BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA, **DAVID S. GINGRAS** Bar No. 021097 Respondent.	**No. PDJ 2026-9010** **MOTION TO COMPEL/ RESPONSE TO MOTION TO QUASH**

Pursuant to Supreme Court Rule 47(h) and Ariz. R. Civ. P. 37(a)(3)(B)(v) and 45(c)(6)(B)(ii), Respondent David S. Gingras ("Respondent" or "Gingras") respectfully moves the PDJ for an order compelling a non-party witness, the Commission on Judicial Conduct ("CJC"), to comply with the *subpoena duces tecum* attached hereto as Exhibit A. This motion may also be deemed a response to the CJC's Motion to Quash (which also seeks a protective order).

As explained below, the challenged subpoena seeks information which is plainly relevant and is either admissible or reasonably calculated to lead to the discovery of admissible evidence. The information is therefore properly within the scope of discovery under Rule 26(b). The information is not privileged, nor is it protected by any valid legal or statutory authority that would allow the CJC to withhold it.

Accordingly, the PDJ should grant the instant motion and order the CJC to immediately and fully comply with the subpoena. The PDJ should further deny the CJC's request for a protective order as no good cause for such an order has been shown.

I. INTRODUCTION

This case is exceptionally complicated, but in the interests of expediency, this motion will not delve into the entire story, nor will this motion address any matters other than those essential to the pending motions. In short, among other things, the state bar has charged Respondent with making false and "inappropriate" statements about a judge (Judge Julie Ann Mata; "Judge Mata"). The substance of those statements is set forth in ¶¶ 100–108 of the Amended Complaint filed in this matter and certain exhibits to the complaint.

The bar alleges Respondent made false statements accusing Judge Mata of several acts of misconduct. Those acts include violating the Code of Judicial Conduct by engaging in *ex parte* discussions with her father (a man named Harry Howe) about a pending case she was handling (the *Owens v. Echard* matter cited extensively throughout the Complaint). *See* Compl. ¶ 102. A separate statement accused Judge Mata of violating the Code of Judicial Conduct by conducting independent research into the facts of *Owens v. Echard*, and by making a factual finding based solely on a social media post published on the Internet *after* the evidentiary hearing was completed in *Owens v. Echard*. See Compl. ¶ 106 (incorporating Exhibit D to the Complaint, which contains those statements).

Although the bar's complaint does not explain this detail, upon learning of evidence which appeared to show Judge Mata's misconduct, on July 9, 2024, Respondent filed a complaint against Judge Mata with the CJC. A copy of the CJC

complaint, excluding the substantial supporting evidence provided to the CJC, is attached as Exhibit B.

The complaint Respondent filed against Judge Mata with the CJC contains many of the same statements identified in the complaint filed by the bar in this case. Specifically, the CJC complaint alleged:

> [T]here is clear and irrefutable proof showing that Judge Mata conducted an independent investigation into the facts of the [*Owens v. Echard*] case, and following a bench trial on June 10, 2024, she issued a ruling (filed June 18, 2024) in which some of her factual "findings" were not based on any evidenced admitted at trial. Rather, there is no question the judge made factual findings based on comments copied from social media websites regarding this case. At no time did Judge Mata ever disclose the fact that she had conducted an independent investigation into the facts of this case to the parties or to counsel.
>
> Second, due to the extremely high-profile nature of this case, the trial was attended by at least 100 spectators. As explained in the affidavit submitted in support of my Notice of Change of Judge, after the trial many spectators reported (on video) that Judge Mata's father, Harry L. Howe, personally attended the trial, and at least one participant claimed that Mr. Howe told them he had discussed the facts of this case with his daughter, and this individual claimed (again, on video) that Mr. Howe told him Judge Mata printed out documents from this case and shared them with her father. (emphasis added).

Again, Respondent's complaint to the CJC regarding Judge Mata was filed on July 9, 2024. A short time later, Judge Mata unlawfully retaliated against Respondent in several ways, including: 1.) by denying a Notice of Change of Judge which, by rule, Judge Mata was prohibited from deciding, and 2.) by filing a complaint against Respondent with the State Bar which Respondent alleges to be frivolous. Those acts were also reported to the CJC by Respondent.

After the CJC complaint was filed, months passed without any further response from the CJC. During this time, Respondent regularly checked the CJC's website (where the disposition of complaints against judges are reported). After reviewing the CJC's website, Respondent noted numerous complaints regarding other judges (not Mata) submitted *after* his were reported as "closed" by the CJC, while the complaint against Judge Mata remained open. This implied the complaint was *not* summarily dismissed. In fact, the complaint remained open for an extended period of time (over six months).

In late February 2025, Respondent learned for the first time (after seeing a comment on social media) the CJC dismissed his complaint against Judge Mata. After investigating further, Respondent learned that on January 17, 2025, the CJC issued an order (attached as Exhibit C) which stated as follows:

> The Complainant alleged a superior court judge conducted an independent investigation and discussed a case with a family member.
>
> The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.
>
> The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a). (emphasis added)

Respondent later learned the CJC *claimed* it mailed a copy of the dismissal order to him around the time it was issued in January 2025, but it was never

received. The order itself contains no proof of service other than a note stating: "Copies of this order were distributed to all appropriate persons on January 17, 2025." The order does not specifically list Respondent as among those "appropriate persons" who received notice of the order.

After learning his complaint against Judge Mata was dismissed, in February 2025, Respondent contacted the CJC to request a copy of Judge Mata's response to the complaint. That request was authorized by CJC Rule 9(c)(1) which states: "The commission may disclose a complaint to a judge and a judge's response to a complainant upon request by the complainant and a finding by the commission that such disclosure is necessary in the interests of justice."

On April 2, 2025, the CJC notified Respondent it was refusing to provide a copy of Judge Mata's response because it did not believe disclosure was "necessary in the interests of justice." Notably, the CJC's refusal letter did *not* say Judge Mata failed to respond to the commission (implying that she did, in fact, provide a substantive response to the complaint).

After this discipline action was filed, Respondent served the CJC with the subpoena attached as Exhibit A. Among other things, the subpoena asked the CJC to produce a copy of Judge Mata's response to the original complaint, and any other evidence the commission reviewed in reaching its conclusion that "there was not clear and convincing evidence of ethical misconduct [by Judge Mata] in this matter." The subpoena also asked for copies of any other complaints filed against Judge Mata by others.

On March 4, 2026, the CJC provided an initial response and objection to the subpoena. The response included copies of documents such as Respondent's original complaint, and the CJC's order dismissing the complaint. Judge Mata's response was not provided, and the CJC's objection stated: "The Commission asserts all other requested documents are confidential under Commission Rule 9."

Respondent thereafter met and conferred with the CJC's counsel, Assistant Attorney General Pamela Peiser. During their discussions, Ms. Peiser stated she believed the CJC *could not* comply with a valid subpoena because its own rules "required a *court order*" before any confidential information was released. When asked which rule required a court order, Ms. Peiser cited only CJC Rule 9 (which does *not* contain such a requirement).

Respondent further asked Ms. Peiser if she had any legal authority to support her position that a state agency could promulgate rules which exempt its own records from disclosure in response to a lawful subpoena. She responded that she was unaware of any legal authority to support that position, except to repeat her belief that CJC Rule 9 supported her position.

This motion followed.

II. DISCUSSION

a. The CJC's Objection Is Groundless

The legal standards here are simple. Supreme Court Rule 47(h) authorizes the clerk to issue subpoenas in a manner consistent with Civil Procedure Rule 45. In turn, Civil Procedure Rule 45(a)(1)(C)(ii) permits a subpoena to "command

each person to whom it is directed to … produce and permit inspection, copying, testing, or sampling of designated documents, electronically stored information, or tangible things in that person's possession, custody, or control."

Of course, witnesses can object to subpoenas if they have a valid basis to do so. Rule 45(c)(5)(A) allows for objections where a subpoena seeks information that "*is privileged or subject to protection as work-product material*." Similarly, Rule 45(c)(6)(A) allows objections if a subpoena seeks records that are "not reasonably accessible because of undue burden or expense…."

Other than these traditionally recognized exceptions, a witness cannot refuse to comply with a lawful subpoena simply because the subpoena seeks information the witness would prefer not to disclose. In this situation, the controlling standard is provided by Civil Procedure Rule 26(b)(1):

> Parties may obtain discovery regarding <u>any nonprivileged matter that is relevant to any party's claim or defense</u> and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit. Information within this scope of discovery need not be admissible in evidence to be discoverable. (emphasis added).

The CJC's objection does not argue the subpoena seeks information that is not relevant (an impossible assertion to make, given that the subpoena seeks information which goes directly to the issues in this case). The CJC's objection does not argue the subpoena seeks a burdensome volume of information.

Most importantly, the CJC does not argue the subpoena seeks privileged information. That is not surprising given that Arizona law does not establish any legal privilege applicable to the type of information sought by the subpoena.

To be sure – the Legislature knows exactly how to create privilege rules/laws in this state. It has done so frequently. *See*, *e.g.*, A.R.S. § 12-2231 (establishing spousal privilege); § 12-2234 (attorney-client privilege); § 12-2235 (doctor-patient privilege).

Moreover, the Legislature also knows how to exclude information from discovery via subpoena, which it has done less frequently. *See*, *e.g.*, A.R.S. § 36-2403(A) (protecting certain medical information, and providing: "Quality assurance information shall be confidential and is not subject to subpoena or order to produce except in proceedings before the appropriate state licensing or certifying agency.") (emphasis added).

Here, the CJC does not claim, and Respondent has not located, any statutory or other basis for the CJC to claim privilege as to the records in question. On the contrary, the CJC's own rules expressly allow disclosure of even "confidential" information pursuant to a lawful request:

> It [the CJC] may also disclose confidential information to confirm a pending investigation in a case in which an investigation has become public or to clarify proceedings in such a case; to protect individuals, the public, or the administration of justice; and to comply with official requests from agencies and other organizations involved in criminal prosecutions, bar discipline investigations, or judicial nomination, selection, and retention proceedings.

Commission on Judicial Conduct Rule 9(c)(2) (emphasis added).

The subpoena in question is an "official request" made in connection with a bar discipline case. Thus, contrary to the CJC's position (which argues that Rule 9 *prohibits* the disclosure of information, absent a court order), the rule actually *authorizes* the disclosure of the exact information Respondent has requested. The rule does not require a court order, only an "official request" (which a subpoena surely is).

In short, the fact that the CJC deems its own records "confidential" does not entitle the commission to withhold those records in response to a lawful subpoena. "Confidential" or even "secret" is <u>not</u> the same as privileged. That fact is routinely recognized in Arizona courts under analogous circumstances; "<u>There is no privilege excepting trade secrets from discovery</u> ... ." *BioD, LLC v. Amnio Tech., LLC*, 2014 WL 3864658, at *4 (D.Ariz. 2014) (emphasis added).

The U.S. Supreme Court agrees – even if information is secret or confidential, as long as the information is relevant, it is subject to discovery absent a lawful privilege; "there is no absolute privilege for trade secrets <u>and similar confidential information</u> ... The courts have not given trade secrets automatic and complete immunity against disclosure, but have in each case weighed their claim to privacy against the need for disclosure." *Fed. Open Market Comm. of Fed. Reserve Sys. v. Merrill*, 443 U.S. 340, 362 (1979) (emphasis added).

For these reasons, the CJC's position – that confidential information can *never* be subject to discovery – is simply wrong as matter of law. Accordingly, its objection (which is based *solely* on confidentiality) is entirely groundless.

b. Good Cause Does Not Exist For A Protective Order

The second issue is whether this Court should issue a protective order limiting the disclosure of any records the CJC is ordered to produce. On that point, the CJC's motion contains a single sentence of argument: "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."

This unsupported request for a protective order fails to meet the good cause requirements of Supreme Court Rule 70(g). Indeed, the CJC does not offer *any* cause for its request, much less good cause. That failure is conclusive; "A party asserting good cause [for a protective order] bears the burden, for each particular document it seeks to protect, of showing that specific prejudice or harm will result if no protective order is granted." *Foltz v. State Farm Mut. Auto. Ins*. Co., 331 F.3d 1122, 1130 (9th Cir. 2003). That high standard is never satisfied by generic, conclusory assertions; "[B]road allegations of harm, unsubstantiated by specific examples or articulated reasoning, do not satisfy the [good cause] test." *Beckman Indus., Inc. v. Int'l Ins. Co.*, 966 F.2d 470, 472 (9th Cir. 1992).

To obtain a protective order, the CJC bears the burden of showing good cause for that request. Here, the CJC literally offers nothing to support its request. That, standing alone, warrants the denial of a protective order.

In addition, there is a compelling (if not overriding) reason *not* to grant a protective order. The state bar has accused Respondent in a lengthy complaint of serious misconduct, including making knowingly false statements about Judge Mata. That Complaint has already been released to the public (not by Respondent), and is being shared widely on social media, much to the delight of Respondent's critics.

Respondent's position is the statements he made regarding Judge Mata were true. Respondent believes the information the CJC is concealing will help prove that fact (which appears to be the sole reason the CJC is so desperately seeking to hide this information). If Respondent's position is correct, it means the bar's allegations in this case are both groundless and unlawful.

Of course, it is possible the CJC's records will exonerate Judge Mata. In that case, Respondent would immediately issue a written apology for any erroneous statements he has made. Of course, if the information in question exonerates Judge Mata, there is no legitimate reason to shield it from public disclosure. Wouldn't the judge *want* that helpful information to be public?

One final reason exists to deny a protective order – 2026 is an election year. Judge Mata is on the ballot this year seeking retention. If she has engaged in misconduct, voters have an absolute right to know that before they choose whether to retain her. That fact, by itself, weighs heavily against the CJC's request for a protective order. *See In re Green*, 11 P.3d 1078, 1085 (2000) (finding First Amendment protected attorney who criticized judge, and noting "Interest about

judges is important in Colorado, where the public periodically votes whether to retain judges.") (citing *State Bar v. Semaan*, 508 S.W.2d 429, 432 (Tex.Civ.App. 1974) ("[T]he right of a lawyer as a citizen to publicly criticize adjudicatory officials .... is particularly meaningful where, as in Texas, the adjudicatory officials are selected through the elective system.")).

III. CONCLUSION

This process should be about seeking truth. Instead, the CJC ask this Court to help conceal the truth. The CJC's request is groundless and should be rejected.

Respectfully submitted March 6, 2026.

David S. Gingras, #021097
Gingras Law Office, PLLC
4802 E. Ray Road, #23-271
Phoenix, AZ 85044
Tel.: (480) 264-1400
Fax: (480) 248-3196
David@GingrasLaw.com
Respondent

CERTIFICATE OF GOOD FAITH

The undersigned certifies that prior to filing the instant motion, he made a good faith attempt to personally meet and confer by phone with opposing counsel in an effort to resolve the issues without court intervention. Those efforts were not successful.

CERTIFICATE OF SERVICE

ORIGINAL of the foregoing electronically filed
this 6th 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 to:
Jim Lee
Jim.Lee@staff.azbar.org
Craig Henley
Craig.Henley@staff.azbar.org
Senior Bar Counsel

Pamela Peiser, Esq.
Pamela.Peiser@azag.gov
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Assistant Attorney General
Office of the Attorney General
2005 N. Central Avenue
Phoenix, AZ 85004
Attorneys for Commission on Judicial Conduct

Exhibit A

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** **SUBPOENA DUCES TECUM**

STATE OF ARIZONA

TO: State of Arizona; Commission on Judicial Conduct; Custodian of Records
c/o Kris Mayes, Attorney General
2005 North Central Ave
Phoenix, AZ 85004
(602) 542-5025

You are hereby directed to appear and attend before and/or Respondent's Counsel at 4802 E. Ray Road, #23-271, Phoenix, AZ 85044 on March 9, 2026,[1] then and there to testify in the above entitled matter and to bring with you the following: **all documents described in Exhibit A hereto.**

BE WARNED THAT for failure to appear and attend as herein required, you will be deemed to be in contempt and answerable in court as provided by these rules.

By order of the Presiding Disciplinary Judge of the Supreme Court of Arizona.

Issued on February 23, 2026 at Phoenix, Arizona.

Celina Lopez

Disciplinary Clerk
Office of the Presiding Disciplinary Judge
Arizona Supreme Court
1501 W. Washington St. Suite 102
Phoenix, AZ 85007
602-452-3436

[1] If this date does not provide sufficient time to produce the information requested by this subpoena, a reasonable amount of additional time will be provided upon request. If you need to request additional time to respond, please call David Gingras at: (480) 570-6157 or send an email to David@GingrasLaw.com.

YOUR DUTIES IN RESPONDING TO THIS SUBPOENA

If this subpoena asks you to produce and permit inspection and copying of designated books, papers, documents, tangible things, or the inspection of premises, you need not appear to produce the items unless the subpoena states that you must appear for a deposition, hearing or trial. See Rule 45(c)(3) of the Arizona Rules of Civil Procedure.

You have the duty to produce the documents requested as they are kept by you in the usual course of business, or you may organize the documents and label them to correspond with the categories set forth in this subpoena. See Rule 45(c)(4) of the Arizona Rules of Civil Procedure.

YOUR RIGHT TO OBJECT

The party or attorney serving the subpoena has a duty to take reasonable steps to avoid imposing an undue burden or expense on you. The presiding disciplinary judge enforces this duty and may impose sanctions upon the party or attorney serving the subpoena if this duty is breached.

You may object to this subpoena if you feel that you should not be required to respond to the request(s) made. Any objection to this subpoena must be made within five (5) days after it is served upon you, or before the time specified for compliance, by filing a written objection with the Attorney Discipline Probable Cause Committee or the presiding disciplinary judge, as appropriate.

If you object because you claim the information requested is privileged or subject to protection as trial preparation material, you must express the objection clearly, and support each objection with a description of the nature of the documents, communication or item not produced so that the demanding party can contest the claim. See Rule 45(c)(5) of the Arizona Rules of Civil Procedure.

If you object to the subpoena in writing you do not need to comply with the subpoena until you are ordered to do so.

If you are not a party to the litigation, or an officer of a party, the presiding disciplinary judge may issue an order to protect you from any significant expense resulting from the inspection and copying commanded.

You may also file a motion with the presiding disciplinary judge to quash or modify the subpoena if the subpoena:

(i) does not provide a reasonable time for compliance;
(ii) requires a non-party or officer of a party to travel to a county different from the county where the person resides or does business in person; or to travel to a county different from where the subpoena was served; or to travel to a place farther than 40 miles from the place of service; or to travel to a place different from any other convenient

place fixed by an order of the presiding disciplinary judge, except that a subpoena for you to appear and testify at trial can command you to travel from any place within the state;
(iii) requires the disclosure of privileged or protected information and no waiver or exception applies;
(iv) subjects you to an undue burden. See Rules 45(c)(6)(B)(iii) and 45(e) of the Arizona Rules of Civil Procedure.

If this subpoena:

(i) requires disclosure of a trade secret or other confidential research, development, or commercial trade information; or
(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or
(iii) requires a person who is not a party or an officer of a party to incur substantial travel expense;

the presiding disciplinary judge may either quash or modify the subpoena, or order you to appear or produce documents only upon specified conditions, if the party who served the subpoena shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that your will be reasonably compensated. See Rule 45(e) of the Arizona Rules of Civil Procedure.

EXHIBIT A
DOCUMENTS TO BE PRODUCED

All requests cover the period from June 1, 2024 to the present, unless otherwise stated.

1. Copies of all documents relating to ANY/ALL complaints or reports of misconduct involving Judge Julie Ann Mata ("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 CJC Case No. 2024–265 involving Judge Julie Ann Mata.

Exhibit B

CONFIDENTIAL
Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

HOW TO FILE A COMPLAINT AGAINST A JUDGE

To file a complaint against a judge, complete this form and send it to the Commission on Judicial Conduct at the address above. The information you provide will be used to evaluate and investigate your allegations.

To learn more about the purpose and jurisdiction of the commission and the types of allegations it can investigate, read the enclosed brochure or visit our website at **www.azcourts.gov/azcjc**. A copy of the commission's rules and the Code of Judicial Conduct can be printed from the website.

Under the rules approved by the Arizona Supreme Court, complaints may be made public at the conclusion of their review by the commission or upon the filing of a formal complaint against a judge. If a complaint is dismissed, all personal information will be redacted from what is made public.

Please provide the following information

1. Name: David S. Gingras, Esq.
2. Mailing Address: Gingras Law Office, PLLC; 4802 E Ray Rd. #23-271
   City: Phoenix State: AZ Zip Code: 85044
3. Telephone: (480) 264-1400 Email: David@GingrasLaw.com
4. Judge's name: Julie Ann Mata Location: Northeast Regional Court Center
5. Court: ☐ municipal ☐ justice ☐ superior ☐ court of appeals ☐ supreme court
6. Did you have a case before this judge? ☐ Yes ☐ No
   a. If yes, is the case still pending? ☒ Yes ☐ No
   b. Case name and number: FC2023-052114
   c. List any attorneys who appeared in the case:
   David S. Gingras (For Petitioner Laura Owens)
   Gregg R. Woodnick, Deandra M. Areana, Isabel Ranney, Esq. (For Respondent Clayton Echard)
   d. List names and phone numbers of any witnesses who observed the judge's conduct:
   All counsel listed above; David GIngras - (480) 264-1400; Gregg Woodnick, et al. (602) 449-7980
   Laura Owens (415) 810-0604
7. I understand the commission **cannot** reverse court orders or assign a new judge to a case: ☒ Yes ☐ No
8. Please read the following statement and sign on the line below:

   I affirm, under penalty of perjury, that the foregoing information and the allegations contained in the attached complaint are true.

Signature **Date** July 9, 2024

CONFIDENTIAL
Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

COMPLAINT AGAINST A JUDGE

Name: David S. Gingras, Esq. **Judge's Name:** Julie Ann Mata

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

I currently represent Laura Owens who is the Petitioner in a case entitled Owens v. Echard, FC2023-052114. This case is extremely high profile due to the Repondent, Clayton Echard, being a former TV celebrity who appeared on the reality TV dating show, The Bachelor.

As explained in the attached Notice of Change of Judge For Cause, I have evidence which proves the trial judge assigned to this matter, Hon. Julie A. Mata, violated Rules 2.9(A) and 2.9(C) of the Code of Judicial Conduct, among other rules.

Specifically, there is clear and irrefutable proof showing that Judge Mata conducted an independent investigation into the facts of the case, and following a bench trial on June 10, 2024, she issued a ruling (filed June 18, 2024) in which some of her factual "findings" were not based on any evidenced admitted at trial. Rather, there is no question the judge made factual findings based on comments copied from social media websites regarding this case. At no time did Judge Mata ever disclose the fact that she had conducted an independent investigation into the facts of this case to the parties or to counsel.

Second, due to the extremely high-profile nature of this case, the trial was attended by at least 100 spectators. As explained in the affidavit submitted in support of my Notice of Change of Judge, after the trial many spectators reported (on video) that Judge Mata's father, Harry L. Howe, personally attended the trial, and at least one participant claimed that Mr. Howe told them he had discussed the facts of this case with his daughter, and this individual claimed (again, on video) that Mr. Howe told him Judge Mata printed out documents from this case and shared them with her father.

Upon hearing this information, recorded on video in the parking lot after the trial, one spectator urged others not to repeat these comments because: "Come on guys, we don't need a mistrial!"

Based on this information, I have filed a Notice of Change of Judge for Cause, and I will be filign additional motions seeking to vacate Judge Mata's June 18, 2024 ruling based on her misconduct.

My client, Ms. Owens, has been EXTREMELY traumatized by these events, and by Judge Mata's callous disregard for her rights. Ms. Owens will agree to provide any additional information regarding this matter, and will cooperate in any investigation the Commission deems appropriate.

CONFIDENTIAL

Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

COMPLAINT AGAINST A JUDGE

Name: David S. Gingras, Esq. **Judge's Name:** Julie Ann Mata

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

Exhibit C

State of Arizona

COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-265

Judge:

Complainant:

ORDER

January 17, 2025

The Complainant alleged a superior court judge conducted an independent investigation and discussed a case with a family member.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission member Roger D. Barton did not participate in the consideration of this matter.

Copies of this order were distributed to all
appropriate persons on January 17, 2025.