OFFICE OF THE PRESIDING DISCIPLINARY JUDGE
FILED
10-13-2026

BEFORE THE PRESIDING DISCIPLINARY JUDGE C.LOPEZ
DISCIPLINARY CLERK

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA, **DAVID S. GINGRAS** Bar No. 021097 Respondent.	**No. PDJ 2026-9010** **MOTION FOR CLARIFICATION RE: USE OF SCREENSHOTS/ ILLUSTRATIONS IN PLEADINGS**

Early in this case, the PDJ expressed concern regarding the use of screenshots/images embedded into pleadings. In the PDJ's view, images embedded into pleadings violated Civil Procedure Rule 5(b)(1)(A) which provides, in part: "The **text** of every document must be black on a plain white background." (emphasis added).

Respondent was initially confused by the PDJ's position because every pleading filed in this matter *has* contained black **text** on a white background. The additional use of embedded images (whether in color or black and white) is a separate matter than the color of text used.

In any event, when discussing these issues, it appears both the parties and the PDJ were unaware that on August 27, 2025, the Arizona Supreme Court granted a rule change petition which specifically addressed (and authorized) "Visual Images Used for Demonstrative Purposes." *See* Arizona Supreme Court Order No. R-25-0013 (available at: https://www.azcourts.gov/Portals/0/20/2008-2025%20Rule%20Minutes-

Orders/2025%20Rules/R-25-0013%20FinalRulesOrder.PDF?ver=B71FSizeulX5jLjhW_MBrQ%3d%3d).

In this order, the Supreme Court granted a petition to modify certain procedural rules as follows:

> **(g) Visual Images Used for Demonstrative Purposes**. Visual images, including photographs, illustrations, tables, charts, graphs, and screenshots of text or images, may be reproduced in briefs using any method that results in a good copy of the original. If a visual image is taken from the record, it must be followed by a citation to its location in the record. If words in a visual image are intended to be read by the court, those words must be legible and must be manually counted and added to the certificate of compliance required under Rule 14(a)(5). Visual images should not be used to replace quotations from the record, and screenshots of lengthy excerpts of text are strongly disfavored. Parties should explain the image's relevance to a legal issue before the court. Visual images in briefs must comply with the margin requirements of Rule 4(b)(7).

To be clear – the rule change petition (filed by a criminal defense lawyer) only asked the Supreme Court to modify the Rules of Criminal Procedure and the Rules of Civil Appellate Procedure. The petition did *not* address the Rules of Civil Procedure which largely govern disciplinary proceedings. Nevertheless, the Supreme Court's adoption of this change for both criminal and civil appellate matters shows the use of screenshots/images embedded in pleadings is *not* prohibited by rules such as Civil Procedure Rule 5 (the initial rule change petition specifically noted the use of screenshots was not specifically prohibited or permitted by any other rules).

Here, Respondent believes the use of images for demonstrative purposes embedded into pleadings (rather than buried in lengthy attachments) will make the PDJ's job much easier. For that reason, and because the use of embedded images is not specifically prohibited by Civil Procedure Rule 5, Respondent moves the PDJ for an order clarifying that both parties may use screenshots and/or images embedded in pleadings in the same manner as permitted by Supreme Court Order No. R-25-0013.

Of course, if the PDJ prefers that images *not* be embedded into pleadings, Respondent will comply with that instruction.

Respectfully submitted October 13, 2026.

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Respondent

CERTIFICATE OF SERVICE

Original filed and COPY of the foregoing emailed
October 13, 2026 to:
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