

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

ROBERT C. STANDAGE,
Bar No. 021340

Respondent.

PDJ-2015-9007

FINAL JUDGMENT AND ORDER

[State Bar File No. 14-0367]

FILED JUNE 29, 2015

The Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on June 18, 2015, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

IT IS HEREBY ORDERED Respondent, **Robert C. Standage**, is suspended for two (2) years effective thirty (30) days from the date of this Order. 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 for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

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

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

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$1,985.40, within 30 days from the date of service of this Order.

DATED this 29th day of June, 2015.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed
this 29th day of June, 2015.

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by: JAlbright

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

ROBERT C. STANDAGE,
Bar No. 021340

Respondent.

No. PDJ-2015-9007

**DECISION ACCEPTING
CONSENT FOR DISCIPLINE**

[State Bar File No. 14-0367]

FILED JUNE 29, 2015

An Agreement for Discipline by Consent ("Agreement") was filed June 18, 2015, and submitted under Rule 57(a)(3), Ariz. R. Sup. Ct.¹ Rule 57(a) authorizes filing consent agreements with the presiding disciplinary judge ("PDJ") after 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."

¹ 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.

Mr. Standage self-reported his misconduct to the State Bar. The State Bar is the complainant. As a result the complainant notification requirements under Rules 53(b)(3) and 57(a)(2)(D)(vi), do not apply. A probable Cause Order was filed January 20, 2015, and the formal complaint was filed January 21, 2015.

Mr. Standage has been a licensed Arizona lawyer since October 29, 2001. He conditionally admits his conduct violated Rule 42, ERs 1.7(a)(2), 1.8(j), 8.4(a), (b) and (d), and Rule 41(g). The parties agree to the imposition of a two (2) year suspension.

While representing an indigent female criminal defendant ("T.P.") under a contract with Gila County Superior Court, Mr. Standage and T.P. exchanged sexually explicit text messages, photographs and videos. While texting about an upcoming hearing he suggested "a nude erotic massage might help calm your nerves," then described the way he would give the massage, and told T.P. he was sexually aroused by their texting. Similar texts followed. When T.P. requested Mr. Standage seek a continuance of her disposition hearing, she offered to "rock" his world, leading to the exchange of more explicit texts. The agreement states T.P. and Mr. Standage did not engage in any physical sexual contact. When Mr. Standage was unable to obtain

the continuance T.P. reported his misconduct and delivered copies of their texts to the trial court.

While representing a female client ("A.G."), in a dependency action, Mr. Standage conditionally admits that in 2013, at the client's suggestion, he posted A.G.'s bond arising from a misdemeanor criminal warrant, in exchange for oral sex at a later time at a hotel.

Also in 2013, Mr. Standage conditionally admits he paid a child support contempt order for a former client's girlfriend (K.C.) who promised to make it worth his while. After he paid off the contempt order, she performed a strip tease for him and had sex with him.

Mr. Standage further conditionally admits he has frequented massage parlors and engaged in sexual activity with the massage therapists for several years, until 2013. He also conditionally admitted he had paid prostitutes to engage in sexual activity for several years until 2013.

ABA Standards for Imposing Lawyer Sanctions (Standard)

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 Dox*, 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.

Standard 4.31, Failure to Avoid Conflicts of Interest, provides Disbarment is appropriate when a lawyer, without the informed consent of client(s):

- (a) engages in representation of a client knowing that the lawyer's interests are adverse to the client's with the intent to benefit the lawyer or another, and causes serious or potentially serious injury to the client; or
- (b) simultaneously represents clients that the lawyer knows have adverse interests with the intent to benefit the lawyer or another, and causes serious or potentially serious injury to a client; or
- (c) represents a client in a matter substantially related to a matter in which the interests of a present or former client are materially adverse, and knowingly uses information relating to the representation of a client with the intent to benefit the lawyer or another, and causes serious or potentially serious injury to a client.

Standard 4.32 provides:

Suspension is generally appropriate when a lawyer knows of a conflict of interest and does not fully disclose to a client the possible effect of that conflict, and causes injury or potential injury to a client.

The parties agree that *Standard 4.32, Failure to Avoid Conflicts of Interest*, is most applicable under the circumstances.

Mr. Standage conditionally admits he knowingly violated his duty to his clients, the profession, the legal system and the public by engaging illegal conduct and inappropriate conduct with his client(s). For purposes of the agreement, the parties agree his misconduct caused potential harm to a client² and actual harm to the profession, the legal system, and the public.

He conditionally admits his conduct was selfish and that he should have recognized his sex addiction sooner and taken action. The State Bar argues Mr.

² The SBA contends, but Mr. Standage disputes, that K.C. was a potential client.

Standage was selfish because he put his libidinous interests before the best interests of these women. The parties agree *Standard* 4.32 is the appropriate *Standard* given the facts and circumstances of this matter. That *Standard* proves suspension is generally appropriate when a lawyer knows of a conflict of interest and does not fully disclose to the client the possible effect of that conflict, and causes injury or potential injury to a client.

Aggravating and Mitigating Factors

The parties assert the following aggravating factors are present: 9.22(b) selfish or dishonest motive, 9.22(c) pattern of misconduct, 9.22(d) multiple offenses, 9.22(h) vulnerability of victim, 9.22(i) substantial experience in the practice of law, and 9.22(k) illegal conduct. The agreed upon mitigating circumstances are: 9.32(c) personal or emotional problems and/or 9.32(i) mental disability, 9.22(d) timely good faith effort to rectify consequences of misconduct, 9.32(g) character or reputation, 9.32(k) imposition of other penalties or sanctions, and 9.32(l) remorse.

The Agreement provides that mitigating factor 9.32(k), imposition of other penalties or sanctions, is present because Mr. Standage lost all of his indigent defense contracts with numerous counties causing a financial strain on his family. The PDJ cannot find this as a mitigating factor. The loss of such contracts is a consequence of his actions, not a "penalty" or "sanction" as contemplated by that *Standard*. The parties are reminded the effect on the lawyer's livelihood cannot be considered when determining the appropriate disciplinary sanction. *Matter of Scholl*, 200 Ariz. 222, 25 P.3d 710 (2001). The PDJ acknowledges the public humiliation Mr. Standage endured because of his misconduct. Apparently his conduct was reported in the

press. He was also excommunicated from the Church of Jesus Christ of Latter Day Saints. See *In re Walker*, 200 Ariz. 155, 24 P.3d 602 (2001).

The parties requested the PDJ give significant weight to mitigating factors 9.32(c) (personal or emotional problems) and/or (i) (mental disability). For application of either factor, substantive evidence is required. The parties filed a stipulated supplement to agreement, dated June 26, 2015. Two letters from C. Everett Bailey, Ph.D., sufficiently supplemented the record. These were sealed under Rule 70(g).

To consider mitigating factor, 9.32(i) mental disability, the following four pronged criteria must also be met under that *Standard*: 1) medical evidence that the respondent is effected by a mental disability; 2) the mental disability caused the misconduct; 3) the respondent's recovery from a mental disability has been demonstrated by a meaningful and sustained period of successful rehabilitation; and 4) the recovery arrested the misconduct and recurrence of that misconduct is unlikely.

The Agreement states Mr. Standage has been diagnosed with an Impulse Control Disorder NOS (Not Otherwise Specified) related to sex addiction and his addiction caused his misconduct. On March 2-7, 2014, he participated in an Intensive Outpatient Program for sex addiction at Psychological Counseling Services, LTD and has continued treatment with a psychologist since completing that program. Mr. Standage is engaged in a 12 step program with a sponsor and also sponsors others. He asserts he has been rehabilitated since January 21, 2014 without relapse. The parties agree that a two year suspension would allow Mr. Standage additional time

to demonstrate a sustained period of recovery. The PDJ finds *Standard* 9.32(c) is applicable.

The parties also cite *Standard* 9.32(d) in mitigation, stating Mr. Standage made a timely good faith effort to rectify the consequences of his misconduct. These included his self-reporting to the State Bar, his expression of regret and apology to the Court, and his cooperation with replacement counsel. The parties also cite character or reputation under *Standard* 9.32(g). The parties point to the letter of then Presiding Judge Cahill to the Chief Bar Counsel identifying Mr. Standage as a respected officer of the court, the professionalism of Mr. Standage, the esteem of two other judges, including Judge Duber, who had over 25 years of experience as a judge, and recommending diversion.

A proportionality analysis is not required under an agreement for discipline by consent. Notwithstanding, the PDJ has considered *In the Matter of Abrams*, 227 Ariz. 248, 257 P.3d 167 (2011). There a municipal judge began an intimate consensual relationship with an attorney who appeared often in cases before him. He also attempted to pursue a relationship with another attorney leaving obscene messages, and like Mr. Standage, placed his own sexual desires above his ethical obligations. Mr. Abrams was permanently enjoined from holding judicial office in Arizona and his license to practice law was suspended for two years.

Overall, the PDJ finds the presumptive sanction of suspension for two years meets the objectives of discipline and will protect the public. A period of suspension of over six months will require proof of rehabilitation and compliance with other requirements prior to being reinstated to the practice of law in Arizona for his conduct in violation of the Arizona Rules of Professional Conduct, accordingly:

IT IS ORDERED incorporating by this reference the Agreement and any supporting documents by this reference. Respondent agrees to pay costs associated with the disciplinary proceedings in the amount of \$1,985.40.

IT IS FURTHER ORDERED the Agreement is accepted. Costs as submitted are approved. The two year suspension is effective 30 days from the date of this Decision and Order. Now therefore, the final judgment and order is signed this date.

DATED 29th day of June, 2015.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed
this 29th day of June, 2015.

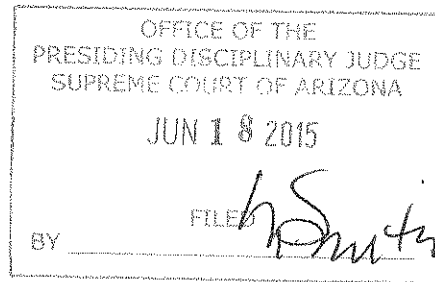
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**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**ROBERT C. STANDAGE,
Bar No. 021340**

Respondent.

PDJ 2015-9007

State Bar File No. 14-0367

**AGREEMENT FOR DISCIPLINE BY
CONSENT**

The State Bar of Arizona (SBA), through undersigned Bar Counsel, and Respondent, Robert C. Standage, who is represented in this matter by counsel, J. Scott Rhodes, hereby submit their Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. A probable cause order was entered on January 16, 2015 and the SBA filed its Complaint on January 21, 2015. 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 are approved. Rules 53(b)(3) and 57(a)(2)(D)(vi), Ariz. R. Sup. Ct., do not apply in this case,

because the matter was initiated by Respondent's self-report to the SBA, and the SBA is the named Complainant.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, ERs 1.7(a)(2), 1.8(j)¹, 8.4(a), 8.4(b) and 8.4(d), and Rule 41(g). Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: a two (2) year suspension. 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.² The SBA's Statement of Costs and Expenses is attached hereto as Exhibit A.³

FACTS

1. Respondent was licensed to practice law in Arizona on October 29, 2001.
2. On or about December 16, 2013, pursuant to a contract for the defense of indigent defendants, the Gila County Superior Court appointed Respondent to represent an indigent female criminal defendant, Tammy Peacock (Peacock).

¹ See footnote 5.

² Respondent understands that the costs and expenses of the disciplinary proceeding include the costs and expenses of the SBA, the Disciplinary Clerk, the Probable Cause Committee, the Presiding Disciplinary Judge and the Supreme Court of Arizona.

³ Respondent does not object to the SBA's Statement of Costs (Exhibit A). While agreeing to the amount of the SBA's costs, Respondent reserves the right to seek relief in the form of payment terms on hardship grounds pursuant to Rule 60(b), Ariz. R. Sup. Ct.

3. Soon after he was appointed to represent Peacock, Respondent and Peacock began to exchange sexually explicit text messages, photographs and videos. In addition to personal content, the text messages included discussions about Peacock's criminal case and Respondent's efforts on her behalf as her court-appointed attorney.

4. In December 2013, while texting about an upcoming hearing, Respondent suggested to Peacock that "a nude erotic massage might help calm your nerves," described the way he would give the massage, and told Peacock that he was sexually aroused by their texting.

5. While texting on December 20, 2013, Peacock asked Respondent about an outstanding warrant that had been issued in a case in which Respondent had previously represented her. Respondent understood that the warrant had been quashed on the same day he had been appointed to represent her again, and he told her that he would verify that the warrant had been quashed at a hearing set for the following Monday. He reminded Peacock that he was still waiting for Peacock to invite him over to give her a massage.

6. While texting on December 23, 2013, Respondent told Peacock that she had "looked good" earlier that day at a hearing on her case. Among other things, he texted Peacock: "Sometime if you're home alone and you want me to come over, I can come over and we can talk about things that we can provide to the judge to support reasons why you should be put back on probation [instead of going back to prison]. Instead of drinking to medicate yourself, I can give you that massage which will hopefully help you as well."

7. While texting on December 31, 2013, Peacock asked Respondent if she could be arrested for leaving Arizona and complained that she was tired of "getting f**ked and not feeling it." Respondent replied that whether she could be arrested for leaving Arizona depended on the evidence and that "[f]eeling it is great!!!" Peacock proposed that they "get hammered and do some pole dancing." Respondent replied that he did not drink, but he did not "mind other stuff." He asked where Peacock went to pole dance or whether she had a pole in her home. Peacock replied that she "got moves don't need a pole." Respondent asked Peacock when she would show him and offered to "come over and hang out."

8. On January 12, 2014, Respondent texted Peacock and advised her that the prosecutor had recommended that she serve one (1) year in prison, while the probation department had recommended nine (9) months. Peacock asked if Respondent could get the disposition hearing continued. He agreed to try. There was no sexual content in these texts.

9. On January 14, 2014, Peacock texted Respondent about the status of the hearing. When Respondent responded that he was still waiting to hear if the prosecutor was going to object, Peacock texted: "Not trying to sound greedy or anything but I've . . . pretty much told you what I'm.all [sic] about. Couldn't you put a little charm in for me ☺ please." He responded: "I'm working on it ☺" Peacock replied: "Well damn it I know you rock and roll that town. You rock little time for me I will rock your world." Respondent responded, "I've been waiting for you to rock my world!" Peacock replied that she was "gonna rock [him] from one end of town to.the other ..just [sic] one good is all I ask for."

10. Later that night, Respondent texted Peacock that the prosecutor was not going to take a position on the motion to continue; he had filed the motion; and he would let her know when the judge ruled on the motion. Peacock then invited Respondent to come see her the next day. Respondent responded affirmatively and said that he could bring over a copy of the presentence report. Respondent continued: "I'm easily aroused and I wish I would've never deleted the pictures you sent me a while back lol. I didn't know if I should bring that presentence report, because I didn't want to kill the mood so to speak and get you all upset. I can just leave it at the office lol." He told Peacock that he'd bring it because "we have to face it sooner or later." She asked him to text the pages and she would get him "a sample of [her] in a hot picture you'd [sic] die to look at." At some point, Peacock asked Respondent to text her a picture of the presentence report and, without a request for them by Respondent, sent him semi-naked pictures of herself.

11. On January 16, 2014, Peacock texted Respondent asking if there was any news about the motion to continue the disposition hearing. He responded later that day and advised Peacock that the Court had denied the motion. Peacock responded: "Well looks like I will have to get [sic] an attorney who will have my back f**king bullshit." Respondent replied that he had done "everything I could for you."

12. Respondent and Peacock did not engage in physical sexual contact.

13. Over the next few days, Peacock texted Respondent that she intended to hire her own attorney; accused Respondent of harassment; and threatened to go public with the text messages.

14. As a result of Peacock's threats to "go public" with the text messages, Respondent decided to withdraw from the representation. However, he could not do so until Tuesday, January 21, 2014, the date of Peacock's disposition hearing.⁴

15. The morning of Tuesday, January 21, 2014, before Respondent could file his motion to withdraw, Peacock reported Respondent's conduct to the trial court. She showed Judge Gary Scales the text messages that she had exchanged with Respondent.

16. When Respondent arrived at the courthouse that day, he was greeted by Judge Scales and Judge Robert Duber, II, who called him into chambers to discuss Peacock's allegations. Respondent immediately admitted what had taken place. Judge Duber cancelled Respondent's court calendar for the day so that Presiding Judge Peter J. Cahill could decide what further action to take.

17. By letter dated January 22, 2014, Judge Cahill advised Respondent that he was considering cancelling Respondent's indigent defense contracts. Judge Cahill gave Respondent until the close of business on January 23 to provide him with any reason why he should not take such action against Respondent.

18. By letter dated January 23, 2014, Respondent apologized to Judge Cahill for his actions, admitted that he had engaged in an inappropriate relationship with Peacock, and advised that he was undertaking measures to help him understand why he engaged in the behavior, including counselling.

19. By letter dated January 24, 2014, Judge Cahill confirmed the termination of Respondent's indigent defense contracts in the Gila County Superior Courts and

⁴ Monday, January 20, 2014 was a holiday, so Respondent could not have filed the motion that day.

Justice Courts. In doing so, Judge Cahill observed that “[t]his conduct is troubling and unethical under any circumstances. But because you are appointed as counsel, your clients have little if any choice in who represents them. Many of them are vulnerable. They are especially susceptible to misconduct such as occurred here.”

20. On January 29, 2014, Respondent self-reported his conduct to the SBA. In his self-report letter, Respondent wrote: “I am ashamed of my conduct. I have embarrassed the Courts, my colleagues, my family, the profession, and myself. I express my deepest apologies. I allowed myself to engage in a text message relationship with a client that was demeaning to her and me, that created ambiguity in regard to the nature of our relationship, and that ultimately caused understandable concern to the Court. The relationship never became physical. Nevertheless, I am ashamed that I participated in it.”

21. Respondent also informed the presiding judges of every jurisdiction with which he had an indigent defense contract of his misconduct with Peacock.

22. On February 3, 2014, Judge Cahill wrote to the SBA stating that he had known Respondent since 2003 and “[p]rior to this incident, I never once ever had any reason to question [Respondent’s] professionalism in any way. ... [Respondent] has always been held in high regard by me and our two other full-time judges (*one, Judge Duber who has over 25 years’ experience as a judge*).” (Emphasis in original.)

23. By letter dated January 31, 2014, Presiding Judge R. Douglas Holt of Graham County Superior Court advised Respondent that he was terminating Respondent’s indigent defense contract with Graham County.

24. By letter dated February 4, 2014, Presiding Magistrate James W. Hazel, City of Apache Junction Magistrate Court, advised Respondent that he would not move

to terminate Respondent's public defender contract with the City of Apache Junction at that time. The contract was later terminated.

25. Both in responses to written questions by the SBA, and during his deposition, which Bar Counsel took on November 11, 2014, Respondent was forthcoming and admitted that:

- a. he had frequented massage parlors where he sometimes engaged in sexual activity with the massage therapists;
- b. he had paid prostitutes to engage in sexual activity for a number of years and until 2013;
- c. in 2013, he posted a portion of Audra Gilmore's bond in exchange for sex. Gilmore had been arrested on a misdemeanor criminal warrant and was in the Globe jail. Gilmore wrote Respondent a letter asking him to visit her in jail, which he did. Gilmore was Respondent's client at the time in a dependency case. Respondent advised her about how the criminal case could impact her ongoing child dependency case. Gilmore asked Respondent to contact her friends to try to raise enough money to bond her out of jail. When Gilmore's friends did not come up with enough money, she asked Respondent to provide the rest in exchange for which, Gilmore said she would be his "sex slave." Respondent went to an ATM and withdrew the funds necessary to secure Gilmore's release from jail. They then went to a hotel for the purpose of Gilmore giving Respondent a "blow job," but Respondent was not able climax. Gilmore asked Respondent what was wrong. Respondent and Gilmore agreed that they were uncomfortable and stopped the encounter;

d. in 2013, he paid the amount necessary to purge a child support contempt order for Kristie Carrasco in exchange for sex. Respondent had previously represented one of Carrasco's boyfriends. He had never represented Carrasco. She contacted Respondent and asked to see him. Respondent thought "maybe she's got a criminal case and wants to hire me." Respondent met with her at the Gila County Jail, where she was being detained on a child support matter. He explained to her about, among other things, the difference between a bond and a child support purge, which would enable her to get out of jail. She told him she was a stripper. She did not ask Respondent to represent her, but she asked Respondent to pay the child support purge and promised to make it worth his while. Respondent believed that "at the very least" she was offering to perform a strip tease. Respondent paid the child support purge, after which he and Carrasco performed a strip tease and then they had sex.

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 ERs 1.7(a)(2), 1.8(j)⁵, 8.4(a), 8.4(b) and 8.4(d), and Rule 41(g).

⁵ If this case were to go to a hearing, Respondent would dispute this violation with respect to Peacock and Carrasco, because there was no actual sexual contact with Peacock, and Carrasco was not a client. The SBA would contend that "sexting" is sufficient to constitute a violation of ER 1.8(j), and that Carrasco was a potential client, which also is sufficient to constitute a violation of ER 1.8(j). The parties agree that the parties' disagreement over the scope of ER 1.8(j) does not need to be decided in order to approve this consent agreement.

CONDITIONAL DISMISSALS

The parties agree that none of the allegations set forth in the Complaint filed by the SBA herein will be dismissed.

RESTITUTION

The parties agree that restitution is not an issue in this matter.

SANCTION

Respondent and the SBA agree that based on the facts and circumstances of this matter, as set forth above, the following sanctions are appropriate: a two (2) year suspension.

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* 4.32 is the appropriate *Standard* given the facts and circumstances of this matter. *Standard* 4.32 provides that suspension is generally appropriate when a lawyer knows of a conflict of interest and does not fully disclose to a client the possible effect of that conflict, and causes injury or potential injury to a client.

The duty violated

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

The lawyer's mental state

For purposes of this agreement the parties agree that Respondent knowingly engaged in a sexting relationship with a client; a sexual relationship with a client;⁶ and sexual activity at massage parlors and with escorts. Respondent's 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 a client and actual harm to the profession, the legal system, and 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.

⁶ The SBA contends, but Respondent disputes, that (1) Carrasco was a potential client and (2) therefore his conduct with her also was an ethical violation. The parties agree that this issue does not need to be determined for purposes of this consent agreement.

In aggravation:

Standard 9.22(b) dishonest or selfish motive: Respondent admits that the conduct was selfish, in that he should have recognized his sex addiction earlier and acted on it. The SBA would argue that Respondent was selfish because he put his prurient interest before the best interests of the women with whom he was involved in this case;

Standard 9.22(c) a pattern of misconduct;

Standard 9.22(d) multiple offenses: Respondent contends that 9.22(c) and (d) should be treated as one aggravating factor in this case;

Standard 9.22(h) vulnerability of victim;

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

Standard 9.22 (k) illegal conduct.

In mitigation:

Standard 9.32(c) personal or emotional problems/*Standard 9.32(i)* mental disability: In any given case, whether *Standard (c)* or *(i)* applies can be unclear. ANNOTATED ABA STANDARDS FOR IMPOSING LAWYERS SANCTIONS (ABA Center for Professional Responsibility 2015), at 456. In this case, Respondent has been diagnosed with an Impulse Control Disorder NOS (Not Otherwise Specified) related to sex addiction. (There is no DSM classification for sex addiction, although it is commonly recognized as a form of addiction.) Respondent participated in and completed an Intensive Outpatient Program for sex addiction at Psychological Counseling Services, LTD from March 2-7, 2014. He has been under treatment with a psychologist since completing the IOP program. He is engaged in a 12-step program with a sponsor, has a sponsor, and now is sponsoring others. Respondent's sex

addiction caused his misconduct. He has been in rehabilitation since Ms. Peacock reported his conduct to the Gila County Superior Court on January 21, 2014. He claims, and the evidence does not refute, that he has not relapsed since January 21, 2014. Respondent has continued to work as a criminal defense attorney in private practice under supervision of his firm, which is aware of this proceeding. He has represented male and female clients with no incidents. The parties agree that one of the reasons for imposing a 2-year suspension is to allow Respondent additional time to remain in his sobriety program and prove that his current track record of rehabilitation can be sustained. The parties do agree that, whether *Standards* (c) or (i), or both, apply, the stipulated sanction appropriately reflects the weight in mitigation that should be applied to the cause of the misconduct and Respondent's rehabilitation.

Standard 9.32(d) timely good faith effort to rectify consequences of misconduct: Respondent accepted the decision of the Gila County Superior Court to terminate his indigent defense contract, then cooperated with replacement counsel to assure there was no prejudice to clients; he expressed his regret and apology to the Court; he self-reported his conduct to the State Bar and to all other courts where he had an indigent defense contract, expressing his shame and remorse. As discussed above, he immediately underwent a psychological evaluation, embraced his diagnosis of sex addiction, started treatment, and has remained in treatment.

Standard (g) character or reputation: As reflected in Judge Cahill's letter to the Chief Bar Counsel, Respondent has been a respected officer of the court based on his professionalism, demeanor and competence.

Standard (k) imposition of other penalties or sanctions: As a result of his misconduct, Respondent lost all of his contracts for indigent defense, which caused serious financial strain for his family. His conduct with Ms. Peacock was reported in the media in Gila County, with reports on televisions, the written press and the radio. He was excommunicated from the Church of Jesus Christ of Latter Day Saints. While still married, Respondent's conduct has created substantial strain on his marriage and family relations.

Standard (l) remorse: Respondent has consistently demonstrated profound remorse for his misconduct and for the effects of his misconduct on others.

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. This agreement was based on the SBA's concern over the vulnerability of the women involved in the misconduct, Respondent's duties as an officer of the court, and the possibility of relapse, which concerns the parties balanced against the nexus between Respondent's previously-undiagnosed sex addiction and the actions and efforts he has undertaken to achieve rehabilitation, such as his sobriety and anti-relapse program that, if it continues to be successful, may serve as the foundation for his burden of proof in a reinstatement case. The parties believe the proposed sanction fulfills the purposes of discipline, while affording Respondent a path toward reinstatement if he can maintain

his current sobriety and meet his burden of proof related to all necessary elements of a reinstatement case.

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 SBA and Respondent believe that the objectives of discipline will be met by the imposition of the proposed sanction of Long-Term Suspension. 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 and the imposition of costs and expenses. A proposed form order is attached hereto as Exhibit B.

DATED this 12th day of June 2015

STATE BAR OF ARIZONA



Stacy L Shuman
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 _____ day of June, 2015.

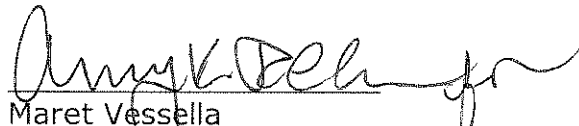
Robert C Standage
Respondent

DATED this _____ day of June, 2015.

Jennings Strouss & Salmon PLC

J. Scott Rhodes
Counsel for 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 _____ day of June 2015.


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 16th day of June, 2015.



Robert C Standage
Respondent

DATED this 16th day of June, 2015.

Jennings Strouss & Salmon PLC


J. Scott Rhodes
Counsel for 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 18th day of June 2015.

Copies of the foregoing mailed/emailed
this 18th day of June 2015 to:

J. Scott Rhodes
Jennings Strouss & Salmon PLC
One E Washington St Ste 1900
Phoenix, AZ 85004-2554
srhodes@jsslaw.com
Respondent's Counsel

Copy of the foregoing emailed
this 18th day of June, 2015, to:

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

Copy of the foregoing hand-delivered
this 18th day of June, 2015, to:

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

by:

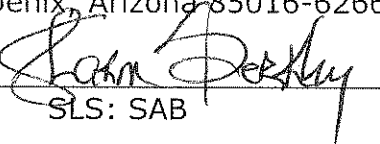

SLS: SAB

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,
Robert C. Standage, Bar No. 021340, Respondent

File No. 14-0367

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

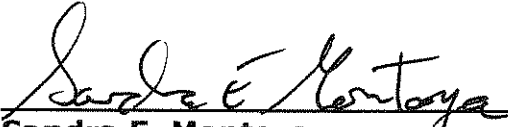
Additional costs incurred by the State Bar of Arizona in the processing of this disciplinary matter, and not included in administrative expenses, are itemized below.

Staff Investigator/Miscellaneous Charges

02/06/14	Computer investigation reports, Accurint	\$	20.10
02/11/14	Computer investigation reports, Accurint	\$	17.40
10/20/14	Computer investigation reports, Accurint	\$	53.10
10/30/14	Computer investigation reports, Accurint	\$	31.80
01/06/15	Alliance, deposition	\$	195.00
03/03/15	Deposition transcript	\$	468.00

Total for staff investigator charges \$ 785.40

TOTAL COSTS AND EXPENSES INCURRED \$1,985.40



Sandra E. Montoya
Lawyer Regulation Records Manager

5-20-15

Date

EXHIBIT B

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

Robert C Standage,
Bar No. 021340,

Respondent.

PDJ 2015-9007

FINAL JUDGMENT AND ORDER

[State Bar No. 14-0367]

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, **Robert C Standage**, is hereby suspended for two (2) years effective 30 days from the date of this Order. 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 for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

IT IS FURTHER ORDERED that, upon reinstatement, Respondent shall be placed on probation for a period of two years, under terms and conditions to be determined at the time of reinstatement.

IT IS FURTHER ORDERED that,

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 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 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 June, 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 June, 2015.

Copies of the foregoing mailed/mailed
this _____ day of June, 2015.

J. Scott Rhodes
Jennings Strouss & Salmon PLC
One E Washington St Ste 1900
Phoenix, AZ 85004-2554
Email: srhodes@jsslaw.com
Respondent's Counsel

Copy of the foregoing emailed/hand-delivered
this _____ day of June, 2015, to:

Stacy L Shuman
Bar Counsel - Litigation
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 June, 2015 to:

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

by: _____