

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

BRYAN JAMES BLEHM,
Bar No. 023891

Respondent.

PDJ 2023-9096

ORDER RE: AGGRAVATION/
MITIGATION HEARING AND
OTHER OUTSTANDING
MATTERS

[State Bar Nos. 23-1165, 23-1985]

FILED MAY 9, 2024

On April 30, 2024, the PDJ granted summary judgment to the State Bar as to all of the charged ethical violations in Count One, with the exception of the alleged violation of ER 1.3. The State Bar subsequently advised the PDJ and Respondent that: (1) it will not pursue the alleged violation of ER 1.3 in Count One; and (2) it “believes that the dismissal of Count Two is appropriate and in the interests of justice.”

Based on the foregoing,

IT IS ORDERED dismissing Count Two of the pending complaint.

IT IS FURTHER ORDERED converting the previously set 2-day evidentiary hearing on May 20 and 21, 2024, to an aggravation/mitigation hearing *only* on May 21, 2024, beginning at 10:00 a.m. If the parties agree and so notify the Disciplinary Clerk by May 14, 2024, the hearing may be held via Zoom. Otherwise, the hearing will be held in person. The hearing will be confined to consideration of relevant aggravating and mitigating factors (*see* ABA Standards for Imposing Lawyer Sanctions, available at [ABA Standards \(adbmich.org\)](https://www.adbmich.org)) and the appropriate sanction for the violations found as to Count One. The parties should also be prepared to provide information relevant to a

proportionality analysis, *see* Rule 58(k), Ariz. R. Sup. Ct., which may include prior discipline cases involving misstatements to a tribunal and potentially similar cases with which the PDJ was not involved, such as *In re Kolodin*. The recent Arizona Supreme Court decision in *Arizona Republican Party v. Richer, et al.*, may also be relevant in determining the appropriate sanction, particularly the following language:

The desire to vindicate a legal right – even if in the election context and animated exclusively by political motives – is not relevant, much less per se sanctionable. . . . Any suggestion that a party or attorney faces enhanced risk of sanction merely because they couple political motives with a long-shot effort to vindicate a legal right in the election law context intolerably chills citizens and their attorneys precisely in an arena where we can least afford to silence them.

IT IS FURTHER ORDERED that, if either party intends to offer witnesses at the May 21 aggravation/mitigation hearing or exhibits not already in the record, disclosure of such witnesses and exhibits shall be made to the opposing party no later than May 14, 2024. All hearing exhibits shall be provided to the Disciplinary Clerk by May 16, 2024. Witnesses and exhibits not timely disclosed may not be presented at the hearing.

IT IS FURTHER ORDERED vacating the final hearing management conference set for May 13, 2024. Previous orders requiring the submission of a joint prehearing statement are also vacated.

IT IS FURTHER ORDERED denying the previously filed Motion to Elevate to Tier 3.

IT IS FURTHER ORDERED denying Respondent's Motion for Two Week Continuance. The scope of the May 21 hearing is very limited. However, this ruling is without prejudice to Respondent submitting additional information based on the family

circumstances identified in the motion if they continue to pose an impediment to proceeding as scheduled.

IT IS FURTHER ORDERED upholding the filed objections and quashing the subpoenas *duces tecum* served on the Maricopa County Board of Supervisors and David K. Byers, Director of the Administrative Office of the Courts.

DATED this 9th day of May, 2024.

Margaret H. Downie
Margaret H. Downie
Presiding Disciplinary Judge

Copy of the foregoing e-mailed
this 9th day of May, 2024, to:

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