Blehm Law PLLC
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October 8, 2023

VIA EMAIL ONLY
Mr. Hunter F. Perlmeter
Ms. Kelly A. Goldstein
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, AZ 85016-6266

Re: File No. 23-1985

Dear Mr. Perlmeter and Ms. Goldstein:

This letter responds to your letter to me dated August 14, 2023, regarding the screening investigation and bar charge in the above-referenced matter. As requested, I address the tweet at issue with respect to each of the Rules identified.

Introduction

I have been a member of the Arizona Bar since 2005 and a member of the State Bar of Nevada since 2006. I am also authorized to practice before the U.S. District Courts in the Districts of Arizona and Nevada as well as the 9th Circuit Court of Appeals.

Throughout my adult life, I have strived to live a life of integrity, and I hold truth and honesty as my guide stones. I have proudly and honorably served my nation and local communities wherever I happen to reside. Presently, this includes doing work on behalf of the Modest Means Project and other low-income charities as well as a substantial amount of pro bono work on behalf of election integrity groups seeking to rectify election related issues of which there are many.

Summary of Argument

To begin with, it is not clear whom I am defending against. Is it Tom Ryan who should be investigated for his complete lack of intellectual rigor in challenging my mental health as a response to my public policy tweet? He should know better than to resort to base *ad hominem* attacks. If it is Mr. Ryan, it should also be noted that I have been conducting a comprehensive investigation with my investigative teams on behalf of multiple clients into the 2020 and 2022 elections, and Mr. Ryan represents a person of interest in that investigation. As a result, I will not include documents with this response as bar complaints are not a proper tool for political

discovery. It should also be noted that Mr. Ryan is a left leaning lawyer associated with attorneys like Marc Elias whose firm represents the opposition in two significant election cases in which I represent the other side. I do not care what their politics are as I do not believe everyone needs to be on the same team so to speak. It does raise the question as to whether this bar complaint is nothing more than a neo-McCarthyism political hit job to remove counsel for the opposition so that my clients are no longer represented? If the State Bar of Arizona ("SBA") is an apolitical entity, why did it not screen this case to ensure its' attorney discipline department is not being used to deny clients representation of counsel for political purposes as I believe this is a politically motivated complaint.

If it is an issue raised *sua sponte* by the SBA? I was warned by other attorneys prior to making the post that the SBA was following my tweets. Their claims were buttressed when I saw the SBA respond to individuals replying to tweets from those hoping that I am sanctioned by the bar for my political tweets.

If in fact the SBA is following my Twitter ("X") account, it well knows that I actively tweet about what happened in the United States during 2019 and 2020. Namely, the use of COVID to manipulate election rules by members of the executive branch and the efforts by federal health and intelligence agencies to crack down on all forms of dissent, especially in the medical and political arenas. The tweet in question focuses on the crackdown on dissent as it applies to Arizona's judicial branch of government, which includes the SBA.

The very fact that I must atone for a public policy tweet aimed at raising awareness with respect to the proper role of our judicial system as an apolitical body may be evidence enough to show that the SBA behaves in a politicized manner. Is this the continued result of the disinformation board? After all, Arizona's disinformation board was brought into existence as a result of a campaign focused on Russia interference in the 2016 election originating from a national intelligence apparatus. Given the timing of events, its focus was clearly on the outcome of the 2020 election and not the election itself. Shortly thereafter, an Arizona attorney was elected as Maricopa County Recorder. He immediately joined the anti-free speech crusade joining with CISA to suppress claims of election fraud being made by Arizona residents.

Was the creation of the court's disinformation board at the request of the national security apparatus meant to stifle legitimate claims of election fraud from being brought before Arizona's courts on behalf of Arizona candidates for local, state and national office? After all, the national security state was saying claims of

election fraud were "disinformation" and the new county recorder was working to have election related claims censored from social media. A simple coincidence? Maybe. We are still investigating.

The fact of the matter is that few lawyers are willing to practice election law and even fewer would be willing to bring election fraud claims in the face of overwhelming pressure not to do so for political and professional reasons. This is the problem. Even if the Arizona Supreme Court and SBA did not designate any specific speech as out of bounds, the mere existence of a disinformation board in an neo-McCarthyism environment of rampant censorship and claims that election fraud are invalid would itself cause lawyers to self-censor. After all, who wants to write one of these responses.

This is the disease my tweets aim to remedy through public knowledge and debate. Though many consider them political, they are not. I am affiliated with no political party and have not been for some time. My tweets are aimed at nothing more than restoring our state judiciary to sovereignty and independence from the federal executive branch of government whose agencies sought to subvert it and by extension those who represent Arizonans before the courts. Those candidates who may have sought representation to bring claims of election fraud in their contests would have little to no luck even with valid claims following November 2020.

The public and our bar need to debate what happened in 2019 and 2020 and the negative ramifications it has for our courts and the rule of law. The influence has been pervasive as the individuals working for or with the national security organizations actively influenced the American Bar Association, which published a how-to manual with respect to disinformation in the Courts. Those same individuals reached out to the states' bar associations, including the SBA, and the state Supreme Courts and urged them to create disinformation boards to target Russian disinformation.

This took place during a time in which our nation's public health institutions were actively and very publicly attacking doctors for expressing opinions on the origins of COVID-19 and for offering treatments not approved/mandated by those institutions for COVID-19. It stands to reason that attorneys, watching this process unfold, would be leery of risking sanctions and their licenses to speak against the "disinformation" of the day being put out by our nation's national security institutions. Especially when those institutions are actively pushing the narrative that the 2020 elections were the fairest in history and there was no election fraud.

When our nation's national security apparatus worked with the American Bar Association, an already anti-Trump organization, to quell disinformation related to our elections and more importantly, the outcome of those elections, it intentionally set in motion a system of self-censorship designed to prevent lawyers from raising valid election challenges and conduct actual investigations into our electoral systems and how they were manipulated in the 2020 election. There is a significant amount of information available regarding what took place and will actually make an excellent book to help future generations avoid making the same mistakes.

This is supported by a comparison of the ongoing election challenges brought by Kari Lake and Abe Hamadeh. Both of these matters are still active before Arizona courts almost one full year after the election. It is well known that both candidates raised significantly different allegations in their challenges with Hamadeh's attorneys refusing to raise allegations of election fraud. What may have been the outcome in the Hamadeh matter had he been able to find counsel willing to bring the same claims as those pursued by Lake?

Simply put, he was not and with an initial vote total difference of approximately 500, now just over 200, the Lake claims would have been much easier to prove in his case. It is clear from the fact that Lake's lawyers were rightly not sanctioned for bringing frivolous claims that Hamadeh's attorneys would not have either. Given the closeness of Hamade's race, had his attorneys not feared bringing such claims, Hamadeh could be the Arizona Attorney General. Such is not the case and there is a clear argument that the residue left from Arizona's experimentation with attorney censorship denied Hamadeh effective representation of counsel.

Argument

- Rule 41(b)(3): To maintain the respect due to courts of justice and judicial officers.

  I have a great deal of respect for our courts and judicial officers. This does not mean they are free from making mistakes. Nor does it mean they should not be challenged when they do. Arizona's Supreme Court overstepped its bounds when it created a disinformation board. In truth, this board was pushed by the federal national security apparatus to stifle speech on the subject of our elections. It is akin to the medical boards stifling speech on behalf of the national health agencies as it applied to the origins of COVID-19 and the use of ivermectin or hydroxychloroquine as treatments. Now, of

course, these treatments are deemed valid. Challenging our courts is no sign of disrespect as we as attorneys have a duty to ensure the rule of law is upheld. When our courts take actions designed to limit speech absent an actual case or controversy, especially speech related to our very essence of self-government, respect for our system of law requires healthy debate regarding the merits of the policy.

- Rule 41(b)(7): To avoid engaging in unprofessional conduct and to advance no fact prejudicial to the honor or reputation of a party or a witness unless required by the duties to a client or the tribunal.

  I am not sure which party or witness I have tainted the honor of so I am not sure how to address this allegation. This tweet was not made in connection with any specific case though I do have them. This tweet was made to begin a public policy debate, now that we can freely do so on X (Twitter) without fear of reprisals sanctioned and sponsored by those same national security institutions responsible for Arizona's creation of a disinformation board. It is also important to point out freedom from the County Recorder's CISA disinformation censorship campaign as well.

- ER8.2(a): A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer or public legal officer, or of a candidate for election or appointment to judicial or legal office.

  My tweet did not call into question the qualifications or integrity of any member of the Arizona judiciary. My tweet was intended to say that the Arizona judiciary was hoodwinked by the national security apparatus specifically to limit attorney speech and willingness to bring valid claims on behalf of their clients. At the time the Chief Justice approved the disinformation board, he himself expressed his hesitancy to do so in a videotaped interview. The Chief Justice knew that creating such a board could have significant negative ramifications for our system of jurisprudence and his concerns were valid.

- ER8.4(c): A lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

I do not see where this rule applies. My tweet was based on a significant amount of research conducted by me and my investigative teams. This research was obtained for purposes of future litigation and is not being produced with this response. It should be noted that Tom Ryan currently represents a former employee of the Maricopa County Election Department who is a witness to the events being investigated. I will not release information obtained on behalf of the clients I represent in this investigation. It is their information and shall be released in due course.

- ER8.4(d) A lawyer shall not engage in conduct that is prejudicial to the administration of justice.

I do not know how my tweet prejudices the administration of justice. My tweet is intended to improve the administration of justice to ensure that contemporary McCarthyism does not take a solid foothold. What prejudices the administration of justice is attorney unwillingness to engage in debates surrounding the administration of justice and proper role for the courts in our system of government. Debate, especially debate that sheds light on issues surrounding our courts, can only help improve the system of justice. This is especially true when courts take it upon themselves to censor speech absent an actual case or controversy. That tweet, my subsequent tweets, and my future tweets were, are and will be designed to improve the administration of justice by ensuring that our courts and the public are aware of what took place and are able to identify similar issues in the future. Our courts should never, absent a case or controversy, be engaged in boards that have the effect of censoring speech, especially political speech. Doing so with the bar associations active participation serves to quash attorney willingness to fully represent their clients on significant issues involving our elections.

Conclusion

My goal has never been to harm the administration of justice. That said, when justice is ill attorneys need to render first aid and ensure the cancer does not return. Justice under the Arizona constitution is meted out by Arizona courts pursuant to Arizona law. It should never be meted out on behalf of the national security state's fancy of the day. The national security state does not make law but when our courts grant it leave to limit speech, especially about elections, the courts and national security state have made themselves judges, jury and executioner. Unless the goal is to move from a constitutional republic to an autocracy ruled by the federal bureaucracy, the independence of our court's must be maintained.

It is well known that The 65 Project has a goal of destroying "the pool of available legal talent" willing to challenge elections. It is less well known that The 65 Project works with the ABA in an effort to modify and/or enact ethical rules designed to discourage attorneys from bringing election challenges. Doing so, however, is nothing more than an ethical witch hunt designed to separate the judiciary from its role deciding election challenges. The real impact of such conduct on behalf of bar organizations would be to nullify the legislature's law-making authority while stripping the court of its judicial function. As an officer of the court, I am ethically compelled to ensure that the political efforts to undermine what is supposed to be an a-political judiciary are exposed, debated, and left in the dustbin. When lawyers can no longer debate the law and/or the role of our courts, we will become nothing more than cogs in an administrative machine.

Sincerely,

Blehm Law PLLC

Bryan James Blehm

Attorney at Law