OFFICE OF THE PRESIDING DISCIPLINARY JUDGE
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C.LOPEZ
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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** **STATE BAR'S RESPONSE TO RESPONDENT'S MOTION IN LIMINE RE: JUDGE MATA TESTIMONY** [State Bar Nos. 24-1692, 24-1826, 24-2483, 24-2819, 24-3080, and 25-1230]

Respondent moves the Presiding Disciplinary Judge ("PDJ") for an "immediate ruling" on whether he can "present testimony from Judge Mata for purposes of mitigation." Mot. at 1. Ariz. R. Civ. P. 7.2, governing motions in limine, has not been incorporated into disciplinary proceedings under Ariz. R. Sup. Ct. 48(b).

The State Bar recognizes, however, that such motions are not expressly prohibited, and have been used in disciplinary proceedings finding them an efficient means to resolve evidentiary disputes before trial.

If the PDJ elects to consider the merits of Respondent's Motion, the Motion should be denied because Respondent fails to identify any *relevant* testimony Judge

Mata could provide and fails to address the public policy concerns that are well established in case law.

Respondent argues that Judge Mata's testimony would be relevant to whether Respondent acted with a dishonest or selfish motive when he made the social media posts that formed the basis for the violations the PDJ found in the Order in Re: Motion for Partial Judgment on the Pleadings, filed April 14, 2026.

Facts Respondent may learn in the future, however, have *no* bearing on what his motive was when he made the blog posts in paragraphs 103 to 107 of the Amended Complaint back in 2024. As the PDJ previously found in the Order Re Motion to Quash/Motion to Compel Subpoena Duces Tecum Involving Non-Party Hon. Julie Mata, filed April 22, 2026, information learned "well after-the-fact … is not appropriate discovery in these disciplinary proceedings" because "'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.'" Order at 3 (quoting Arizona Rules of Professional Conduct, Preamble [19]).

Respondent fails to acknowledge this Order, much less explain how it does not foreclose his current request.

In addition to Respondent misconstruing the relevance of Judge Mata's proposed testimony, as Judge Mata's counsel noted in the objection to the prior

subpoena Respondent served on Judge Mata, there are policy concerns and constraints on subpoenaing a judge to testify regarding a matter over which they presided. *See* Non-Party Objection to Subpoena Duces Tecum for Judge Mata Records and Motion to Quash at 3-6, filed March 17, 2026.

The PDJ agreed, noting in pertinent part, "Judge Mata's raised concerns are valid regarding public policy and the need to preserve judicial integrity and dignity."

Respondent does not address that issue, or state whether he met and conferred with Judge Mata's counsel to discuss the potential parameters of Judge Mata's anticipated testimony before filing his Motion.

Finally, even if Judge Mata could offer relevant testimony consistent with public policy, the relevance would be marginal. Even accepting Respondent's claimed relevance of Judge Mata's testimony, the testimony could not bear on whether Respondent had a *selfish* motive, or whether Respondent had a dishonest or selfish motive as to any *other* violation that the hearing panel may find. Thus, the respective aggravating factor could be found, or the mitigating factor could be rejected without *any* consideration of whether Respondent had a dishonest motive when he blogged about Judge Mata.[1]

[1] The State Bar also believes that Respondent's stated due process concerns could be avoided by having the panel explain its reasoning for any finding that Respondent acted with a dishonest motive, or any rejection of Respondent's argument that he did not act with a dishonest motive.

Respondent's Motion in Limine should be denied.

DATED this 8th day of October 2026.

STATE BAR OF ARIZONA

/s/ Craig D. Henley

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Craig D. Henley
Senior Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 8th day of October 2026.

Copy of the foregoing emailed
this 8th day of October 2026 to:

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by:*/s/Melissa Duarte*
CDH/md