

07-22-2026

C. LOPEZ

DISCIPLINARY CLERK

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

DAVID S. GINGRAS

Bar No. 021097

Respondent.

No. PDJ 2026-9010

**STATUS REPORT RE:
PETITION FOR SPECIAL
ACTION**

On June 22, 2026, the PDJ issued an Order Re: Motion to Dismiss. In that order, the PDJ concluded Arizona's anti-SLAPP law, A.R.S. § 12-751, did not apply in disciplinary proceedings because it would "unduly hamper" the court's ability to punish lawyers for their speech. The order concluded with the following statement:

Given that this is a matter of first impression and the effect the PDJ's ruling herein provides on the instant case, the PDJ understands that a party (or both) may wish to file a Petition for Special Action with the Court. Therefore, the PDJ will not issue any additional procedural schedule in this matter at this time. However, if a Petition for Special Action is not filed within the next 30 days, the PDJ will thereafter proceed with issuing a new procedural schedule order in this matter.

In light of the PDJ's statement and after reviewing the court's order, Respondent David S. Gingras wishes to inform the PDJ that he intends to file a Petition for Special Action with the Arizona Supreme Court regarding both this court's June 22, 2026 order, as well as the PDJ's April 14, 2026 order granting the State Bar's Motion for Partial Judgment on the Pleadings. Both orders contain the same legal error – specifically, a conclusion that lawyers do not have the same free speech rights as non-lawyers.

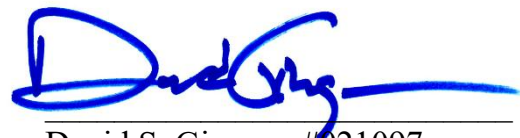
The Special Action Petition is complete and should be filed later today, July 22, 2026. Under the new Rules of Procedure for Special Actions which took effect in 2025, the PDJ is not named as a party to the proceeding. *See* Ariz. Special Actions, Rules of Proc., Rule 5(b)(2) (“*Respondent Defined*. The petition in an appellate special action must name as respondents all other parties in the case The judge whose decision is being challenged is not a respondent.”)

Because the PDJ is not a respondent, a copy of the petition will not be served on the PDJ. Thus, Respondent is providing this Status Report to keep the PDJ informed of the impending petition.

Based on this, Respondent believes the PDJ should not issue any further procedural orders in this matter unless and until the special action petition is resolved. This temporary pause will eliminate any need for Respondent to seek a stay from either this court or the Supreme Court, as would otherwise be permitted by Special Action Rule 16.

Respondent further notes that although the PDJ is not a party to the special action, the Supreme Court Clerk will serve the PDJ with copies of any orders/decisions issued by the Court. *See* Special Action Rule 15(d).

Respectfully submitted July 22, 2026.



David S. Gingras, #021097

████████████████████
Phoenix, AZ 85044

Tel.: ██████████

████████████████████
Respondent

CERTIFICATE OF SERVICE

ORIGINAL of the foregoing electronically filed July 22, 2026 with:

Office of Presiding Disciplinary Judge
Honorable Lisa VandenBerg
c/o Disciplinary Clerk of the Superior Court

[REDACTED]
Phoenix, Arizona 85007
[REDACTED]

COPY of the foregoing emailed to:
Jim Lee

[REDACTED]
Craig Henley

[REDACTED]
Senior Bar Counsel



A handwritten signature in blue ink, appearing to read "D. G. Henley", is written over a horizontal line.