

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**DAVID S. GINGRAS
Bar No. 021097,

Respondent.**

PDJ 2026-9010

**BRIEFING RE:
MOTION TO
DISMISS**

**[State Bar File Nos. 24-
1692, 24-1826, 24-2483, 24-
2819, 24-3080 and 25-1230]**

FILED APRIL 30, 2026

The Presiding Disciplinary Judge (“PDJ”) has reviewed the Respondent Gingras’ Motion to Dismiss pursuant to ARS § 12-751 (also referred to as “Arizona’s anti-SLAPP law”) filed April 14, 2026, in which he argues “Dismissal is required because the Complaint contains claims which arise from state and federally constitutionally protected speech and petitioning activity.” The PDJ finds that the requested application of ARS § 12-751 in Arizona attorney discipline to be a case of first impression.

The Arizona Supreme Court (the “Court”) is provided with the constitutional responsibility to administer an integrated judicial system, which allows it to regulate the practice of law pursuant to the Arizona

Constitution, Article 6 §§ 1,3. The Court has issued rulings in recent cases in which the Court has exercised its authority to regulate attorney's conduct (including pleadings) and speech, such as *In re Levy*, No. SB-21-0085-AP (10/26/22) (in which the Court affirmed its finding in *In re Martinez*, 248 Ariz. 458 (2020), that the Oath and Creed are not aspirational but enforceable with regard to an attorney's use of abusive language without regard to whether it reflects the attorney's "honest opinion" by applying an objective standard to the language) and *In re Gagic*, No. SB-22-0085-AP (05/03/2023) (in which the Court affirmed the long-term suspension of a lawyer who was found to have "made unsubstantiated contentions that a judge is engaged in a 'cover up' and also made wild, unsubstantiated accusations that several judges are motivated by personal animus.")

Given the Court's exercise of its constitutional authority in attorney discipline, including the sanctioning of lawyer's conduct and speech, the PDJ finds that it would assist her review, for the parties to **brief the issue as to whether the Court's supremacy precludes this legislation's application in discipline proceedings.** Therefore,

IT IS ORDERED providing each party the opportunity to submit,

simultaneously, a brief on this specific issue alone, that is **no more than 10 pages** in length and **must be filed** with the Disciplinary Clerk **no later than 4:00 p.m. May 21, 2026.**

DATED this 30th day of April, 2026.

Lisa A. Vandenberg
Hon. Lisa A. Vandenberg
Presiding Disciplinary Judge

Copy of the foregoing emailed
this 30th day of April, 2026, to:

David S. Gingras (Respondent)

[REDACTED]

Marc J. Randazza

[REDACTED]

Respondent's Counsel

James D. Lee (Senior Bar Counsel)

Craig Henley (Senior Bar Counsel)

[REDACTED]

by: CLopez