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8 *Attorneys for the*
Non-Party Judge Mata

9
10 **IN THE SUPREME COURT OF THE STATE OF ARIZONA**
11 **BEFORE THE PRESIDING DISCIPLINARY JUDGE**

12 **IN THE MATTER OF A MEMBER OF**
THE STATE BAR OF ARIZONA

PDJ 2026-9010

13 **DAVID S. GINGRAS**
Bar No. 021097
14 Respondent.

**NON-PARTY OBJECTION TO
SUBPOENA DUCES TECUM FOR
JUDGE MATA RECORDS AND
MOTION TO QUASH**

15 Assigned to:
16 Honorable Lisa VandenBerg, Presiding
17 Disciplinary Judge

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19 Pursuant to Arizona Supreme Court Rule (“Rule”) 47(h)(3), non-party Maricopa
20 County Superior Court Judge Julie Mata (“Judge Mata”), by and through undersigned
21 counsel, hereby respectfully moves the Presiding Disciplinary Judge (“PDJ”) for an order
22 quashing portions of Respondent Gingras’ subpoena¹ (“Subpoena”)², dated March 3, 2026, as
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25 ¹ Respondent Gingras was contacted by undersigned counsel regarding the subpoena and
service accepted on March 10, 2026.

26 ² The Subpoena is attached as Exhibit A.

1 set forth below. Judge Mata is a non-party in this State Bar of Arizona (“State Bar”)
2 discipline matter. Undersigned counsel affirms that this motion is not made for the purposes
3 of delay, and is in the interests of justice.
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5 **The Subpoena**

6 Exhibit A of the Subpoena, attached, seeks:
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8 1. Copies of all correspondence, including emails, text messages, online chats, direct
9 messages, etc., sent to or received from any person, excluding only your spouse (if
10 any), relating to or which mention:

- 11 A. Laura Owens
- 12 B. Clayton Echard
- 13 C. Greg Gillespie
- 14 D. Michael Marraccini
- 15 E. Gregg Woodnick
- 16 F. David Gingras
- 17 G. *Owens v. Echard*, Maricopa County Superior Court Case Nos. FC2023-052114
18 & FC2023-052771 (including any subsequent appeals)
- 19 H. Arizona Commission of Judicial Conduct Case No. 2024-265.

20 Note – this request is specifically intended to include internal email correspondence
21 sent to or received from any member of Judge Mata’s staff to any person. This request
22 is also intended to include any correspondence sent to or received from either the State
23 Bar of Arizona or the Arizona Commission on Judicial Conduct.

24 2. Copies of all correspondence, including emails, text messages, online chats, direct
25 messages, etc., which relate to or mention any person or matter identified in
26 Section 1 above, sent to or received from Harry Howe and/or Meredith Howe
and/or any other family member of Julie Ann Mata (excluding her spouse, if any).

3. Copies of any documents (excluding pleadings and exhibits filed with the court)
you sent to or received from any person, including but not limited to notes, and any
other written material, related to or which mention: *Owens v. Echard*, Maricopa
County Superior Court Case Nos. FC2023-052114 & FC2023-052771.

- 1 4. Copies of any social media posts and/or online comments made by you related to,
2 or which mention, any of the people or matters identified in Section 1 above.
- 3 5. Copies of any social media post, news stories, and/or online comments you
4 reviewed regarding any person identified in Section 1 above.
- 5 6. Any minute entry orders, ruling or decisions issued by Judge Julie Ann Mata
6 during any time in 2023-24 which contain the words “snake” or “python”.

7 Judge Mata is a non-party to this action and is a sitting judicial officer with the
8 Maricopa County Superior Court. The Subpoena seeks multiple categories of court records
9 and other documents related to a case Respondent Gingras litigated that Judge Mata presided
10 over - *Owens v. Echard*, Maricopa County Superior Court Case Nos. FC2023-052114 and
11 FC2023-052771. It is presumed that the State Bar documents referred to is the bar complaint
12 filed by Judge Mata regarding Respondent Gingras. Additionally, the referenced Arizona
13 Commission on Judicial Conduct (“CJC”) complaint is that which Respondent Gingras filed
14 against Judge Mata, and was the subject of this court’s March 11, 2026 (Order to Quash
15 Portions of Subpoena Duces Tecum) and March 12, 2026 (Order re: Motion for Relief)
16 rulings. In an effort to eliminate potential confusion, all document requests will be addressed
17 herein with the lettering as set forth in the Subpoena itself to the extent it is necessary.
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22 **Objections**

23 **Public Policy Favors Protection Of Judicial Integrity and Dignity.**

24 Here, Respondent Gingras seeks records, items 1 and 3, from Judge Mata that, on its
25 face, are an attempt to delve in to Judge Mata’s judicial thought process. Respondent Gingras
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1 has further indicated a desire to interview Judge Mata, and in the absence of her agreeing to
2 an interview, a willingness to depose her. To the extent any judicial testimony will be
3 permitted, whether at a hearing or a deposition, questions posed must be limited to preserve
4 judicial integrity and dignity.

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6 American courts—both state and federal—have a strong and long standing tradition of
7 refusing to allow litigants to force judicial officers to become witnesses and to divulge the
8 reasons that motivated them in their judicial acts and the mental processes employed in
9 formulating their decisions. Arizona courts have expressed strong concerns about judicial
10 officers being called to testify about matters relating to cases over which they have presided.
11 *See e.g., Phillips v. Clancy*, 152 Ariz. 415, 419-420 (App. 1986). In *Phillips*, our Court of
12 Appeals articulated a concern for the appearance of impropriety if a judge, while testifying
13 for either party, appears to shed the cloak of impartiality and throw the weight of judicial
14 position and authority behind one of the two opposing litigants. Absent highly extraordinary
15 and compelling circumstances, allowing litigants to examine judges is disruptive of the
16 functioning of the judiciary. Judges should be secure in taking actions within their judicial
17 capacity without the concern that they will be required to appear and testify regarding their
18 actions, observations, reasoning, thought processes and decisions.³ “Only in the rarest of
19 circumstances should a judge be called upon to give evidence as to matters upon which he
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24 ³ Public policy also precludes Arizona judges from actively participating in appellate
25 proceedings in order to explain or defend the correctness of an individual ruling in a case.
26 *Hurles v. Superior Court*, 174 Ariz. 331, 333-334 (App. 1993).

1 acted in a judicial capacity, and these occasions, we think should be limited to instances in
2 which there is no other reasonably available way to prove the facts sought to be established.”
3 *In re Peasley*, 208 Ariz. 27, 35 n. 14, (2004)(quoting *State ex rel. Carroll v. Junker*, 79
4 Wash.2d 12, 20 (Wash. 1971)). Compelling a judge to explain the reasons for administrative
5 or procedural decisions relating to cases is also improper because it can undermine judicial
6 responsibility. See *In re Aubuchon*, 233 Ariz. 62, 70 (2013).

8 Likewise, in the federal courts, the general rule is very well-settled: judicial officers
9 should not be subpoenaed to another proceeding in reference to matters undertaken in that
10 judge's judicial capacity. To do so would open the judiciary to frivolous attacks upon its
11 dignity and integrity. Only under extraordinary circumstances should a judge be required to
12 testify about decisions made in their judicial capacity. *United States v. Roebuck*, 271 F. Supp.
13 2d 712, 718 (D. Virgin Islands 2003); *United States v. Dowdy*, 440 F. Supp. 894, 896 (W.D.
14 Va. 1977). A judge may not be compelled to testify concerning the mental processes used in
15 formulating official judgments or the reasons that motivated him or her in the performance of
16 their official duties. *United States v. Morgan*, 313 U.S. 409, 422 (1941). Nor should such
17 testimony supplement testimony previously received on the record. *Fayerweather v. Ritch*,
18 195 U.S. 276, 306-307 (1904). Such constraints also apply to administrative law judges.
19 *Grant v Shalala*, 989 F.2d 1332, 1344-45 (3rd Cir. 1993). In *McQuillion v. Duncan*, 306
20 F.3d 895 (9th. Cir. 2002), the Ninth Circuit also acknowledged the impropriety of calling
21 judicial officers as witnesses:
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1 A right to call witnesses does not ordinarily encompass a right to call a
2 factfinding-decisionmaker to the stand . . . Even in cases in which the question
3 posed is whether a particular judge abused his or her discretion, we do not call
4 the judge to the stand to analyze his or her deliberation process; rather, we
5 examine the record.

6 *Id.* at 900.

7 Based on the above, it would be improper for Respondent Gingras, to the extent he so
8 intends,⁴ to seek testimony from the Judge Mata about her opinions concerning the merit of
9 the matters brought before them or their opinions about how Respondent Gingras handled the
10 case that was before her. Such testimony would necessarily delve into her judicial thought
11 processes. Likewise, it would be improper to ask Judge Mata her opinion about whether she
12 was biased or if Respondent Gingras complied with or violated ethical rules in handling cases
13 because Judge Mata is not qualified as an expert in that area. To the extent Respondent
14 Gingras should seek it, Judge Mata’s testimony should be limited to factual matters
15 concerning conduct she observed and that cannot be gleaned from the record or others who
16 were also present. Additionally, if Respondent Gingras is seeking to establish, through
17 prohibited judicial testimony, evidence of the existence or non-existence of bias and prejudice
18 well after-the-fact, this is not permissible. Specifically, the Preamble [19] to the Arizona
19 Rules of Professional Conduct presuppose that “disciplinary assessment of a lawyer’s
20 conduct will be made on the basis of the facts and circumstances as they existed at the time of
21 the conduct in question,” and not later obtained evidence.
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25 ⁴ While Respondent Gingras has not yet served a subpoena for testimony on Judge Mata,
26 undersigned counsel requests that any order issued should include a protective order and
apply to any questions, if any, he is permitted to ask Judge Mata.

1 cannot get the same directly from the State Bar. To the extent such information is relevant⁶
2 to these proceedings, Respondent Gingras should obtain it from the State Bar itself. The
3 State Bar, or this court, is best positioned to determine what limitations, if any, exist to the
4 release of any information sent to the State Bar in the context of a complaint or investigation.
5 Anything Judge Mata has related to the State Bar complaint and subsequent investigation is
6 also in the possession of the State Bar. Additionally, to the extent the State Bar has already
7 provided disclosure, limiting additional disclosure to between the parties will eliminate the
8 duplication of efforts, if any, and minimize unnecessary non-party involvement.
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11 Item 2 seeks personal material sent to or received from Harry Howe and/or Meredith
12 Howe, Judge Mata's family members. Respondent Gingras has made no credible offer of
13 proof as to the existence of anything. On its face, this appears to be a fishing trip in an
14 attempt to find anything that fits within his theory of his case. Further, given the number of
15 subpoenas issued⁷, Mr. Gingras appears to be casting a wide net in his search for information
16 but does not limit it to known existing information or appropriate information sources,
17 suggesting that the real purpose is to harass subpoena recipients until he gets what he wants.
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23 ⁶ As a non-party, Judge Mata is not involved in or responsible for any relevance
24 determinations.

25 ⁷ It is undersigned counsel's understanding that at this time subpoenas have been issued for
26 information from: 1) the CJC; 2) Harry Howe; 3) the Maricopa County Superior Court; 4)
Judge Garye Vasquez of the Arizona Court of Appeals – Division 2; and 5) Judge Mata.

1 deposition or future hearing, Judge Mata requests that a protective order be issued prohibiting
2 the asking of questions concerning her judicial actions/rulings/opinions and the thought
3 processes leading up to those actions/rulings; prohibiting purely personal questions (i.e.,
4 family status, home address, etc.); prohibiting questions about public court file documents
5 because they speak for themselves; questions concerning whether actions violated or
6 complied with ethical rules; and an order overall prohibiting questions that are irrelevant,
7 harassing, duplicative, or that seek privileged information.
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11 Respectfully submitted this 17th day of March, 2026.

12 KRISTIN K MAYES
13 ATTORNEY GENERAL

14 */s/ Pamela Peiser* _____

15 Pamela Peiser
16 Assistant Attorney General
17 Attorneys for the Judge Mata
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3 **Good Faith Consultation Certification**

4 Pursuant to Rule 7.1(h) of the Arizona Rules of Civil Procedure, Non-Party Judge
5 Mata submits this Good Faith Consultation Certificate and states that undersigned counsel has
6 made a good-faith attempt to resolve the issue with the Respondent, David Gingras, and the
7 consultation was made in person or by telephone and not merely by letter or email; to wit, the
8 Respondent Gingras and undersigned counsel spoke on March 17, 2026, but were unable to
9 resolve the disputed issues.
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11 */s/ Pamela Peiser*
12 Pamela Peiser
13 Assistant Attorney General
14 Attorney for the non-party Judge Mata
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1 **ORIGINAL** of the foregoing electronically filed

2 this 17th day of March, 2026, with:

3 Office of Presiding Disciplinary Judge
4 Honorable Lisa VandenBerg
5 c/o Disciplinary Clerk of the Superior Court
6 1501 W. Washington, Suite 102
7 Phoenix, Arizona 85007
8 officepdj@courts.az.gov

9 **COPY** of the foregoing emailed
10 this 17th day of March, 2026 to:

11 Jim Lee
12 Jim.Lee@staff.azbar.org
13 Craig Henley
14 Craig.Henley@staff.azbar.org
15 Senior Bar Counsel

16 David Gingras
17 david@gingraslaw.com
18 Respondent

19 By: /s/ Marcia House