

SUPREME COURT OF ARIZONA

FILED
DEC 05 2008
RACHELLE M. RESNICK
CLERK SUPREME COURT
BY

IN THE MATTER OF A MEMBER)
OF THE STATE BAR OF ARIZONA,)
)
)
)
DAVID S. GINGRAS,)
Bar No. 021097)
)
)
RESPONDENT.)

Supreme Court
No. SB-08-0157-D

Disciplinary Commission
No. 06-2059

JUDGMENT AND ORDER

This matter having come before the Disciplinary Commission of the Supreme Court of Arizona, it having duly rendered its decision, and no timely petition for review having been filed,

IT IS ORDERED granting sua sponte review to clarify a term of probation. The provisions of the MAP contract involving monitored abstinence, biological fluid testing and counseling cannot be modified without prior approval of this Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that **DAVID S. GINGRAS**, a member of the State Bar of Arizona, is hereby suspended from the practice of law for a period of thirty days, effective thirty days from the date of this order, for conduct in violation of his duties and obligations as a lawyer, as disclosed in the Disciplinary Commission Report.

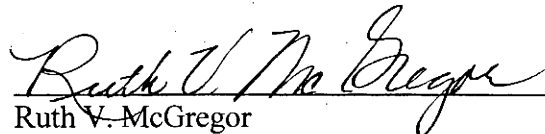
IT IS FURTHER ORDERED that **DAVID S. GINGRAS**, shall be placed on probation for a period of two years effective the date of this judgment. The terms of probation are as follows:

1. Within thirty days from the date of the final Judgment and Order, Respondent shall contact the MAP director and thereafter enter into a MAP probation contract that specifically requires abstinence, biological fluid testing and therapeutic counseling. These terms cannot be modified without prior approval of the Court. In addition, Respondent shall comply with any other terms and conditions recommended by the MAP director or designee, and those terms shall be incorporated herein.
2. Respondent shall refrain from engaging in any conduct that would violate the rules of professional conduct or other rules of the Supreme Court of Arizona.
3. In the event that Respondent fails to comply with any of the foregoing conditions, and the State Bar receives information, bar counsel shall file with the imposing entity a Notice of Non-Compliance, pursuant to Rule 60(a)(5), Ariz.R.Sup.Ct. The Hearing Officer shall conduct a hearing within thirty days after receipt of said notice, to determine whether the terms of probation have been violated and if an additional sanction should be imposed. In the event there is an allegation that any of these terms have been violated, the burden of proof shall

be on the State Bar of Arizona to prove non-compliance by clear and convincing evidence.

IT IS FURTHER ORDERED that Respondent shall be assessed costs and expenses of the disciplinary proceedings as provided in Rule 60(b).

DATED this 5th day of December, 2008.



Ruth V. McGregor
Chief Justice

TO:

David S. Gingras, Respondent (Certified Mail, Return Receipt and Regular Mail)
David G. Derickson, Respondent's Counsel
Robert VanWyck, Chief Bar Counsel
Honorable H. Jeffrey Coker, Hearing Officer 6R
Leticia V. D'Amore, Disciplinary Clerk (Cert. Copy)
Sandra Montoya, Lawyer Regulation Records Manager, State Bar of Arizona (Cert. Copy)
Molly Dwyer, Clerk, United States Court of Appeals for the Ninth Circuit (Cert. Copy)
Richard Weare, Clerk, United States District Court, District of Arizona (Cert. Copy)
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