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** **ORDER RE MOTION TO QUASH/MOTION TO COMPEL SUBPOENA DUCES TECUM INVOLVING NON-PARTY HON. JULIE MATA** **[State Bar File Nos. 24-1692, 24-1826, 24-2483, 24-2819, 24-3080 and 25-1230]** **FILED April 22, 2026**

The Presiding Disciplinary Judge ("PDJ") has considered the following pleadings[1] **regarding a Subpoena Duces Tecum for Judge Julie Mata**:

- Non-Party Objection to Subpoena Duces Tecum for Judge Mata Records and Motion to Quash ("Motion to Quash - Mata") filed by Counsel Pamela Peiser on behalf of Hon. Julie Mata on March 17, 2026;
- Respondent's Response to Motion to Quash Filed By: Harry Howe; Julie A. Mata ("Gingras' Response") filed March 24, 2026;
- Respondent's Motion to Compel (Second) ("Motion to Compel") filed March 23, 2026;

[1] While Mr. Gingras elected to file a Motion to Compel and a Response to [non-party] Motions to Quash addressing two separate non-parties, the PDJ proceeds with addressing only the portions with regard to Judge Julie Mata (Mr. Howe's Subpoena Duces Tecum was addressed in a separate ruling).

◦Non-Party Response to Motion to Compel/Reply in Support of Objection to Subpoena Duces Tecum for Judge Mata Records and Motion to Quash ("Reply- Mata") filed by Counsel Peiser on March 30, 2026.

◦Reply In Support of Respondent's Motion to Compel Re: Subpoena to Judge Julie A. Mata ("Gingras- Reply") filed on April 1, 2026.

On or about March 3, 2026, Mr. Gingras electronically presented for issuance a Subpoena Duces Tecum (to: Julie Ann Mata) directly to the Disciplinary Clerk for the Office of the Presiding Disciplinary Judge ("Disciplinary Clerk"). The Disciplinary Clerk issued said Subpoena Duces Tecum on March 3, 2026. According to the Motion to Quash- Mata, service was accepted by counsel on March 10, 2026.

1) Motion to Compel filed by Mr. Gingras- While the PDJ will consider the substantive material contained in the document in considering the Motion to Quash- Mata, the PDJ finds the Motion to Compel premature and therefore will deny such accordingly.

2) The Motion to Quash-Mata raised objections with regard to all six categories of requested documents.

The PDJ finds that Mr. Gingras' request, in all six categories, seeks to pursue evidence to establish the substance of his statements at issue in these

disciplinary proceedings now well after-the-fact, such is not appropriate discovery in these disciplinary proceedings. As Counsel Peiser notes in her motion, the Preamble to the Arizona Rules of Professional Conduct reflects in [19], "the Rules presuppose that disciplinary assessment of a lawyer's conduct will be made on the basis of the facts and circumstances as they existed at the time of the conduct in question."

In this particular case, the primary issues are: what did Mr. Gingras know at the time when his alleged actions occurred, and his actions themselves.

In reviewing Mr. Gingras' Response, it seems that he misunderstands the State Bar's role and obligations in the disciplinary process, as well as the ethics violations alleged in the Amended Complaint. From the Response, it appears that Judge Mata submitted a bar charge. Rule 49(d) and Rule 55, Arizona Rules of the Supreme Court ("Ariz. R. Sup. Ct.") provides the State Bar's obligations, authority, and duties in response to any bar charge. To extrapolate that there must be more than the letter (Exhibit A to the Response) that Judge Mata provided the State Bar is not necessarily accurate (and not relevant). The State Bar proceeded to submit a recommendation for

a finding of probable cause with the Attorney Discipline Probable Cause Committee ("ADPCC"). Pursuant to Rule 55(c)(2) and Rule 58(a), ADPCC issued an order finding probable cause and authorizing the State Bar to file a complaint on September 15, 2025.[2] What is relevant in these disciplinary proceedings is how the State Bar intends to prove the allegations against Mr. Gingras by clear and convincing evidence. The PDJ finds that Mr. Gingras has failed to demonstrate that his requests reflected in the Subpoena Duces Tecum are likely to lead to relevant evidence in the disciplinary proceeding.

Turning to whether the document labeled, Subpoena Duces Tecum, accepted on March 10, 2026, is a valid order for Judge Mata to participate in an interview on March 13, 2026- The language of the document is confusing as the body's language directs Judge Mata to appear at a specified location and date, without a listed time, stating "then and there to testify in the above entitled matter." However, the caption indicates that the request is for documents and not testimony. The PDJ finds that the document is not a valid subpoena for Judge Mata's interview and quashes any obligation for her to sit for interview pursuant to this document.

[2] The Probable Cause Order was attached to the Complaint at the time of filing.

If Mr. Gingras wishes to seek Judge Mata's interview, the PDJ finds that such a subpoena is not properly before her for consideration at this time. The PDJ will note for purposes of any future subpoena, the PDJ finds that Judge Mata's raised concerns are valid regarding public policy and the need to preserve judicial integrity and dignity. The PDJ finds that, without a further showing by Mr. Gingras, it would be improper: to seek testimony from Judge Mata about her opinions concerning the merit of the matters brought before her, or her opinions about how Respondent Gingras handled the case that was before her; or to ask Judge Mata her opinion about whether she was biased, or if Respondent Gingras complied with or violated ethical rules in handling cases.

Further, it is unclear from the filings whether Mr. Gingras and Counsel Peiser have met and conferred regarding a specific request to interview Judge Mata and/or the parameters of such an interview. It is also unclear if in fact, the State Bar identifies Judge Mata as a witness in current disclosure statements.[3] Certainly, if that is the case, then Bar Counsel should be included in such a meet and confer. While the PDJ understands Counsel

[3] Such are not filed with the PDJ under Rule 58(e), Ariz. R. Sup. Ct.

Peiser's request for the PDJ to consider a protective order, it is premature for the PDJ to weigh in beyond the general findings provided in this ruling at this time with regard to whether an interview of Judge Mata is permissible and or appropriate in this matter, much less specifics on permissible topics.

Having considered the described motions, responses, and reply, the PDJ finds that justice requires the granting of the Motion to Quash- Mata. Therefore,

IT IS ORDERED quashing the Subpoena Duces Tecum accepted on Judge Mata's behalf on March 10, 2026 in its entirety.

DATED this 22nd day of April, 2026.

Lisa A. VandenBerg
Hon. Lisa A. VandenBerg
Presiding Disciplinary Judge

Copy of the foregoing emailed
this 22nd 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]

Pamela Peiser
[redacted]
[redacted] Judge Mata

by: CLopez