

James D. Lee, Bar No. 011586
Craig D. Henley, Bar No. 018801
Senior Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Telephone (602) 340-7269
Email: LRO@staff.azbar.org

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

**MOTION FOR PARTIAL
JUDGMENT ON THE
PLEADINGS**

[State Bar Nos. 24-1826, 242483, 24-2819, 24-3080 and 25-1230]

Pursuant to Ariz. R. Civ. P. 12(c), incorporated into disciplinary proceedings by Ariz. R. Sup. Ct. 48(b), the State Bar of Arizona moves for a judgment on the pleadings regarding several ethical violations alleged in the State Bar's Amended Complaint because Respondent's Amended Answer has admitted sufficient facts to support the alleged ethical violations.

I. Legal Basis.

“[Regarding] a motion for judgment on the pleadings the court may consider as true such allegations of the complaint as are admitted by the answer. If these allegations set forth a claim for relief and the answer fails to assert a legally sufficient defense plaintiff is entitled to judgment.” *Pac. Fire Rating Bureau v. Ins. Co. of N. Am.*, 83 Ariz. 369, 376, 321 P.2d 1030, 1035 (1958) [citing *Walker v. Estavillo*, 73 Ariz. 211, 240 P.2d 173 (1952)].

II. Factual Basis.

On February 17, 2026, the State Bar filed its Complaint which was served timely on Respondent. Respondent filed his Answer on February 19, 2026.

Following an Initial Case Management Conference, the State Bar filed an Amended Complaint on February 25, 2026 to address formatting issues raised by the Presiding Disciplinary Judge (PDJ).¹

On March 9, 2026, Respondent filed his Amended Answer which Respondent identifies as “substantially identical to the Answer Respondent filed in

¹ The Amended Complaint only differs from the initial Complaint insofar as two medical records and three social media posts that were included in the initial Complaint were removed from the body of the Complaint and attached as exhibits to the Amended Complaint.

this matter on February 19, 2026; the only difference is the deletion of images from ¶¶. 52, 105 and 149.”

Respondent has unequivocally admitted most of the facts which, as explained more fully below, independently establish certain ethical violations set forth in the Complaint (see Amended Answer at paragraphs 1-2, 8-15, 19, 21-22, 24-25, 27-31, 33, 35, 38-39, 41-44, 47, 52-53, 55-59, 66-67, 69, 71-72, 76-88, 91, 94-96, 98, 101-103, 105-107, 110-112, 115-119, 121-126, 130, 135, 137-140, 143-144, 148, 150-155, 158-159, 161, 164, 166-169, 171-174, 179-180, 182-183).

While Respondent partially admitted other paragraphs, the qualified admissions substantively admit the alleged facts necessary to support the alleged ethical violations (see Amended Answer at paragraphs 3, 6-7, 34, 49, 68, 70, 74-75, 90, 97, 132, 136, 162, 175, 181).

Finally, Respondent denies certain allegations that are not necessary to prove the alleged ethical violations. (see Amended Answer at paragraphs 4, 5, 16-18, 20, 23, 26, 32, 36-37, 45-46, 48, 50-51, 54, 60-64, 73, 89, 92-93, 99, 104, 108, 113, 120, 127-129, 131, 133-134, 141-142, 145-147, 149, 156-157, 160, 163, 165, 170, 176-177, 184).

A. Respondent violated Judge Mata's February 21, 2024 order in violation of Rule 42, Ariz. R. Sup. Ct., ER 3.4(c), 3.6(a), 4.4(a), and Rule 54(c), Ariz. R. Sup. Ct.

Respondent judicially and unequivocally admits the following paragraphs which independently prove Respondent's violations of Rule 42, Ariz. R. Sup. Ct., ER 3.4(c), 3.6(a), 4.4(a), and Rule 54(c), Ariz. R. Sup. Ct.:

- 1) Paragraph 9: Respondent admits that the Maricopa County Superior Court case of *In the Matter of Owens and Echard*, FC2023-052114 was filed on August 1, 2023 (hereinafter referred to as "the paternity case").
- 2) Paragraphs 24-25: Respondent admits that he was hired by Laura Owens in March 2024 and filed a notice of appearance in the paternity case on her behalf on March 25, 2024.
- 3) Paragraph 41: Respondent admits that he knew of Judge Mata's February 21, 2024 in the paternity case stating, among other things, "that no party shall disclose outside of themselves any medical or other documentation (exhibits, medical records, etc.) disclosed between the parties".
- 4) Paragraphs 42-43: Respondent admits that he subsequently filed a motion in the paternity case, attaching a declaration dated April 1, 2024 which was signed by him and included three medical records.

- 5) Paragraph 44: Respondent admits that his April 1, 2024 declaration included references to the three medical records which was attached to the motion.
- 6) Paragraph 47: Respondent admits that he posted a Sonora Quest Laboratories medical record dated October 16, 2023 on his law office blog on April 4, 2024.
- 7) Paragraph 49: Respondent admits that he was immediately informed of the violation of Judge Mata's February 21, 2024 order.
- 8) Paragraph 52: Respondent admits that he subsequently posted a portion of another medical report on his law office blog.
- 9) Paragraphs 53, 55-58: Respondent admits filing a responsive document in the paternity case on April 26, 2024 which included medical records and summary portions of expert medical reports which were prepared for the opposing party.
- 10) Paragraph 59: Respondent admits that he posted the April 26, 2024 response as well as attached medical information and documents on his publicly accessible online X (formerly Twitter) account, his law firm's website and/or other social media on April 27, 2024.

While Respondent denies the conclusion that he violated the cited ethical rules, based on the foregoing, Respondent admits the essential factual allegations supporting a finding that Respondent violated Rule 42, Ariz. R. Sup. Ct., ER 3.4(c), 3.6(a), 4.4(a), and Rule 54(c), Ariz. R. Sup. Ct. as alleged in the Complaint.

B. Respondent's disparaging comments about Judge Mata were violated Rule 41(b)(3) and (7), and Rule 42, Ariz. R. Sup. Ct., ER 4.4(a), 8.2(a), and 8.4(d).

Respondent admits the following paragraphs which independently evidence Respondent's violations of Rule 41(b)(3) and (7), and Rule 42, Ariz. R. Sup. Ct., ER 4.4(a), 8.2(a), and 8.4(d):

1. Paragraph 101-103, 105-107: Respondent admits making the cited statements regarding Judge Mata and the public, "the contents of which speak for themselves".

In his "defense", Respondent affirmatively alleges that he believes(d) in the truth of the disparaging statements and believes that the disparaging statements constitute "an opinion protected by the First Amendment of the United States Constitution and by the Arizona Constitution".

Respondent's belief is disproven by, among other cases, the following specific to attorney discipline:

- *In re: Matter of James Lawrence Riley*, 142 Ariz. 604, 691 P.2d 695 (1984).
- *In re: Meyer L. Ziman*, SB-12-0037-AP (PDJ 2011-9067); see also *In re: Meyer L. Ziman*, 174 Ariz. 61, 847 P.2d 106 (1993).
- *In re: Douglas B. Levy*, SB-21-0085-AP (PDJ 2019-9044).
- *In re: Vladimir Gagic*, SB-22-0085-AP (PDJ 2022-9050).

While Respondent unequivocally admits making unprofessional and disparaging remarks about Judge Mata, Respondent again denies the conclusion that he violated the cited ethical rules.

However, based on the foregoing, Respondent admits the essential factual allegations supporting a finding that Respondent violated Rule 41(b)(3) and (7), and Rule 42, Ariz. R. Sup. Ct., ER 4.4(a), 8.2(a), and 8.4(d).

CONCLUSION

For the reasons set forth above, the PDJ should enter a partial judgment on the pleadings under Ariz. R. Civ. P. 12(c) in favor of the State Bar and against Respondent on the unequivocally admitted facts which prove the alleged ethical violations and set this matter for an aggravation-mitigation hearing to determine the appropriate sanction.

DATED this 9th day of March, 2026.

STATE BAR OF ARIZONA

/s/ Craig D. Henley

Craig D. Henley
James D. Lee

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 9th day of March, 2026.

Copy of the foregoing emailed
this 9th day of March, 2026, to:

Honorable Lisa A. Vandenberg
Presiding Disciplinary Judge
Supreme Court of Arizona
1501 West Washington Street, Suite 102
Phoenix, Arizona 85007
E-mail: officepdj@courts.az.gov

David S. Gingras
Gingras Law Office, PLLC
4802 E. Ray Road, Suite 23-271
Phoenix, Arizona 85044-6417
Email: david@gingraslaw.com
Respondent

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
LRO@staff.azbar.org

by: /s/Odalys Leon Valdez
CDH/olv