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**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**

**AMENDED COMPLAINT**

State Bar Nos. 23-1165 and 23-1985

Complaint is made against Respondent as follows:

**GENERAL ALLEGATIONS**

1. At all times relevant, Respondent was a lawyer licensed to practice law in the state of Arizona, having been first admitted to practice on October 17, 2005.

**COUNT ONE (File No. 23-1165/State Bar of Arizona)**

2. On May 4, 2023, the Supreme Court of Arizona issued an order in CV-23-0046, sanctioning Respondent and his co-counsel, jointly and severally, in

the amount of \$2,000. Both attorneys represented Arizona gubernatorial candidate, Kari Lake, on her Petition for Review of adverse election rulings.

3. The sanctions were based on Respondent's false allegations concerning "undisputed" activities at a voting processing facility named Runbeck.

As the Court found:

Lake's Petition for Review stated that it was an "undisputed fact that 35,563 unaccounted for ballots were added to the total number of ballots at a third party processing facility." In her Opposition to Motion for Sanctions and Motion for Leave, she repeats this contention, stating that "[t]he record indisputably reflects at least 35,563 Election Day early ballots, for which there is no record of delivery to Runbeck, were added at Runbeck, . . . ." As the Court of Appeals observed, Lake's argument was focused on one exhibit that included an estimate of the number of early ballot packets based on the number of trays and a different exhibit showing a precise count. Although Lake may have permissibly argued that an inference could be made that some ballots were added, there is no evidence that 35,563 ballots were and, more to the point here, this was certainly disputed by the Respondents. The representation that this was an "undisputed fact" is therefore unequivocally false.<sup>1</sup>

Because Lake's attorney has made false factual statements to the Court, we conclude that the extraordinary remedy of a sanction under ARCAP 25 is appropriate.

4. Footnote 1 of the Court's order provided:

<sup>1</sup> See ER 3.3 Comment 2: "This rule sets forth the special duties of lawyers as officers of the court to avoid conduct that undermines the integrity of the adjudicative process. A lawyer acting as an advocate in an adjudicative proceeding has an obligation to present the client's case with persuasive force. Performance of that duty while maintaining confidences of the client, however, is qualified by the advocate's duty of candor to the tribunal. Consequently, . . . the lawyer must not mislead the tribunal by false statements of law or fact or evidence that the lawyer knows to be false."

5. The pertinent portion of the above referenced Court of Appeals ruling stated:

¶23 Moreover, even assuming, for the sake of argument, that Maricopa County's election-day process resulted in a technical violation of the EPM, Lake failed to present evidence, as opposed to speculation, that any such breach affected the election results. Lake suggests the difference between the County Recorder's initial estimate of election-day early ballot packets received—"over 275,000" or "275,000+"—and the precise count after the vendor scanned those packets—291,890—somehow rendered at least 25,000 votes illegal. Questionable mathematics aside, Lake does not explain (or offer any legal basis) for how the difference between an initial estimate and a final, precise figure invalidates any vote.

6. On January 24, 2023, in the Court of Appeals, Respondent first argued that the difference between an estimated number of ballots (MC Incoming Scan

Receipts) and the Actual number of ballots (MC Inbound Receipt of Delivery) at Runbeck meant that 35,563 ballots were undocumented:

Counting the number of ballots recorded on the Runbeck created “MC Inbound—Receipt of Delivery” forms for early ballots delivered to Runbeck on and after Election Day documents only 263,379 early ballots received by Runbeck. Hobbs.Appx:123-131. In comparison, the “MC Incoming Scan Receipts” Hobbs (Hobbs. App: 132-61) cites in her brief, documents the total number of early ballots scanned for signature verification at Runbeck as 298,942, the same figure reported by the Runbeck whistleblower noted in Lake’s opening brief at 18 [Footnote omitted]. In other words, the very “MC Inbound Receipt of Delivery” forms that Hobbs points to as chain of custody, fail to document any record of delivery or receipt of the other 35,563 ballots scanned at Runbeck, an inexplicable discrepancy that far exceeds the margin between Hobbs and Lake.

7. In rejecting Respondent’s argument, on February 16, 2023, the Court of Appeals affirmed the trial court’s decision confirming Katie Hobbs’s election as governor and, as indicated above, held that the difference between an “initial estimate and a final, precise figure” did not provide a basis to invalidate votes.

8. On March 1, 2023, Respondent filed Lake’s Petition for Review in the Supreme Court of Arizona and injected the phrase “undisputed fact” into the following issue for review:

Did the panel err when it ignored the undisputed fact that 35,563 unaccounted for ballots were added to the total number of ballots at a third party processing facility—an amount far exceeding the vote margin between Hobbs and Lake—holding that fact was insufficient to show the election’s outcome was at least “uncertain” under *Findley*, 35 Ariz. at 269?

9. On March 13, 2023, Hobbs filed her Response to Petition for Review, calling Respondent’s argument that 35,563 ballots were inserted at Runbeck “a complete fabrication,” and requested sanctions.

10. On March 22, 2023, the court denied review with respect to six of the seven issues raised in the petition for review and remanded one issue (a signature verification claim on laches) to the trial court. In the same order, the court stated:

IT IS FURTHER ORDERED Petitioner may file a response and Respondents may file a reply to Respondents’ Motions for Sanctions in accordance with ARCAP Rule 6(a)(2). The parties shall address as a basis for sanctions only Petitioner’s factual claims in her Petition for Review (i.e., that the Court of Appeals should have considered “the undisputed fact that 35,563 unaccounted for ballots were added to the total of ballots at a third party processing facility”), and not legal arguments (i.e., pertaining to the burden of proof or purported conflict in the lower courts). The record does not reflect that 35,563 unaccounted ballots were added to the total count. The motions for sanctions will be considered in due course.

11. On April 5, 2023, Respondent filed Petitioner’s Opposition to Motion for Sanctions and Cross-Motion for a Procedural Order for Leave to File a Motion for Reconsideration of the Denial of her Petition for Review. In the pleading, Respondent argued: “The record indisputably reflects at least 35,563 Election Day early ballots, for which there is no record of delivery to Runbeck, were added at Runbeck, and that this issue was properly raised below prior to Lake filing her Petition for Review.”

12. The foregoing statement was false and Respondent knew it was false.

13. Fontes filed his Reply in Support of Motion for Sanctions on April 10, 2023; Hobbs filed her sanctions reply on April 12, 2023.

14. On May 4, 2023, the Court, as set forth in paragraph 2, awarded sanctions for using the term “undisputed fact” in referencing a purported 35,563 unaccounted for ballots, and also sanctioned Respondent “for repeating such false assertions in an additional filing in this proceeding.”

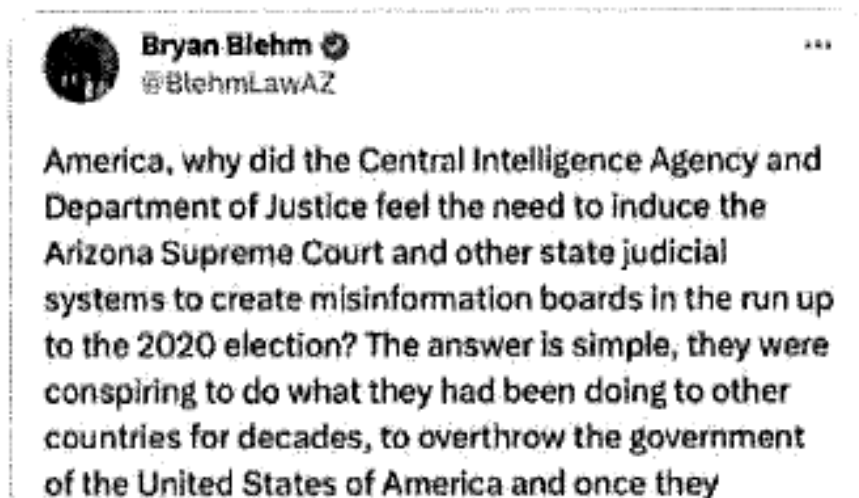
15. On May 11, 2023, Respondent filed a Notice of Payment of Sanctions and attached a receipt for \$2,000 (which indicates that the amount was paid by Respondent’s co-counsel).

16. In Count One, by making the false statements the Supreme Court identified in its sanctions order, Respondent violated:

- a. ER 1.3,
- b. ER 3.1,
- c. ER 3.3,
- d. ER 8.4(c), and
- e. ER 8.4(d).

**COUNT TWO (File No. 23-1985/State Bar of Arizona)**

17. On or about August 12, 2023, Respondent posted the following message on social media:<sup>1</sup>



<sup>1</sup> The State Bar has only a re-tweet, which is cut off at the bottom. The State Bar's charge addresses only the portion the State Bar has received.

executed their plan, which they did, they needed to control the media and judicial narrative to convince the public that all was well. You see, if the State Supreme Court and its enforcement arm, the state bar association, formed committees to control misinformation and the misinformation narrative of the day is election fraud, it tames attorneys willingness to bring legitimate election fraud claims on behalf of their clients. There was significant election fraud in 2020 and it was repeated in 2022. 2024 is a foregone conclusion because the federal government security and intelligence agencies will do anything to prevent Donald Trump from taking office as president of the United States. America, you are no

18. In responding to the bar charge, Respondent identified no factual basis that would support the statements and conclusions he made in the above-quoted post.

19. Respondent's statement that the Central Intelligence Agency and the Department of Justice controlled the judicial narrative of the Arizona Supreme Court implied that the Arizona Supreme Court allowed itself to be controlled by the federal executive branch.

20. Respondent's statement regarding federal agencies' control of the Arizona Supreme Court was made in reckless disregard as to its truth or falsity because Respondent did not have an objectively reasonable factual basis for making the statement at the time he made it in violation of ER 8.2(a) and ER 8.4(d).



**DATED** this 11<sup>th</sup> day of March, 2024.

**STATE BAR OF ARIZONA**

/s/Hunter F. Perlmeter

Hunter F. Perlmeter  
Bar Counsel

/s/Kelly A. Goldstein

Kelly A. Goldstein  
Bar Counsel

Original filed with the Disciplinary Clerk of  
the Office of the Presiding Disciplinary Judge  
of the Supreme Court of Arizona  
this 11<sup>th</sup> day of March, 2024.

Copies of the foregoing emailed  
this 11<sup>th</sup> day of March, 2024, to:

The Honorable Margaret H. Downie  
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by: /s/ Amy S. Ralston  
KAG/asr