

09-23-2026

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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

**NOTICE OF INTENT NOT TO
PURSUE CERTAIN
ALLEGATIONS**

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

The State Bar of Arizona submits this notice to advise Respondent and the Presiding Disciplinary Judge (“PDJ”) that the State Bar does not intend to continue prosecuting two sets of allegations in the *Amended Complaint*. First, the State Bar does not intend to pursue ¶¶ 40-64, and the related alleged violations of ER 3.4(c), ER 3.6(a), ER 4.4(a), and Rule 54(c), Ariz. R. Sup. Ct. (alleged violation arising out of Respondent’s alleged violation of Judge Mata’s February 21, 2024 Order). Second, the State Bar does not intend to pursue ¶¶ 109-113, and the related alleged violation of Rule 41(b)(7), Ariz. R. Sup. Ct. (alleged violation arising out of Respondent’s allegedly disparaging comments about members of the public).

The State Bar continues to believe that the foregoing allegations and violations would be proven at trial, but has reassessed the case as a whole now that a hearing on the merits has been rescheduled. The foregoing matters are distinct from the remaining factual allegations and alleged misconduct set forth in the *Amended Complaint*. Prosecuting the foregoing matters could add substantial time to the length of the trial. Furthermore, they likely would not form the basis of the sanction ultimately imposed and would unlikely have a material impact on the ultimate disposition. *See, e.g., In re Moak*, 205 Ariz. 351, 353, ¶ 9 (2003) (“When an attorney faces discipline for multiple charges of misconduct, the most serious charge serves as the baseline for the punishment.”).

The State Bar recognizes there is a pending motion for summary judgment that seeks judgment as a matter of law on numerous issues, including the alleged violations referenced above. The State Bar does *not* believe that Respondent is entitled to judgment as a matter of law on these issues.¹ The State Bar recognizes, however, that the PDJ may prefer to resolve the summary judgment motion before allowing the State Bar to dismiss any related allegations. The State Bar is lodging

¹ For example, the PDJ recognized that a failure to “take any steps to clarify the language” in Judge Mata’s February 21, 2024 Order “is problematic with regard to [Respondent’s] ethical duties.” *Order in Re: Motion for Partial Judgment on the Pleadings*, filed April 14, 2026, at 5. And, the PDJ denied the State Bar’s request for judgment as a matter of law because there was a colorable claim regarding Respondent’s mental state, *id.*, an issue that should turn on the hearing panel’s assessment of Respondent’s testimony and credibility at trial.

with this *Notice* a proposed order dismissing the above-referenced allegations. If the PDJ does not dismiss the allegations before the State Bar's summary judgment response is due, the State Bar will defend the allegations in its response, and explain why genuine issues of material fact preclude judgment in Respondent's favor. In the interest of efficiency for all involved, however, the State Bar respectfully requests that ¶¶ 40-64 and 109-113 of the *Amended Complaint*, and the related ethical violations, be dismissed without further briefing or adjudication of the issues.

DATED this 23rd day of September, 2026.

STATE BAR OF ARIZONA

/s/ James D. Lee

James D. Lee

Senior Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 23rd day of September, 2026.

Copy of the foregoing emailed
this 23rd day of September, 2026, to:

Honorable Lisa A. VandenBerg
Presiding Disciplinary Judge
Supreme Court of Arizona

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