

SUPREME COURT OF ARIZONA

In the Matter of a Member of the ) Arizona Supreme Court  
State Bar of Arizona, ) No. SB-08-0157-D  
)  
DAVID S. GINGRAS, )  
Attorney No. 21097 )  
) Disciplinary Commission  
) No. 06-2059  
Respondent. )  
\_\_\_\_\_ ) **FILED 4/20/2009**

O R D E R

The State Bar and Disciplinary Clerk filed their statements of costs and expenses in this matter. Respondent filed an objection to the State Bar's Statement of Costs. Respondent objects to the State Bar's flat charge for general administrative expenses. He also objects to charges related to "MAP Professional Services for Greenberg & Sucher, P.C." Respondent argues that he has paid all costs for the professional services of Dr. Sucher. If the charges represent a State Bar expense for expert witness fees, respondent objects on the grounds that Dr. Sucher did not serve as an expert witness in his discipline matter. In addition, respondent argues that the statement of costs and expenses fails to provide adequate detail to justify the charges as reasonable and necessary.

Based on respondent's objections, the State Bar filed an amended statement of costs and expenses and a response. The State Bar made an adjustment to a portion of one charge but argues that the remaining charges relate to the professional services Dr. Sucher provided

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during the disciplinary process. The State Bar does not argue that

the charges relate to Dr. Sucher's service as an expert witness in this case.

Under Rule 60(b), Rules of the Supreme Court, an assessment of costs and expenses related to the disciplinary proceeding shall be imposed upon a respondent in addition to any other sanction imposed. "Expenses" is defined to include the charges of an expert witness. Rule 46(f)(7). The State Bar has not argued, however, that the charges related to Dr. Sucher's services were necessary expert witness fees. The State Bar's amended statement of costs and expenses does not provide sufficient information for this Court to make a determination that these charges are otherwise necessary and reasonable. As a result, the charges relating to "MAP Professional Services for Greenberg & Sucher, P.C." will not be assessed against respondent. The remaining charges, including the general administrative charge, will be assessed.

IT IS ORDERED that pursuant to Rule 60(b), Rules of the Supreme Court, the State Bar is granted judgment against respondent David S. Gingras for costs and expenses of the disciplinary proceedings in the amount of \$7,125.64.

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This amount includes the State Bar's general administrative expense of \$2,000.00, additional expenses of \$374.64 and Disciplinary Clerk's attendance and transcription costs of 4,751.00.

DATED this \_\_\_\_\_ day of April, 2009.

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RUTH V. MCGREGOR  
Chief Justice

TO:

David Scott Gingras

David G Derickson, David G Derickson PC

Shauna R Miller, Bar Counsel, State Bar of Arizona

H Jeffrey Coker, Hearing Officer 6R

Sandra Montoya, Records Manager, State Bar of Arizona

Leticia V D'Amore, Disciplinary Clerk