

**BEFORE THE PRESIDING DISCIPLINARY  
JUDGE**

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

**JEFFREY BLACKMAN,**  
**Bar No. 004769**

Respondent.

**PDJ 2015-9096**

**FINAL JUDGMENT AND ORDER**

Formal Proceedings: SB 15-0215 and  
15-1040

Case for Pre-filing Consent: SB 15-  
2269

**FILED DECEMBER 21, 2015**

The Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on December 10, 2015, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

**IT IS ORDERED** Respondent, **Jeffrey Blackman**, is admonished for his unprofessional conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective immediately.

**IT IS FURTHER ORDERED** Mr. Blackman shall be placed on probation for a period of one (1) year.

**IT IS FURTHER ORDERED** Mr. Blackman shall contact the State Bar Compliance Monitor at (602) 340-7258, within ten (10) days from the date of this order, to schedule a Law Regulation Member Assistance Program (MAP) assessment.

The Compliance Monitor shall develop terms and conditions of participation if the results of the assessment so indicate and the terms, including reporting requirements, shall be incorporated herein. Mr. Blackman shall also be required to complete no less than three (3) hours of Continuing Legal Education (CLE) regarding civility and professionalism. Mr. Blackman shall be responsible for any costs associated with participation with compliance.

**IT IS FURTHER ORDERED** Mr. Blackman shall be subject to any additional terms imposed by the Presiding Disciplinary Judge.

**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** Mr. Blackman shall 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 21<sup>st</sup> day of December, 2015.

*William J. O'Neil*

---

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

Copies of the foregoing mailed/emailed  
this 21<sup>st</sup> day of December, 2015, to:

Peter Akmajian  
Udall Law Firm, LLP  
4801 E. Broadway Blvd., Suite 400  
Tucson, Arizona 85711-3638  
Email: pakmajian@udalllaw.com  
Respondent's Counsel

Craig D. Henley  
Senior Bar Counsel - Litigation  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Email: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

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

by: MSmith

**BEFORE THE PRESIDING DISCIPLINARY  
JUDGE**

---

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

**JEFFREY BLACKMAN,  
Bar No. 004769**

Respondent.

**PDJ 2015-9096**

**DECISION ACCEPTING CONSENT  
FOR DISCIPLINE**

[Formal Proceedings: SB 15-0215 and  
15-1040

Case for Pre-filing Consent: SB 15-  
2269]

**FILED DECEMBER 21, 2015**

After a finding of probable cause, a formal complaint was filed on September 10, 2015. An Agreement for Discipline by Consent ("Agreement") was filed by the parties on December 10, 2015, and submitted under Rule 57(a)(3), Ariz. R. Sup. Ct<sup>1</sup>. Upon filing such Agreement, the presiding disciplinary judge, "shall accept, reject or recommend modification of the agreement as appropriate."

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.

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<sup>1</sup> Unless stated otherwise, all rules referenced are the Arizona Rules of the Supreme Court.

Under Rule 53(b)(3), notice of this Agreement was provided to the complainant(s) by email dated November 18, 2015. Complainant(s) were notified of the opportunity to file a written objection to the agreement with the State Bar within five (5) business days of bar counsel's notice. No objections were reported in the agreement. However, on December 18, 2015, Bar Counsel filed the undated opposition of one complainant.

The objection pertains to overcharging and a stated impact upon her family by the "unprofessionalism and bullying tactics" of Mr. Blackman in his representation of her. It is alleged Mr. Blackman has sued this prior client due to her reporting him to the State Bar.

Nothing else is stated regarding this litigation. The Agreement primarily relates to the continuing unfortunate and unprofessional conduct of Mr. Blackman's anger and inappropriate use of language in his interactions with his clients. While the Agreement refers to efforts to make restitution or to rectify consequences of misconduct, there is no discussion of such efforts regarding the objecting complainant. While there are many conclusory statements in the objection, there is little detail stated that explains why the imposition of an admonition is not a sufficient sanction. Notwithstanding, the PDJ is grateful complainant stated her position to aid in the rehabilitation of Mr. Blackman.

Three factors are strong mitigations under the facts of the Agreement. The stated, but sealed, personal or emotional problems of Mr. Blackman, his full and free disclosure to the State Bar, and his stated remorse.

Mr. Blackman conditionally admits his misconduct in each of the representations of these clients violated Rule 41(g) by engaging in unprofessional conduct prejudicial to the honor or reputation of a party or a witness.

### **Presumptive Sanction**

The *American Bar Association's Standards for Imposing Lawyer Sanctions (Standards)* are utilized in consideration of the most serious ethical violations of Mr. Blackman. The parties agree *Standard 7.4* applies and the presumptive sanction is admonition. The aggravating factors of his prior disciplinary history, this pattern of misconduct and his substantial experience in the practice of law warrant one year probation besides the admonition and the payment of costs.

The object of lawyer discipline is to protect the public, the legal profession, the administration of justice, and to deter other attorneys from engaging in unprofessional conduct. *In re Peasley*, 208 Ariz. 27, 38, 90 P.3d 764, 775 (2004). Attorney discipline is not intended to punish the offending attorney, although the sanctions imposed may have that incidental effect. *Id.* In that context, the PDJ finds the proposed sanction meets the objectives of discipline.

**IT IS ORDERED** incorporating the Agreement and any supporting documents by this reference. The agreed upon sanctions are: admonition, one (1) year probation and costs, which shall be paid within thirty (30) days of the final judgment and order. These financial obligations shall bear interest at the statutory rate.

**IT IS FURTHER ORDERED** the Agreement is accepted. Costs as submitted are approved for \$1,200.00 and are to be paid within thirty (30) days. The final

judgment and order is signed and entered this date.

**DATED** this 21<sup>st</sup> day of December, 2015.

*William J. O'Neil*

---

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

Copies of the foregoing mailed/emailed  
this 21<sup>st</sup> day of December, 2015, to:

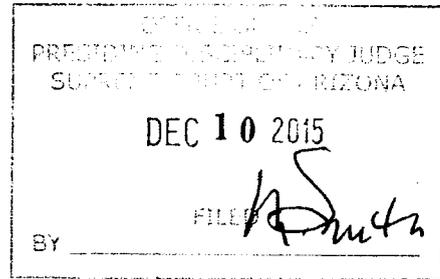
Peter Akmajian  
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Lawyer Regulation Records Manager  
State Bar of Arizona  
4201 North 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266

by: MSmith

Craig D. Henley, Bar No. 018801  
Senior Bar Counsel - Litigation  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Telephone (602)340-7272  
Email: LRO@staff.azbar.org



Peter Akmajian, Bar No. 009593  
Udall Law Firm LLP  
4801 E Broadway Blvd Ste 400  
Tucson, AZ 85711-3638  
Telephone 520-623-4353  
Email: [pakmajian@udalllaw.com](mailto:pakmajian@udalllaw.com)  
Respondent's Counsel

**BEFORE THE PRESIDING DISCIPLINARY  
JUDGE**

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

**JEFFREY BLACKMAN,**  
**Bar No. 004769,**

Respondent.

**PDJ 2015-9096**

Formal Proceedings: SB 15-0215 and  
15-1040

Case for Pre-filing Consent: SB 15-  
2269

**AGREEMENT FOR DISCIPLINE BY  
CONSENT**

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, Jeffrey Blackman, who is represented in this matter by counsel, Peter Akmajian, hereby submit their Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. A probable cause order was entered on August 20, 2015, and a formal complaint was filed on September 10, 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 is approved.

Pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct., notice of this agreement was provided to the complainant(s) by email on November 18, 2015. Complainant(s) have been notified of the opportunity to file a written objection to the agreement with the State Bar within five (5) business days of bar counsel's notice.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 41(g), Ariz. R. Sup. Ct. ~ Professionalism in each of the counts listed below. Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Admonition with Probation. 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. At all times relevant, Respondent was first licensed to practice law in the State of Arizona on December 7, 1976.

#### **COUNT ONE (File No. 15-0215/Saucier)**

2. On or about September 17, 2014, Complainant hired Respondent to represent him in an administrative hearing in the Arizona Department of

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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.

Transportation (hereinafter referred to as "ADOT") case of Richard M. Saucier, PT-QPA02737.

3. On October 28, 2014, Complainant sent Respondent a letter stating, among other things, "I hope we can continue to have a cordial relationship and your frustration with me does not affect your ability to represent me properly at the hearing." Respondent responded by email the next day, "[m]y frustration with you will in no way affect my ability to represent you."

4. When Complainant contacted ADOT without Respondent's knowledge, Respondent became angry and raised his voice at Complainant.

5. Respondent told Complainant, among other things, to "let me do my job and not to contact Arizona DOT" as Complainant "did not understand the process, did not follow instructions well and made my job much more difficult that (sic) necessary".

6. In or around January 2015, the attorney-client relationship began to deteriorate shortly after Complainant received a copy of the adverse ruling from ADOT.

7. On January 23, 2015, the parties had a telephonic discussion regarding the adverse ruling wherein Complainant felt "bullied" by Respondent.

8. On January 25, 2015, Complainant expressed concern regarding his belief that Respondent had not handled an ADOT administrative hearing for several years stating "[t]his would have impacted upon my decision to hire you to represent me in this case. I do not want an arrogant response from you regarding this as you have done in the past when you think I have challenged your expertise."

9. On January 26, 2015, Respondent responded, in pertinent part, "[y]ou clearly have no sense as to what an attorney does and what my 38 years of experience means. I have been representing people year after year, at hearings such as the one that was held telephonically in your case, through out my career. Since you think I have been arrogant in the past I think that it's best that you find another attorney to help you regarding your appeal."

10. In response to a request for the client file, Respondent wrote "(Complainant) [y]ou are offensive, don't practice what you preach and are way out of line. I'll send you your materials. Now, please, leave me alone. Your treatment borders on abuse."

11. Complainant responded shortly thereafter stating "[y]ou don't get it!! I was trying to gently let you know that your behavior towards me has been rude, offensive, and at times abusive. You have an anger management problem and don't even know it. I put up with you (sic) arrogance and verbal abuse in the hopes of resolving my case positively."

**COUNT TWO (File No. 15-1040/Katz)**

12. On April 24, 2015, Complainant was referred to Respondent by ARAG, a legal insurance company, and called Respondent to discuss the case.

13. Following the consultation, Respondent made several subsequent phone calls to Complainant and left several messages.

14. The messages included expletives and derogatory language including, but not limited to, Respondent calling Complainant an "asshole" and "a son of bitch".

15. At some point, Complainant refused to answer the calls but immediately sent emails requesting that Respondent stop calling. Complainant also

informed Respondent of his intent to post a negative online comment regarding his experience with Respondent.

16. Later that same day, Respondent emailed Complainant "[i]f you attack me professionally on the internet or anywhere else I will sue you for slander and will immediately go to Court and get an injunction against harassment against you."

17. A couple of minutes later, Respondent saw Complainant's online post and wrote "I have just read the review you have posted on Google. If you have not removed it by 3:30 this afternoon I will be filing suit against you and your wife Monday for libel, seeking injunctive relief, and will obtain an injunction against harassment against you individually on Monday."

18. Over the next three days, Complainant and Respondent sent each other emails outlining their intentions to pursue legal actions.

19. On April 27, 2015, Complainant filed a petition for an injunction against harassment against Respondent in the Tucson Municipal Court case of *Katz v. Blackman*, HR-15030898.

20. On May 15, 2015, the Court dismissed the petition for an injunction against harassment.

21. In his first response to the State Bar, Respondent stated that he "was polite and professional with (Complainant)" and "[I]aw school did nothing to prepare me for this modern type of villian and did not warn me that I would be a moving target for every self important malcontent in society." Respondent also stated that "(Complainant) is a dishonest man who is also a bully and a coward".

22. When provided with a copy of the expletive laced and derogatory phone messages, Respondent submitted a second response to the State Bar admitting that

"[c]learly I used inappropriate language in the first message to (Complainant)" and "I acknowledge that the use of swear words is unprofessional and am sorry that I used them."

**COUNT THREE (File No. 15-2269/Adams)**

23. On or about May 23, 2015, Complainant hired Respondent to represent her in the Pima County Superior Court case of *Adams v. Anthony*, SP20130928.

24. Several billing disputes arose throughout the course of the attorney-client relationship which resulted in several heated arguments between Respondent, Complainant, her husband and her sister-in-law.

25. When Complainant expressed her concern that Respondent fell asleep during a court hearing during an office meeting, Respondent again engaged in a heated argument with Complainant and her husband.

**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 in each of the representations violated Rule 41(g), Ariz. R. Sup. Ct. in each of the above-listed counts by engaging in unprofessional conduct prejudicial to the honor or reputation of a party or a witness.

**CONDITIONAL DISMISSALS**

None.

**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:

### **Admonition with Probation.**

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* 7.4 is the appropriate *Standard* given the facts and circumstance of this case. *Standard* 7.4 states that Admonition is generally appropriate as Respondent engaged in isolated instances of negligence

that is a violation of a duty owed as a professional, and causes little or no actual or potential injury to a client, the public, or the legal system.

**The duty violated**

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

**The lawyer's mental state**

Based upon the mitigating evidence submitted to the State Bar during the investigation of the matters *under seal*, the parties agree for purposes of this agreement that Respondent negligently engaged in unprofessional 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 little or no actual or potential injury to a client, the public or the legal system.

**Aggravating and mitigating circumstances**

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

**In aggravation:**

1. Standard 9.22(a) Respondent has a prior disciplinary history.
  - File No. 95-1426 (1996) – Informal Reprimand (now an Admonition) and Probation for violating Rule 42, Ariz. R. Sup. Ct., ER 8.4 [Respondent requested modified reports from physicians that were intended to be used to obtain a favorable settlement];
  - File No. 97-0925 (1997) – Informal Reprimand (now an Admonition) for violating Rule 42, Ariz. R. Sup. Ct., ERs 1.8(h) and 8.4 [Respondent settled a case without informing the client to seek independent counsel];

- File No. 02-0985 (2002) – Informal Reprimand (now an Admonition), Restitution and costs for violating Rule 42, Ariz. R. Sup. Ct., ER 3.1 [Respondent failed to determine whether or not a meritorious basis existed for the filing of a lawsuit];
- 2. Standard 9.22(c) Respondent has engaged in a pattern of misconduct.
- 3. Standard 9.22(i) Respondent has had substantial experience in the practice of law [licensed in the State of Arizona on December 7, 1976].

**In mitigation:**

1. Standard 9.32(b) Absence of a dishonest or selfish motive;
2. Standard 9.32(c) Personal or emotional problems;
3. Standard 9.32(d) Timely good faith effort to make restitution or to rectify consequences of misconduct;
4. Standard 9.32(e) Full and free disclosure to the State Bar or cooperative attitude toward the proceedings;
5. Standard 9.32(l) Remorse;
6. Standard 9.32(m) Remoteness of prior offenses.

**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 following: Respondent has acknowledged and begun addressing the self-management issues that he believes causes his unprofessional conduct.

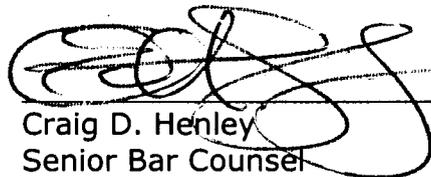
Based on the *Standards* and in light of the facts and circumstances of this matter, the parties conditionally agree that the sanction set forth above is within the range of appropriate sanction and will serve the purposes of lawyer discipline.

**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 Admonition with Probation and the imposition of costs and expenses. A proposed form order is attached hereto as Exhibit B.

**DATED** this 10<sup>th</sup> day of December 2015.

**STATE BAR OF ARIZONA**

  
\_\_\_\_\_  
Craig D. Henley  
Senior Bar Counsel

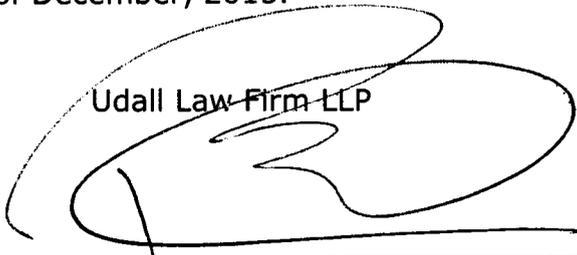
**This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation.**

**DATED** this 9<sup>th</sup> day of December, 2015.

  
\_\_\_\_\_  
Jeffrey Blackman  
Respondent

DATED this 16<sup>th</sup> day of December, 2015.

Udall Law Firm LLP

  
Peter Akmajian  
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 10<sup>th</sup> day of December, 2015.

Copy of the foregoing emailed  
this 10<sup>th</sup> day of December, 2015, to:

The Honorable William J. O'Neil  
Presiding Disciplinary Judge  
Supreme Court of Arizona  
1501 West Washington Street, Suite 102  
Phoenix, Arizona 85007  
E-mail: [officepdj@courts.az.gov](mailto:officepdj@courts.az.gov)

Copy of the foregoing mailed/emailed  
this 10<sup>th</sup> day of December, 2015, to:

Peter Akmajian  
Udall Law Firm LLP  
4801 E Broadway Blvd Ste 400  
Tucson, AZ 85711-3638  
Email: [pakmajian@udalllaw.com](mailto:pakmajian@udalllaw.com)  
Respondent's Counsel

Copy of the foregoing hand-delivered  
this 10<sup>th</sup> day of December, 2015, to:

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

by: Jalene Stone  
CDH: ts

**EXHIBIT A**

**Statement of Costs and Expenses**

In the Matter of a Member of the State Bar of Arizona,  
Jeffrey Blackman, Bar No. 004769, Respondent

File No(s). 15-0215, 15-1040 and 15-2269

**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***

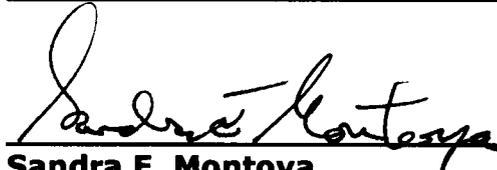
**\$ 1,200.00**

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**

12-2-15  
**Date**

**EXHIBIT B**