day of August, 2015, to:

William J. O'Neil  
Presiding Disciplinary Judge  
Supreme Court of Arizona  
Email: [officepdj@courts.az.gov](mailto:officepdj@courts.az.gov)

Copy of the foregoing hand-delivered  
this 4<sup>th</sup> day of August, 2015, to:

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

by: Jackie Davender

## **EXHIBIT A**

## Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,  
Joseph J. Lodge, Bar No. 013306, Respondent

File No. 14-2170

### 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

Total for staff investigator charges \$ 0.00

TOTAL COSTS AND EXPENSES INCURRED \$1,200.00

  
\_\_\_\_\_  
**Sandra E. Montoya**  
**Lawyer Regulation Records Manager**

6-17-15  
\_\_\_\_\_  
**Date**

**EXHIBIT B**

 **VALLEY HOPE  
ASSOCIATION**  
Alcohol, Drug and Related Treatment Services  
*www.valleyhope.org    recovery@valleyhope.org*  
A Not For Profit Organization

Chandler Valley Hope  
Residential Treatment Services  
501 N Washington PO 1839  
Chandler, AZ 85225  
(480) 899-3335 • FAX (480) 899-6697

Valley Hope Outpatient  
Treatment Services  
2115 E Southern  
Tempe, AZ 85282  
(480) 831-9533 • FAX (480) 831-9564

October 7, 2014

Maret Vessella, Esq  
Chief Bar Counsel  
State Bar of Arizona  
4201 N 24<sup>th</sup> St, Suite 200  
Phoenix, Arizona 85016-6288

IN RE Joseph Lodge

Dear Ms Vessella

This letter is to inform you that Joseph Lodge was admitted to Chandler Valley Hope on September 10, 2014. Chandler Valley Hope is a residential treatment center for alcohol and chemical dependency. It was determined that it was medically necessary for Mr Lodge to seek treatment for alcohol dependency.

I am very aware of the issues involved with the Bar Association and the associated professional ethics as I was the Director of the Membership Assistance Program at the State Bar of Arizona from August of 1990 to March 1993 and helped to develop the behavioral health piece of the Diversion from Discipline Program that became the model for the American Bar Association. I was privileged to have been a presenter at the Annual International Conference of the American Bar Association Commission on Impaired Attorneys during each of the years I served in MAP.

Mr Lodge shared with me that one of the consequences of his alcoholism is while intoxicated he mistakenly wrote two checks against a client's security fund to a cab company. He reportedly realized his mistake the next day and contacted the client acknowledging his error. He apologized and replaced the money and expressed a willingness to pay any bank fees that this mistake may have incurred. In addition, he has also received a form letter from the State Bar regarding his July 4, 2014 charge of DUI. Based on my observations of Mr Lodge as his primary therapist here and on the results of his psychological testing, I am confident these events were a function of impaired judgment while under the influence of alcohol and not due to any characterological failing.

Mr Lodge was discharged upon successful completion of treatment on October 7, 2014  
Continuing care recommendations include attendance at meetings of Alcoholics  
Anonymous, participation in Valley Hope Association's AC/ESS Continuing Care  
Program and individual therapy

If you have any questions please call me at 480-899-3335

Sincerely,



Roger W. Nelson, M.S., L.I.S.A.C.  
Counselor

This information has been disclosed to you from records protected by federal confidentiality rules (42 CFR Part 2). The federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR Part 2. A general authorization for the release of medical or other information is not sufficient for this purpose. The federal rules restrict any use of this information to criminally investigate or prosecute any alcohol or drug patient. This disclosure may be modified to meet state law provisions, if those provisions are not contradictory. For example, the program may want to notify the patient that under state law the program may deny the patient access to the records if the program director determines the release would be harmful to the patient.

**EXHIBIT C**

**BEFORE THE PRESIDING DISCIPLINARY  
JUDGE**

---

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

**Joseph J. Lodge,**  
**Bar No. 013306,**

Respondent.

**PDJ 2015**

**FINAL JUDGMENT AND ORDER**

State Bar No. 14-2170

The undersigned Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on July\_\_\_, 2015, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

**IT IS HEREBY ORDERED** that Respondent, **Joseph J. Lodge**, is hereby suspended for a period of six months and one day for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective thirty (30) days from the date of this Final Judgment and Order.

**IT IS FURTHER ORDERED** that, upon reinstatement, Respondent shall be placed on probation with the terms and conditions of probation, including the length of probation, determined upon reinstatement.

**IT IS FURTHER ORDERED** that Respondent shall be subject to any additional terms imposed by the Presiding Disciplinary Judge as a result of reinstatement hearings held.

**NON-COMPLIANCE LANGUAGE**

In the event that Respondent fails to comply with any 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 \$ 1,200.00, within thirty (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 thirty (30) days from the date of service of this Order.

**DATED** this \_\_\_\_\_ day of July, 2015.

\_\_\_\_\_  
**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, 2015.

Copies of the foregoing mailed/mailed  
this \_\_\_\_\_ day of July, 2015.

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Respondent's Counsel

Copy of the foregoing emailed/hand-delivered  
this \_\_\_\_\_ day of July, 2015, to:

Nicole S. Kasetta  
Staff Bar Counsel  
State Bar of Arizona  
4201 North 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 July, 2015, to:

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

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