OFFICE OF THE PRESIDING DISCIPLINARY JUDGE
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C.LOPEZ
DISCIPLINARY CLERK

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Non-Party Commission on Judicial Conduct

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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 **NON-PARTY OBJECTION TO SUBPOENA DUCES TECUM FOR COMMISSION ON JUDICIAL CONDUCT RECORDS AND MOTION TO QUASH** Assigned to: Honorable Lisa VandenBerg, Presiding Disciplinary Judge

Pursuant to Arizona Supreme Court Rule ("Rule") 47(h)(3), the Commission on Judicial Conduct ("the Commission"), by and through undersigned counsel, hereby respectfully moves the Presiding Disciplinary Judge for an order quashing portions of Respondent Gingras' subpoena[1], dated February 23, 2026, for the reasons set forth below.

[1] This subpoena was emailed to the Commission on February 25, 2026, rather than personally served as set forth Rule 47(c)(2). Respondent Gringas indicates in his cover letter to the

The Commission is a non-party in this matter. Undersigned counsel affirms that this motion is not made for the purposes of delay, and is in the interests of justice.

The Subpoena

The subpoena seeks:

1. Copies of all documents related to ANY/ALL complaints or report of misconduct involving Judge Julie Ann Matta ("respondent judge") sent to the Commission on Judicial Conduct (CJC), including but not limited to, documents relating to CJC Case No. 2024-265.

   This request shall include:
   A. All complaints received;
   B. Documents reflecting how each complaint was resolved;
   C. All correspondence sent to or received from the respondent judge and/or her counsel or representative, if any;
   D. All documents and records obtained by the CJC from any source in connection with any complaint against Judge Julie Ann Mata;
   E. Copies of any recorded statements obtained by the CJC from any source in connection with any complaint against Judge Julie Ann Mata;
   F. Copies of any Documents reviewed or considered by the CJC in investigating any alleged misconduct by Judge Julie Ann Mata.
   G. Copies of all other evidence of any kind which the CJC considered in connection with the CJC Case No. 2024-265 involving Judge Julie Ann Mata.

Objections

The Commission, a non-party in this matter, is created by Section 5 of Article 6.1 of the Arizona Constitution which states, "The supreme court shall make rules providing for

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Commission that the subpoena is being served on the Arizona Attorney General's Office ("AGO"), the AGO generally has no authority to accept subpoenas on behalf of individuals or entities, nor does the AGO act as custodian of records for the Commission.

confidentiality of proceedings." These rules ("CJC") govern the Commission on Judicial Conduct and are promulgated by the Arizona Supreme Court. CJC Rule 9 governs Public Access and Confidentiality, and what information becomes public is largely driven by the outcome of a complaint.

In an effort to eliminate potential confusion, all requests will be addressed herein with the lettering as set forth in the subpoena itself. To the extent that documents can be released, instructions to retrieve them electronically have been provided to Respondent Gingras via email at david@gingraslaw.com prior to the filing of this objection. The referenced Commission Case 2024-265 arose from one Complainant, Respondent Gingras.

A. All complaints received:

Mr. Gingras was the only complainant in Commission Case No. 24-265 and can be provided with an unredacted copy of the complaint and supplemental materials he filed. Judge Mata has no public discipline with the Commission. All of Judge Mata's dismissed complaints filed by other individuals, to the extent there are any, would be confidential pursuant to CJC Rule 9(a)(1).

B. Documents reflecting how each complaint was resolved:

The Commission can provide Mr. Gingras with an unredacted copy of the dispositional order in Commission Case No. 24-265. These are the same documents previously mailed to him on February 12, 2025. Complainants, as defined by the CJC rules, are entitled to written notice of the disposition of their own complaint pursuant to CJC Rule 10. Any dispositional orders on other complaints filed against Judge

Mata, to the extent there are any, by other complainants are confidential pursuant to CJC Rule 9(a)(1).

C. All correspondence sent to or received from the respondent judge and/or her counsel or representative, if any;

Judge Mata's response in Commission Case No. 24-265 is confidential under CJC Rule 9(b). The Commission may discretionarily disclose a judge's response to a complainant pursuant to CJC Rule 9(c)(1). Mr. Gingras made that request February 10, 2025, and it was denied by order dated April 2, 2025. To the extent Mr. Gingras may be seeking Judge Mata's response to any other complaints that he did not file, those are confidential under CJC Rule 9(b) as well.

D. All documents and records obtained by the Commission from any source in connection with any complaint against Judge Julie Ann Mata:

There are confidential pursuant to CJC Rule 9(b).

E. Copies of any recorded statements obtained by the Commission from any source in connection with any complaint against Judge Julie Ann Mata:

These are confidential pursuant to CJC Rule 9(b).

F. Copies of any documents reviewed or considered by the Commission in investigating any alleged misconduct by Judge Julie Ann Mata:

These are confidential pursuant to Commission Rule 9(b).

G. Copies of all other evidence of any kind which the Commission considered in connection with Commission Case No. 2024–265 involving Judge Julie Ann Mata: Complaints, to the extent they exist, are confidential pursuant to CJC Rule 9(b).

Conclusion

For the reasons provided above, the Commission objects to the production of additional records beyond what has been provided and asks that this court quash the remainder of the subpoena. Respondent Gingras has been asked to withdraw the remainder of his subpoena as to the Commission but has indicated that he will not do so. To the extent this court is considering compelling the release of such documents, the Commission asks this court conduct an in camera review to determine if the relevance of the documents demands release in light of the existing CJC rules, and that any release be pursuant to a protective order. Further, it is requested that before any future subpoenas or requests for depositions are granted, to the extent any are made, the Commission, a non-party, be heard; this will help alleviate an unnecessary use of public resources going forward.

Respectfully submitted this 5th day of March, 2026.

KRISTIN K MAYES
ATTORNEY GENERAL

/s/ *Pamela Peiser*
Pamela Peiser
Assistant Attorney General
Attorneys for the Commission on Judicial Conduct

Good Faith Consultation Certification

Pursuant to Rule 7.1(h) of the Arizona Rules of Civil Procedure, Non-Party Commission on Judicial Conduct submits this Good Faith Consultation Certificate and states that a good-faith attempt to resolve the issue was made with the Respondent, David Gingras, and the consultation was made in person or by telephone and not merely by letter or email; to wit, an email was sent to Mr. Gingras on March 4 and 5, 2026, explaining the basis for the objections and requesting to meet and confer; the parties spoke on March 5, 2026, but were unable to resolve the disputed issues.

/s/ *Pamela Peiser*
Pamela Peiser
Assistant Attorney General
Attorney for the Commission on Judicial Conduct

ORIGINAL of the foregoing electronically filed

this 5th day of March, 2026, with:

Office of Presiding Disciplinary Judge
Honorable Lisa VandenBerg
c/o Disciplinary Clerk of the Superior Court
1501 W. Washington, Suite 102
Phoenix, Arizona 85007
officepdj@courts.az.gov

COPY of the foregoing emailed
this 5th day of March, 2026 to:

Jim Lee
Jim.Lee@staff.azbar.org
Craig Henley
Craig.Henley@staff.azbar.org
Senior Bar Counsel

David Gingras
david@gingraslaw.com
Respondent

By: /s/ *Marcia House*