

DAVID S. GINGRAS

File No. 06-2059

CORRESPONDENCE



AFFIDAVIT

State of Arizona)
) ss.
County of Maricopa)

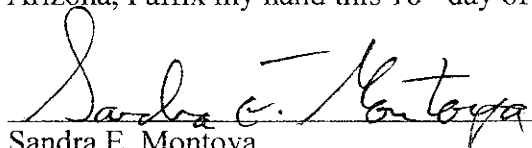
I, Sandra E. Montoya, do under oath depose and say:

I am the Lawyer Regulation Records Manager for the State Bar of Arizona.

I have reviewed the disciplinary records against suspended member David S. Gingras, Bar No. 021097, and find that David S. Gingras, as of the date of this affidavit, has paid in full all costs, in the discipline matter, 06-2059. This includes State Bar costs and costs incurred by the Disciplinary Clerk.

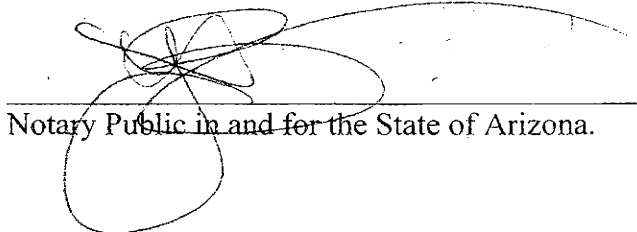
I affirm the statements above to be true to the best of my knowledge and belief.

IN WITNESS WHEREOF, and under penalty of perjury under the laws of the State of Arizona, I affix my hand this 18th day of February, 2009.




Sandra E. Montoya
Lawyer Regulation Records Manager

I, Yvette F. Barreras, do hereby certify that on this 18th day of February, 2009, personally appeared before me Sandra E. Montoya, Lawyer Regulation Records Manager, known to be the person(s) who executed the foregoing instrument.



Notary Public in and for the State of Arizona.

 **YVETTE F. BARRERAS**
Notary Public - Arizona
Maricopa County
Expires 05/31/2011

David S. Gingras
4072 East Mountain Vista Drive
Phoenix, AZ 85048

dsg@jaburgwilk.com; Tel.: (602) 248-1049; Fax: (602) 248-0522

May 21, 2009

**VIA FACSIMILE: (602) 271-4930
& U.S. Mail**

Ms. Shauna R. Miller, Esq.
Senior Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 200
Phoenix, AZ 85016-6288

Dear Ms. Miller:

By now i assume you have received the Supreme Court's order dated May 11, 2009 denying the State Bar's motion for reconsideration on the issue of costs. My records indicate that a refund is therefore due in the amount of \$8,250.00. Please see that this refund is made to me by May 29, 2009. While I am normally willing to be very patient, the funds at issue were borrowed and have been accruing interest since they were borrowed nearly six months ago. As such, the timely return of these funds is very important.

Please note that as a liquidated sum, I would ordinarily be entitled to prejudgment interest at the rate of 10% per annum as a matter of right. *See In Re U.S. Currency In Amount of \$26,980.00*, 199 Ariz. 291, 298, 18 P.3d 85, 92 (App. 2000) (noting, pursuant to A.R.S. § 12-823, "Prejudgment interest is, therefore, generally awarded against the state and its political subdivisions in such cases, at least those cases involving liquidated claims."). Assuming the funds are returned by May 29, 2009, any claim of interest will be waived.

Thank you.

Very truly yours,


David S. Gingras

RECEIVED

MAY 22 2009

STATE BAR OF ARIZONA

RECEIVED

MAY 22 2009

STATE BAR OF ARIZONA
LAWYER REGULATION



Shauna Miller

From: Shauna Miller
Sent: Friday, May 22, 2009 7:51 AM
To: 'dsg@jaburgwilk.com'
Cc: Sandra Montoya
Subject: RE: A new fax has arrived from 6027388058 (Part 1 of 1) on Channel 3

Mr. Gingras,

I do not handle the finances around here, so I am forwarding your letter to Sandra Montoya. You should deal with her regarding your refund. Her number is 602-340-7353.

-----Original Message-----

From: RightFax E-mail Gateway
Sent: Thursday, May 21, 2009 2:26 PM
To: Shauna Miller
Subject: A new fax has arrived from 6027388058 (Part 1 of 1) on Channel 3

5/21/2009 2:25:23 PM Transmission Record
Received from remote ID: 6027388058
Inbound user ID SHAUNA, routing code 100
Result: (0/0:0/0) Unknown Error (35)
Page record: 1 - 3
Elapsed time: 00:00 on channel 3

Fax Images: [double-click on image to view page(s)]

David S. Gingras
4072 East Mountain Vista Drive
Phoenix, AZ 85048

dsg@jaburgwilk.com; Tel.: (602) 248-1049; Fax: (602) 248-0522

May 21, 2009

**VIA FACSIMILE: (602) 271-4930
& U.S. Mail**

Ms. Shauna R. Miller, Esq.
Senior Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 200
Phoenix, AZ 85016-6288

Dear Ms. Miller:

By now i assume you have received the Supreme Court's order dated May 11, 2009 denying the State Bar's motion for reconsideration on the issue of costs. My records indicate that a refund is therefore due in the amount of \$8,250.00. Please see that this refund is made to me by May 29, 2009. While I am normally willing to be very patient, the funds at issue were borrowed and have been accruing interest since they were borrowed nearly six months ago. As such, the timely return of these funds is very important.

Please note that as a liquidated sum, I would ordinarily be entitled to prejudgment interest at the rate of 10% per annum as a matter of right. *See In Re U.S. Currency In Amount of \$26,980.00*, 199 Ariz. 291, 298, 18 P.3d 85, 92 (App. 2000) (noting, pursuant to A.R.S. § 12-823, "Prejudgment interest is, therefore, generally awarded against the state and its political subdivisions in such cases, at least those cases involving liquidated claims.") Assuming the funds are returned by May 29, 2009, any claim of interest will be waived.

Thank you.

Very truly yours,


David S. Gingras

RECEIVED

MAY 22 2009

STATE BAR OF ARIZONA

RECEIVED

MAY 22 2009

STATE BAR OF ARIZONA
LAWYER REGULATION

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 2213
 RECIPIENT ADDRESS 92480522
 DESTINATION ID
 ST. TIME 03/04 12:56
 TIME USE 01'09
 PAGES SENT 5
 RESULT OK



ARIZONA BAR CENTER
4201 N. 24th Street, Suite 200
Phoenix, AZ 85016-6288

Phone Number (602) 252-4804

Fax Number (602) 271-4930

Fax Transmission Cover Sheet

CONFIDENTIALITY NOTE: The information contained in this telefax message is legally privileged and confidential information intended only for the use of the addressees named below. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that any review, dissemination, distribution or copy of the telecopy is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message to us at the address above via the United States Postal Service. Thank you.

DATE: March 4, 2009

TO: DAVID S. GINGRAS

JABURG & WILK, PC

Phone No.

Fax No. (602) 248-0522

FROM: SHAUNA MILLER, SENIOR BAR COUNSEL

ARIZONA BAR CENTER

4201 N. 24TH STREET, SUITE 200



ARIZONA BAR CENTER
4201 N. 24th Street, Suite 200
Phoenix, AZ 85016-6288

Phone Number (602) 252-4804

Fax Number (602) 271-4930

Fax Transmission Cover Sheet

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DATE: March 4, 2009

TO: DAVID S. GINGRAS

JABURG & WILK, PC

Phone No.

Fax No. (602) 248-0522

FROM: SHAUNA MILLER, SENIOR BAR COUNSEL

ARIZONA BAR CENTER

4201 N. 24TH STREET, SUITE 200

PHOENIX AZ 85016-6288

Sender's Direct Line: (602) 340-7241 **Fax No.** (602) 271-4930

Total Pages Transmitted (including this cover page): 5

Comments to Receiver: Notice of Filing Exhibit to the State Bar's Response to Respondent's Objection to State Bar's Statement of Costs.

Shauna Miller

From: David S. Gingras [dsg@jaburgwilk.com]
Sent: Thursday, February 05, 2009 8:24 AM
To: Shauna Miller
Subject: RE: Gingras Status

Thanks; that's what I will do.

From: Shauna Miller [mailto:Shauna.Miller@staff.azbar.org]
Sent: Thu 2/5/2009 8:24 AM
To: David S. Gingras
Subject: RE: Gingras Status

David,
You should go ahead and pay the money so you can say you have paid all required costs. We will refund any amount the Court may decide you do not owe, if any.
Shauna

-----Original Message-----

From: David S. Gingras [mailto:dsg@jaburgwilk.com]
Sent: Wednesday, February 04, 2009 3:59 PM
To: Shauna Miller
Subject: Gingras Status

Shauna,

By now I hope you have received clarification from Dave Derickson that he has withdrawn from representing me. Since I'm now handling this myself, I wanted to contact you regarding a housekeeping issue.

My 30 day suspension is completed after today. I understand that reinstatement is not automatic and that the suspension will continue until an order of reinstatement is issued.

The next step is for me to submit the affidavit required by Supreme Court Rule 64. However, that affidavit requires me to state that I have paid all required costs, etc., As you know I have filed a motion asking for relief from the current cost order, so it's not entirely clear where that currently stands.

I want to make this process as easy as possible for both sides, so here's my question -- which would you prefer:

1.) that I submit a check to the bar right now for the total outstanding balance of the cost judgment (about \$10k), and then file the Rule 64 affidavit, or

2.) I can simply include a notation in the Rule 64 affidavit which says that I have paid part of the existing judgment, and that an objection has been filed which may be subject to further briefing.

Either way is OK with me; I just want to be sure that the state bar will not have any objection to the reinstatement. Please let me know what you would like me to do. Thanks.

David S. Gingras

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	2082
RECIPIENT ADDRESS	92480522
DESTINATION ID	
ST. TIME	01/23 11:23
TIME USE	00'40
PAGES SENT	4
RESULT	OK



ARIZONA BAR CENTER
4201 N. 24th Street, Suite 200
Phoenix, AZ 85016-6288

Phone Number (602) 252-4804

Fax Number (602) 271-4930

Fax Transmission Cover Sheet

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DATE: January 23, 2009

TO: DAVID S. GINGRAS

3200 N. CENTRAL AVENUE, 20TH FL

PHOENIX, AZ 85012

Phone No.

Fax No. (602) 248-0522

FROM: SHAUNA MILLER

ARIZONA BAR CENTER

4201 N. 24TH STREET, SUITE 200



**ARIZONA BAR CENTER
4201 N. 24th Street, Suite 200
Phoenix, AZ 85016-6288**

Phone Number (602) 252-4804

Fax Number (602) 271-4930

Fax Transmission Cover Sheet

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DATE: January 23, 2009

TO: DAVID S. GINGRAS

3200 N. CENTRAL AVENUE, 20TH FL

PHOENIX, AZ 85012

Phone No.

Fax No. (602) 248-0522

FROM: SHAUNA MILLER

ARIZONA BAR CENTER

4201 N. 24TH STREET, SUITE 200

PHOENIX AZ 85016-6288

Sender's Direct Line: (602) 340-7278

Fax No. (602) 416-7446

Total Pages Transmitted (including this cover page): 4

Comments to Receiver: SBA File No. 06-2059 The State Bar's Response to Respondent's Motion for Relief

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	2083
RECIPIENT ADDRESS	92776078
DESTINATION ID	
ST. TIME	01/23 11:24
TIME USE	00'37
PAGES SENT	4
RESULT	OK



ARIZONA BAR CENTER
4201 N. 24th Street, Suite 200
Phoenix, AZ 85016-6288

Phone Number (602) 252-4804

Fax Number (602) 271-4930

Fax Transmission Cover Sheet

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DATE: January 23, 2009

TO: DAVID G. DERICKSON

3636 N. CENTRAL AVENUE, SUITE 1050

PHOENIX, AZ 85012

Phone No.

Fax No. (602) 277-6078

FROM: SHAUNA MILLER

ARIZONA BAR CENTER

4201 N. 24TH STREET, SUITE 200



**ARIZONA BAR CENTER
4201 N. 24th Street, Suite 200
Phoenix, AZ 85016-6288**

Phone Number (602) 252-4804

Fax Number (602) 271-4930

Fax Transmission Cover Sheet

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DATE: January 23, 2009

TO: DAVID G. DERICKSON

3636 N. CENTRAL AVENUE, SUITE 1050

PHOENIX, AZ 85012

Phone No.

Fax No. (602) 277-6078

FROM: SHAUNA MILLER

ARIZONA BAR CENTER

4201 N. 24TH STREET, SUITE 200

PHOENIX AZ 85016-6288

Sender's Direct Line: (602) 340-7278

Fax No. (602) 416-7446

Total Pages Transmitted (including this cover page): 4

Comments to Receiver: SBA File No. 06-2059 The State Bar's Response to Respondent's Motion for Relief From Order

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 2032
 RECIPIENT ADDRESS 96022776078
 DESTINATION ID
 ST. TIME 01/07 14:03
 TIME USE 00'49
 PAGES SENT 5
 RESULT OK



ARIZONA BAR CENTER
4201 N. 24th Street, Suite 200
Phoenix, AZ 85016-6288

Phone Number (602) 252-4804

Fax Number (602) 271-4930

Fax Transmission Cover Sheet

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DATE: January 7, 2009

TO: MARIA

C/O DAVE DERICKSON

Phone No. (602) 277-6072

Fax No. (602) 277-6078

FROM: ANNE

ARIZONA BAR CENTER

4201 N 24TH STREET, SUITE 200



ARIZONA BAR CENTER
4201 N. 24th Street, Suite 200
Phoenix, AZ 85016-6288

Phone Number (602) 252-4804
Fax Number (602) 271-4930

Fax Transmission Cover Sheet

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DATE: January 7, 2009

TO: MARIA

C/O DAVE DERICKSON

Phone No. (602) 277-6072

Fax No. (602) 277-6078

FROM: ANNE

ARIZONA BAR CENTER

4201 N. 24TH STREET, SUITE 200

PHOENIX AZ 85016-6288

Sender's Direct Line: (602) 340-7233

Fax No. (602) 271-4930

Total Pages Transmitted (including this cover page): 5

Comments to Receiver: Maria -- Per your request. If you need anything else, please let me know. -- Anne



ARIZONA BAR CENTER
4201 N. 24th Street, Suite 200
Phoenix, AZ 85016-6288

Phone Number (602) 252-4804

Fax Number (602) 271-4930

Fax Transmission Cover Sheet

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DATE: January 7, 2009

TO: MARIA

C/O DAVE DERICKSON

Phone No. (602) 277-6072

Fax No. (602) 277-6078

FROM: ANNE

ARIZONA BAR CENTER

4201 N. 24TH STREET, SUITE 200

PHOENIX AZ 85016-6288

Sender's Direct Line: (602) 340-7233

Fax No. (602) 271-4930

Total Pages Transmitted (including this cover page): 5

Comments to Receiver: Maria -- Per your request. If you need anything else, please let me know. -- Anne

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO	2028
RECIPIENT ADDRESS	96022714930
DESTINATION ID	
ST. TIME	01/07 12:09
TIME USE	01'07
PAGES SENT	5
RESULT	OK



ARIZONA BAR CENTER
4201 N. 24th Street, Suite 200
Phoenix, AZ 85016-6288

Phone Number (602) 252-4804

Fax Number (602) 271-4930

Fax Transmission Cover Sheet

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DATE: January 7, 2009

TO: MARIA

C/O DAVE DERICKSON

Phone No. (602) 277-6072

Fax No. (602) 277-6078

FROM: ANNE

ARIZONA BAR CENTER

4201 N. 24TH STREET, SUITE 200

DAVID SCOTT GINGRAS
4072 E. MOUNTAIN VISTA DRIVE
PHOENIX, AZ 85048
(480) 570-6157; DSG@JABURGWILK.COM


December 31, 2008

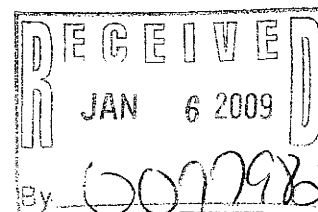
State Bar of Arizona
4201 N. 24th Street, Suite 200
Phoenix, Arizona 85016-6288

RE: *In Re David S. Gingras*; #021097
SB-08-0157-D; 06-2059

To Whom It May Concern:

Enclosed please find a check in the amount of \$5,000.00. This check represents a payment toward the Supreme Court's Order dated December 29, 2008 (the "Order"). This payment is made subject to a pending objection and is not intended to waive any objections to either the amount or the validity of the Order. The Order was entered without the notice required by Supreme Court Rule 60(b)(1). As such, the Order will be subject to additional proceedings. In the event the Order is modified, any excess of the enclosed payment shall be immediately returned.


David S. Gingras



5000⁰⁰ M.C

Assistant's Direct Dial: (602) 340-7233

September 16, 2008


David G. Derickson, Esquire
Derickson Law Offices
3636 N. Central Avenue, Suite 1050
Phoenix, Arizona 85012-1941

Re: File No. 06-2059
David S. Gingras, Respondent

Dear David:

I will not petition for review of the Disciplinary Commission's Report dated September 8, 2008, in the above proceeding. There is a slim chance that they will review it *sua sponte*, but David is almost there.

Sincerely,


Robert B. Van Wyck
Chief Bar Counsel

RVW/abd

DERICKSON LAW OFFICES

DAVID G. DERICKSON, P.C.

David G. Derickson, Esq.

3636 North Central
Suite 1050
Phoenix, Arizona 85012-1941

Office: 602/277-6072
Fax: 602/277-6078
E-mail: dderickson@dgdllaw.com

September 11, 2008

PERSONAL & CONFIDENTIAL

**ATTORNEY/CLIENT PRIVILEGED
AND CONFIDENTIAL COMMUNICATION**

Robert Van Wyck
Chief Bar Counsel
STATE BAR OF ARIZONA
Suite 200
4201 North 24th Street
Phoenix, Arizona 85016-6288

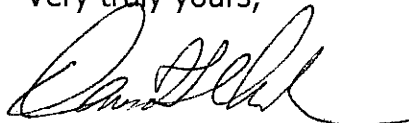
*Re: David S. Gingras / State Bar Disciplinary Commission
File No. 06-2059*

Dear Bob:

We have received a copy of the Disciplinary Commission report and have passed it on to David. We will seek no review. Please tell me if the Bar intends to do so.

David has a very positive attitude going forward and he feels confident that he will successfully complete the Bar's requirements. Please contact me if you have any questions or concerns.

Very truly yours,



David G. Derickson

DGD/dch

cc: David S. Gingras, Esq.

RECEIVED

SEP 15 2008

STATE BAR OF ARIZONA
LAWYER REGULATION



Supreme Court

STATE OF ARIZONA
ADMINISTRATIVE OFFICE OF THE COURTS

Ruth V. McGregor
Chief Justice

David K. Byers
Administrative Director
of the Courts

Direct line: (602) 452-3340

April 1, 2008

Honorable H. Jeffrey Coker
Hearing Officer 6R
P.O. Box 23578
Flagstaff, AZ 86002

Re: No. 06-2059
David S. Gingras, Respondent

Dear Judge Coker:

A copy of the transcript from the David S. Gingras hearing held on March 11, 2008 is enclosed.

Just a reminder that your Report in the above-mentioned matter will be due on May 1, 2008, pursuant to Rule 57(j).

If you are going to need an extension, please let me know as soon as possible and I will file a request with the Disciplinary Commission on your behalf.

Sincerely,

Leticia V. D'Amore

Leticia V. D'Amore
Disciplinary Clerk

LVD/nm

Enclosure

c: Bar Counsel (w/ transcript)
Respondent (w/ transcript)

RECEIVED file

APR 03 2008

STATE BAR OF ARIZONA
LAWYER REGULATION



Supreme Court

STATE OF ARIZONA
ADMINISTRATIVE OFFICE OF THE COURTS

Ruth V. McGregor
Chief Justice

David K. Byers
Administrative Director
of the Courts

Direct line: (602) 452-3952

March 28, 2008

Honorable H. Jeffrey Coker
Hearing Officer 6R
P.O. Box 23578
Flagstaff, AZ 86002-0001

Date Rec'd State Bar 4/3/08

Legal Secretary [Signature]

Re: No. 06-2059
David S. Gingras, Respondent

Dear Judge Coker:

A copy of the volume II transcript from the David S. Gingras hearing held on February 29, 2008, is enclosed.

Just a reminder that your Report in the above-mentioned matter will be due on April 28, 2008, pursuant to Rule 57(j).

If you are going to need an extension, please let me know as soon as possible and I will file a request with the Disciplinary Commission on your behalf.

Sincerely,

Leticia V. D'Amore

Leticia V. D'Amore
Disciplinary Clerk

LVD/cs

Enclosure

c: Bar Counsel (w/ transcript)
Respondent (w/ transcript)
file



Supreme Court

STATE OF ARIZONA
ADMINISTRATIVE OFFICE OF THE COURTS

Ruth V. McGregor
Chief Justice

(602) 452-3952
David K. Byers
Administrative Director
of the Courts

January 28, 2008

Honorable H. Jeffrey Coker
Hearing Officer 6R
P.O. Box 23578
Flagstaff, AZ 86002-0001

Re: No. 06-2059
David S. Gingras, Respondent

Dear Judge Coker:

A copy of the transcript from the David S. Gingras hearing held on December 20, 2008, is enclosed.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Christina Soto".

Christina Soto
Hearing Officer Specialist
Disciplinary Clerk's Office

Enclosure

c: Bar Counsel (w/ transcript)
Respondent (w/ transcript)
file

RECEIVED

JAN 30 2008

STATE BAR OF ARIZONA
LAWYER REGULATION

Assistant's Direct Line: 602-340-7351

January 31, 2008

Michel A. Sucher, M.D.
MAP Medical Director
P.O. Box 2243
Scottsdale, AZ 85252

Re: File No. 06-2059
David S. Gingras, Respondent

Dear Dr. Sucher:

Enclosed is the Reporter's Transcript of Proceedings taken in the referenced matter on December 20, 2007. Please let me know if I can be of additional assistance.

Sincerely,



Nancy E. Heffron
Paralegal

NEH
Enclosure

Pamela Johnson

From: Robert VanWyck
Sent: Tuesday, December 18, 2007 7:59 AM
To: Pamela Johnson
Subject: FW: GINGRAS

For the file

-----Original Message-----

From: Adam S. Kunz [mailto:ask@jaburgwilk.com]
Sent: Tuesday, December 18, 2007 6:51 AM
To: Robert VanWyck
Subject: RE: GINGRAS

I don't think there is anything you have not heard before and seen before.

ASK

-----Original Message-----

From: Robert VanWyck [mailto:Robert.VanWyck@staff.azbar.org]
Sent: Tuesday, December 18, 2007 6:50 AM
To: Adam S. Kunz
Subject: RE: GINGRAS

I will call shauna. Diane lives in Missouri. I have a phone number for her and I can have her available.

Getting the pre-trial today and the exhibits later today seems a bit late. I am assuming there are no surprises or you would have notified me before this. Thx

-----Original Message-----

From: "Adam S. Kunz" <ask@jaburgwilk.com>
To: "Robert VanWyck" <Robert.VanWyck@staff.azbar.org>
Sent: 12/18/2007 5:54 AM
Subject: GINGRAS

Bob,

You list Shawna Miller and Diane Ellis as your witnesses in the State Bar's Pre-Hearing Statement, but I don't think you mentioned them in the conference this morning. I do need them as witnesses. Will you please arrange that? Do you want me to ask Judge Coker for a subpoena?

Adam S. Kunz, Esq.
Jaburg & Wilk, P.C.
3200 North Central Avenue, Suite 2000

Phoenix, AZ 85012
602-248-1014
602-248-0522 (Fax)
www.jaburgwilk.com

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Pamela Johnson

From: Pamela Johnson
Sent: Monday, November 12, 2007 10:18 AM
To: 'ask@jaburgwilk.com'; 'mcs@jaburgwilk.com'
Cc: Robert VanWyck
Subject: DRAFT JOINT PREHEARING STATEMENT - GINGRAS

Counselors:

Attached please find the draft Jt. Prehearing Statement in the above-referenced matter. The document needs to be finalized and filed with the Disciplinary Clerk no later than 2 pm on November 21, 2007. Accordingly, please review and add your information and return it to me as an email attachment by close of business on or before Thursday, November 15, 2007 so that I may finalize the document for signatures and filing. Once finalized, I will email the document to you for your signature. You may fax us the signature page and mail your original signature page to us. We will initially file your faxed signature page and will replace it with the original once we receive it from you.

If you have any questions, please do not hesitate to contact us.

Pamela A. Johnson

Assistant to Amy K. Rehm, Senior Bar Counsel, Roberta L. Tepper, Senior Bar Counsel and Patricia J. Ramirez,
Staff Bar Counsel (Special Assistant to Robert B. Van Wyck, Chief Bar Counsel)

STATE BAR OF ARIZONA

4201 N. 24th Street, Suite 200

Phoenix, Arizona 85016-6288

Phone: 602-340-7247

Fax: 602-416-7447

Pamela Johnson

From: Robert VanWyck
Sent: Tuesday, November 06, 2007 4:49 PM
To: Pamela Johnson
Subject: FW: In the Matter of . . . David S. Gingras

-----Original Message-----

From: Adam S. Kunz [mailto:ask@jaburgwilk.com]
Sent: Tuesday, November 06, 2007 2:05 PM
To: Robert VanWyck
Subject: In the Matter of . . . David S. Gingras

Mr. Van Wyck,

I will be appearing as counsel in this matter. I understand there is a Joint Statement of some kind due tomorrow, but that the State Bar has not provided any draft statement. Will you be preparing a draft?

Adam S. Kunz, Esq.
Jaburg & Wilk, P.C.
3200 North Central Avenue, Suite 2000
Phoenix, AZ 85012
602-248-1014
602-248-0522 (Fax)
www.jaburgwilk.com

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Jaburg & Wilk, P.C.
ATTORNEYS AT LAW

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- 14500 N. NORTHSIGHT BLVD, SUITE 116 • SCOTTSDALE, AZ 85260 • BUSINESS (480) 609-0011 • FACSIMILE (480) 609-0016

FACSIMILE TRANSMITTAL SHEET

TO: Robert B. Van Wyck	COMPANY: State Bar of Arizona	FAX: 602-416-7441
FROM: Maria Crimi Speth	DATE: October 30, 2007	TOTAL PAGES (INCLUDING COVER) 4
FILE/MATTER NUMBER:	SENDER'S DIRECT LINE: 602-248-1089	SENDER'S E-MAIL: mcs@jaburgwilk.com

COMMENTS:

Original letter will be mailed.

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**Jaburg
& Wilk, P.C.**
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Maria Crimi Speth
mcs@jaburgwilk.com
(602) 248-1089 Direct Line
(602) 248-1000 Main Telephone
(602) 248-0522 Fax

October 18, 2007

**VIA FACSIMILE: 602-416-7441
& U.S. Mail**

Mr. Robert B. Van Wyck
State Bar of Arizona
4201 North 24th Street, Suite 200
Phoenix, AZ 85016-6288

Re: David S. Gingras; Case No. 06-2059

Dear Mr. Van Wyck:

I have recently received and reviewed the State Bar's Third Supplemental Disclosure Statement and Responses to various discovery requests propounded by Respondent.

In the Bar's discovery responses (specifically, Response to Request for Production of Documents), the Bar repeatedly invokes "work product" privilege as a basis to withhold documents. Other than these bare objections, no form of privilege log was provided.

As you know, Arizona Supreme Court Rule 47(e) provides that discovery in discipline cases shall be governed by, among other things, Rule 26 of the Rules of Civil Procedure and certain associated discovery rules. As you also know, Ariz. R. Civ. P. 26.1(f) provides that when materials are withheld under a claim of privilege, "the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced or disclosed that is sufficient to enable other parties to contest the claim." In other words, whenever materials are withheld subject to an alleged privilege, the withholding party is required to provide the requesting party with a privilege log.

Since the required log has not been produced by the Bar, Respondent is unable to determine whether any basis exists to support or refute the Bar's claim of privilege. It is not necessary to provide a log of responsive communications since the complaint was filed. However, if there are responsive communications from before the complaint was filed, please provide this log to me by next Friday, October 26, 2007.

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Mr. Robert B. Van Wyck

October 18, 2007

Page 2

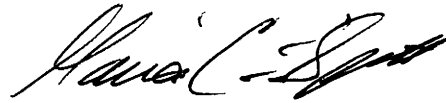
With respect to the State Bar's responses to several of Respondent's Requests to Admit ("RTA"), some of the responses given are incomplete or non-responsive. RTA #25 requested that the Bar, "Admit that there is no evidence whatsoever that drugs/alcohol have ever affected Mr. Gingras' ability to safely practice law." Immediately following the request was an interrogatory which read, "If YOUR response to the foregoing is anything other than an unconditional admission, please state every fact that supports your response, identify (name/address/telephone number) every witness who may support your response, and produce any/all documents which may support your response."

Despite this, the State Bar denied RTA #25 but gave no response of any kind to the follow-up interrogatory. Please provide a full, complete, and specific response to the interrogatory following RTA #25 by October 26, 2007.

If you have any questions, please feel free to contact me at (602) 248-1000 or MCS@JABURGWILK.COM.

Very truly yours,

JABURG & WILK, P.C.



Maria Crimi Speth

MCS

May 18, 2007

Maria C. Speth, Esq.
Jaburg & Wilk, PC.
3200 N. Central Avenue, Suite 2000
Phoenix, AZ 85012-2415

RE: File No. 06-2059
State Bar of Arizona, Complainant
David Gingras, Respondent

Dear Ms. Speth:

I received your correspondence regarding the probable cause order in Mr. Gingras' matter. Please contact Ms. Miller and my office to arrange a mutually convenient time for a telephone conference regarding this matter. My legal assistant Marisol will assist you in scheduling the call.

I appreciate your attention to this matter.

Respectfully,

Steven P. Sherick
Steven P. Sherick *By Marisol Montero*
Sherick Law Office, P.C.

cc: Shauna R. Miller ✓
State Bar of Arizona
4201 N. 24th Street, Suite 200
Phoenix, Arizona 85016-6288

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MAY 23 2007

Sherick Law Office

222 North Court Avenue
Tucson, Arizona 85701

TUCSON AZ 857

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STATE BAR OF ARIZONA

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