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STATE BAR COURT
CLERKS OFFICE
LOS ANGELES

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THE STATE BAR COURT
HEARING DEPARTMENT - LOS ANGELES

In the Matter of
PATRICK B. MURPHY,
Member No. 116015,
A Member of the State Bar.

Case No. 01-O-04262-RMT
**DECISION INCLUDING DISBARMENT
RECOMMENDATION AND ORDER OF
INVOLUNTARY INACTIVE
ENROLLMENT**

INTRODUCTION

The Office of the Chief Trial Counsel of the State Bar of California ("OCTC") was represented by Paul O'Brien and Charles T. Calix. Respondent Patrick B. Murphy participated during the proceedings but, at trial, did not appear in person or through counsel.

After considering the matter, the Court recommends that respondent be disbarred.

SIGNIFICANT PROCEDURAL HISTORY

On November 15, 2002, the Notice of Disciplinary Charges ("NDC") initiating this case was filed. Respondent filed a response thereto on December 16, 2002.

Respondent participated in status conferences and other proceedings during 2003 on the following dates: January 7, March 10, April 29, June 2, July 10 and 31 and August 4.

At the January 7 status conference, respondent asked to participate in the State Bar's Lawyer Assistance Program.

At the March 10 status conference, he was advised of the trial dates scheduled for August 4 through 8, 2003.

At the June 2, 2003, status conference, attorney Michael Wine made a special appearance and was appointed to consult with respondent pursuant to section 6007(b)(3), Business and



1 Professions Code ("section").

2 On July 31, 2003, the parties filed a stipulation as to facts and conclusions of law.

3 On August 4, 2003, respondent appeared in court on the first day scheduled for trial. He
4 was ordered back to appear on August 5 but did not do so. Accordingly, on August 6, 2003,
5 respondent's default was entered pursuant to rule 201, Rules Proc. of State Bar ("rule"), for
6 failure to appear at trial. He was also enrolled inactive effective three days after service of the
7 order. The order was properly served on him at his State Bar membership records address and an
8 alternate address on that same date by certified mail, return receipt requested. The return receipt
9 for the copy served at the alternate address shows delivery on August 8, 2003, to Mary Ann
10 Murphy.

11 Also on August 6, 2003, respondent was determined not to be eligible for the State Bar
12 Court's Pilot Program for Respondents with Substance Abuse of Mental Health Issues. There is
13 no request for review pending with regard to this determination and the time to seek review has
14 expired. (Rule 806(a).) Since respondent was not accepted into the Pilot Program, the parties'
15 stipulation filed on July 31, 2003, is rejected and is not binding on either party as there is not an
16 agreement to the contrary. (Rule 802(b).) Accordingly, the Court's factual findings are based on
17 the allegations contained in the NDC as they are deemed admitted and no further proof is
18 required to establish the truth of those allegations. (Section 6088; Rule 200(d)(1)(A).) The
19 findings are also based on any evidence admitted.

20 The matter was submitted for decision on August 22, 2003, after OCTC submitted a
21 closing brief and evidence.¹

22 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

23 **Jurisdiction**

24 Respondent was admitted to the practice of law in California on December 3, 1984, and
25

26 ¹OCTC submitted exhibits 1 through 6 which are hereby admitted into evidence. It is noted,
27 however, that there is an error regarding exhibit 5. It was supposed to be respondent's answers to
28 OCTC's requests for admissions but what was erroneously submitted is the Court's declaration
of service of its order filed July 11, 2003.

1 has been a member of the State Bar at all times since.

2 **Facts**

3 **Overview**

4 Respondent has been a registered nurse since 1977. In 1982, he enrolled in Southwestern
5 University School of Law and continued to work as a nurse.

6 After being admitted to the Bar in December 1984, respondent entered the private
7 practice of law. After several years, he became the administrator and corporate counsel of a
8 medical group.

9 Respondent was elected to the municipal court in Los Angeles County in June 1992.
10 From 1993 through early 2000, he was assigned to the municipal court located in West Covina
11 ("Citrus Court"). There, he first presided over a misdemeanor trial calendar and then, in April
12 1999, was reassigned to a small claims/miscellaneous civil calendar. He became the presiding
13 judge at Citrus Court in 1997.

14 As more fully set forth below, the Commission on Judicial Performance ("CJP")
15 conducted hearings from January 22 to 25, 2001, regarding respondent's judicial misconduct
16 which is the subject of the instant proceeding.

17 Respondent resigned from his judicial position effective May 4, 2001, and his judicial
18 salary was terminated as of that date. On May 9, 2001, Governor Gray Davis received
19 respondent's letter of resignation.

20 On May 10, 2001, the CJP found that the charges of judicial misconduct against
21 respondent had been sustained by clear and convincing evidence and rendered its decision
22 constituting the order removing respondent from office. In the alternative, if it was found that
23 respondent had resigned prior to the CJP's order of removal, then the decision was to be
24 considered a public censure of respondent and a bar from receiving any assignment, appointment
25 or reference of work from any California state court.

26 On July 19 or 20, 2001, the CJP resolved that its May 10 decision removing respondent
27 from office should be considered a public censure of respondent and bar him from receiving any
28 assignment, appointment or reference of work from any California state court.

1 **Extent of Misconduct**

2 In 1996, respondent was absent from the court for 77 ½ work days, in excess of 15 work
3 weeks. During that time, respondent had a subtotal thyroidectomy to remove a benign tumor and
4 began taking Levoxyl to make up for the lost thyroid function. He was also absent regularly
5 during his unsuccessful campaign for a superior court judgeship.

6 In 1997, respondent was absent from the court for 66 ½ days, more than 13 work weeks.
7 He attributed 29 days of sick leave to colds or flu and a congenital nonfusion of his spine (spina
8 bifida occulta) which allegedly caused debilitating back pain. Respondent's physician, Dr. James
9 Louis Eshom, stated that the spinal condition was not the source of respondent's problem.

10 In 1998, respondent was absent from the court for 96 days, in excess of 19 work weeks.
11 He attributed much of his 28 days of sick leave to increasing neck, back and head aches resulting
12 in insomnia. During the summer, respondent took over 2 ½ months of accrued vacation time.
13 He supposedly spent one month in Ireland with his mother and the balance of the time
14 convalescing.

15 From before 1996 through 1998, respondent taught or co-taught one or two classes a term
16 on weekday evenings from 6:30 p.m. to 9:30 p.m. at Glendale University College of Law. He
17 taught on five days each in 1996 and 1997 and two days in 1998 while he was absent from work
18 on sick leave.

19 In 1999, respondent was absent from the court for 159 ½ days, over 31 work weeks. The
20 absences were listed on court records as "sick" or "sick/personal" for 157 out of the 159 days.
21 Respondent was absent 2 ½ days in January, 6 ½ days in February, all of March except for one
22 full day and four half-days, all of April except for 2 ½ days, all of May and all of June. He
23 returned to work on July 1, 1999, with no absences other than one-half day of vacation on
24 September 16, 1999.

25 Between January 7 and April 27, 1999, then-presiding judge at Citrus Court, Judge Rolf
26 M. Treu, maintained a log of the days respondent was absent from work on sick leave.

27 On January 20 and 21, 1999, respondent called in sick. On January 22, respondent met
28 with Judge Treu and told him that he might have to take significant time off in the future as

1 directed by his physician. He also said that he currently had no immune system left and that his
2 thyroid condition of 1995 and 1996 resulted in the removal of a malignant tumor²; and that his
3 condition was serious. Respondent declined Judge Treu's offer of a less demanding assignment,
4 such as small claims/civil overflow. Respondent misrepresented the status of his medical
5 condition to Judge Treu with the intent of inducing him to grant respondent additional sick leave.

6 On March 4, 1999, four judges complained to Judge Treu that respondent's frequent
7 absences required them to cover his misdemeanor criminal calendar.

8 On March 8, 1999, respondent was absent. The next day, he attended a judges' meeting
9 during which his behavior was unprofessional and acrimonious. Respondent attributed his
10 behavior to emotional distress due to his medical condition. He did not return to work after this
11 meeting until Friday, March 26, 1999, the date of the next judges' meeting.

12 In the meantime, respondent taught a one- or two-hour session of the Baldwin Park Police
13 Department Citizen's Academy during the week of March 22, 1999, on a day that he was absent
14 from work on sick leave.

15 On March 26, 1999, respondent told Judge Treu that he would not be at the courthouse
16 the following week because he was undergoing medical tests. Respondent knew that this
17 statement was not true at the time it was made. He made the misrepresentation with the intent of
18 inducing Judge Treu to grant him additional sick leave rather than taking personal leave.

19 Respondent claimed sick leave for the week of Monday, March 29, through Friday, April
20 2, 1999. However, on Tuesday, March 30, 1999, respondent appeared and testified at his
21 deposition in a civil action.³

22 On April 23, 1999, respondent had Dr. Eshom write a letter to Judge Treu in which he
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24 ²At the CJP hearing, respondent denied telling Judge Treu that the thyroid tumor was
25 malignant.

26 ³This action, which averred a scheme to hide about \$1.7 million, had been filed in federal
27 court in November 1998. Respondent was named as a defendant in April 1999, and was also
28 named as a defendant in a related adversary bankruptcy proceeding. Respondent attended and
testified at his depositions in these matters on five days in 1999 while he was absent from work
on sick leave.

1 stated that respondent should be considered disabled because he suffered from hypothyroidism,
2 chronic cephalgia, syncope secondary to chronic cephalgia, chronic fibromyalgia and chronic
3 fatigue syndrome. The letter did not characterize the thyroid tumor as malignant nor did it
4 mention any difficulties arising from spina bifida or "judicial phobia."⁴

5 In July 1999, respondent began preparing to seek admission to Ross University School of
6 Medicine on the island of Dominica in the West Indies. The preparations including completing
7 classes required for medical school and the College Level Examination Program in Biology
8 ("CLEP"), both of which were prerequisites for admission to Ross University.

9 Respondent applied for admission to the Cleveland Chiropractic College in Los Angeles.
10 He sought and was granted permission for late enrollment in its Physics I class, which he
11 completed, including the laboratory portion, in August 1999. The class and lab were taught in
12 two five-hour sessions on Saturdays and Sundays, for a total of 10 class hours each week.
13 Respondent completed the class with perfect attendance and grades of "A" in both the lecture and
14 the laboratory portions.

15 On September 4, 1999, respondent enrolled in Physics II and Organic Chemistry I and
16 their corresponding labs at Cleveland College. The 20 hours of classes each week were held on
17 Saturdays and Sundays from 8:00 a.m. to 6:30 p.m.

18 On September 20, 1999, respondent fainted while at the courthouse and was hospitalized.
19 He was released from the hospital on September 22, 1999. Shortly thereafter, respondent
20 presented Judge Treu with a disability slip written on one of Dr. Eshom's preprinted prescription
21 pads indicating that he should not work for two weeks. The disability slip did not come directly
22 from the doctor's office but, rather, was faxed from respondent's home after normal business
23 hours.

24 Respondent attended classes at Cleveland College on September 25 and 26, 1999, despite
25 the fainting spell and hospitalization. He completed the classes at the end of October with
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27 ⁴As noted later, respondent subsequently claimed that he had a phobic reaction to judicial
28 duties that aggravated his other symptoms. No competent evidence of the basis for his claim of
judicial phobia was introduced either at the CJP or in the instant proceedings.

1 perfect attendance, earning a grade of "B" in Physics II lab and "A"s on all the rest. Respondent,
2 however, was absent from the court for the remainder of 1999.

3 On October 2, 1999, respondent filed an on-line application for Ross University
4 indicating that he did not have any disabilities that would interfere with the practice of medicine.

5 On Thursday, October 21, 1999, respondent left a message with the judicial secretary
6 saying that his doctor had placed him off work for another couple of weeks. No disability slip
7 was submitted to accompany the telephone message.

8 On Friday, October 22, 1999, Judge Treu wrote a letter to respondent acknowledging the
9 communication and requesting a doctor's disability certificate. Although Judge Treu requested a
10 disability certificate for the period October 25 through November 16, 1999, in three additional
11 letters, respondent never provided any documentation. He did provide disability slips from Dr.
12 Eshom for the remainder of his absences through the end of 1999.

13 On October 27, 1999, respondent enrolled in General Chemistry II and Organic
14 Chemistry II and their corresponding labs at Cleveland College for a total of 20 hours of class a
15 week. One class was taught on Monday and Wednesday evenings in five-hour sessions from
16 6:30 p.m. to 10:30 p.m. and the other in five-hour sessions on Saturdays and Sundays. He
17 completed the classes in mid-December, having missed only one class, and earned "A"s in all of
18 the classes and labs.

19 In November 1999, respondent took the CLEP and obtained a score in the 99th percentile.

20 On November 29, 1999, while on sick leave, respondent had a one-hour application
21 interview at the Ross University office in Glendale, California. During the interview, respondent
22 was "very upbeat, very articulate, very responsive, very coherent" and his health appeared fine.
23 When the interviewer asked about his health, respondent only noted his thyroid condition and
24 said that he had no health problems. He also stated that he was still interested in and active in
25 scuba diving and skiing. He further stated that he decided to apply to medical school because
26 "medicine was his first love, his first career desire." He requested an expedited response because
27 he "must notify Governor Gray Davis of his intent to resign his judgeship." Ross University
28 accepted respondent during the week of December 6, 1999, for the term commencing on January

1 5, 2000.

2 On December 17, 1999, as part of his visa application, respondent obtained a letter from
3 the Los Angeles County Sheriff's Department to the Chief of Immigration in Dominica attesting
4 to his lack of criminal record and good character. The letter stated that respondent "will be
5 traveling to Dominica on a vacation." Respondent had represented to the Sheriff's Department
6 that he intended to go to Dominica for a vacation with the intent of having the Sheriff's
7 Department assist with his visa application. He further intended that Dominica rely on said
8 application. Respondent knew that his representation was false at the time he made it.

9 On December 21, 1999, as part of his visa application, respondent obtained a certificate
10 of good health from Dr. James Boutros, with whom he had a personal as well as professional
11 relationship. The certificate incorrectly listed hypothyroidism as respondent's only medical
12 condition and Synthroid as the only medication that he was taking.

13 Respondent testified during the CJP hearing that he only saw Dr. Boutros once every
14 three or four months for such problems as upper respiratory tract infections and colds after 1996.
15 According to respondent, these appointments were perfunctory and lasted a minute or two. On
16 these occasions, Dr. Boutros did not ask and respondent did not volunteer the names of the
17 medications he was taking.

18 Respondent asked Dr. Boutros to complete the certificate of good health although he
19 knew that Dr. Boutros had only limited knowledge of his purported medical conditions.⁵
20 Respondent did not provide full information to Dr. Boutros and, therefore, was responsible for
21 the incomplete information on the certificate. He misrepresented his health status with the intent
22 to induce Dr. Boutros to provide the certificate and to have Ross University rely on it.
23 Respondent admitted at the CJP hearing that he wanted to attend medical school and that he
24 believed that Ross University might not accept him if it was fully informed of his medical
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26 ⁵Respondent admitted at the CJP hearing that he did not seek the certificate from Dr. Eshom
27 because he knew that Dr. Eshom would not certify that he was in good health and fit to attend
28 medical school. He also admitted not seeking the certificate from Dr. McCord, the psychiatrist
he claims to have been seeing regularly for treatment.

1 conditions and medications.

2 On December 27, 1999, respondent purchased a round-trip ticket to Dominica. He was
3 scheduled to depart on January 1 and to return on April 22, 2000, which was the last day of
4 spring semester classes at Ross University.

5 On December 30, 1999, respondent faxed a disability slip signed by Dr. Eshom and dated
6 "12/31" from his home to the court as he had done on a number of occasions. The slip said"
7 "Continues to be disabled. Unable to work until further evaluation."

8 Judge Treu determined that the disability slip was unacceptable, in part because no
9 specific end date had been given. He was unaware that respondent was about to leave the
10 country.

11 On January 1, 2000, respondent left for Dominica to study medicine at Ross University.
12 He did not resign his judgeship prior to the trip. He also did not inform Judge Treu or any other
13 judge or court employee that he was leaving the country, going to study medicine and not
14 returning to Los Angeles until April 22, 2000. The Los Angeles County Superior Court⁶ requires
15 judges who are away from the court to keep the court apprized of their whereabouts and a means
16 to communicate with them to facilitate the administration of court business. Respondent
17 arranged to leave the court for four months without notifying the court.

18 On January 3, 2000, the judicial secretary faxed a ballot regarding court unification to
19 respondent's home. On January 5, 2000, the judicial secretary telephoned respondent's home
20 and left a message reminding him that he had "probable cause" duty on Saturday, January 8,
21 2000, noting that he could perform this duty from his home or at the West Covina Police
22 Department.

23 On January 5, 2000, respondent registered for classes at Ross University in Dominica.

24 On January 7, 2000, the judicial secretary left another message at respondent's home
25 asking about the ballot and reminding him to respond as soon as possible regarding "probable
26 cause" duty. Respondent, however, was in Dominica and never returned the telephone calls or
27

28 ⁶The Los Angeles municipal and superior courts unified in January 2000.

1 the ballot. Another judge was assigned "probable cause" duty on January 8, 2000.

2 Respondent obtained his Ross University student identification card on January 9, 2000.

3 On January 14, 2000, respondent returned to Los Angeles. He denied knowing about any
4 adverse publicity regarding his attendance at medical school in Dominica prior to returning to
5 California.

6 In 2000, respondent was absent from the court until April 3, when he began a traffic
7 assignment at Los Angeles Metropolitan Court. He stopped working on June 8, 2000, and never
8 returned to court.

9 Respondent was the subject of a hearing regarding alleged judicial misconduct from
10 January 22 to 25, 2001. Among other things, respondent argued illness in his defense against the
11 charges, including a claim of phobic reactions to judicial duties that aggravated his other
12 symptoms. He claimed that he could perform other activities that he perceived as less stressful,
13 including his various extrajudicial activities. Other than his claim of disability, respondent did
14 not present mitigating evidence at the hearing.

15 The panel of three appellate court justices that served as special masters during the CJP
16 proceeding found that, during this hearing, respondent performed as an experienced and skilled
17 courtroom attorney. He generally showed no weakness, lack of attention, slowness or
18 misunderstanding. He competently objected to evidence and argued his objections. He
19 conducted cross-examination in discrete segments aimed at making specific points. After the
20 morning session on the second day of the hearing, respondent sought, but was denied, a recess
21 until the next day because he was "really feeling ill" and did not think that he could continue."
22 They further noted that he occasionally thereafter complained of having a headache but continued
23 to represent himself competently and to maintain a professional demeanor during the hearing.

24 The special masters and the CJP noted that respondent was "motivated by a bad faith
25 intent of remaining on the payroll of the State of California as a full-time, sitting judge while
26 avoiding his judicial obligations." This conduct and lying to Judge Treu were found to be
27 "willful misconduct that displays moral turpitude and dishonesty."

28 On May 10, 2001, the CJP found that the charges of judicial misconduct against

1 respondent had been sustained by clear and convincing evidence. The CJP ordered that
2 respondent be removed from the bench for: (1) malingering by falsely claiming to be ill;
3 (2) willful and prejudicial misconduct in failing to cooperate in the administration of court
4 business; (3) conduct prejudicial to the administration of justice that brings judicial office into
5 disrepute in giving nonjudicial activities precedence over and allowing them to interfere with his
6 judicial duties; and (4) persistent failure to perform his judicial duties when capable of doing so.

7 Respondent continued to draw his judicial salary during his absences until he resigned
8 from his judicial position effective May 4, 2001.

9 Respondent voluntarily took inactive status with the State Bar effective July 11, 2003.

10 **Legal Conclusions**

11 **Counts 1 and 4 - Section 6106 (Moral Turpitude)**

12 Section 6106 makes it a cause for disbarment or suspension to commit any act involving
13 moral turpitude, dishonesty or corruption, whether the act is committed in the course of his or her
14 relations as an attorney or otherwise, and whether the act is a felony or misdemeanor or not.

15 There is clear and convincing evidence that respondent violated section 6106. While he
16 was absent from work on sick leave, respondent was healthy enough to function without
17 observable or objective signs of illness. Although he purported to be ill, he taught law school
18 and police department classes; testified at depositions; attended classes and labs and attended an
19 interview for admission to Ross University. He did so while continuing to draw his judicial
20 salary until May 2001.

21 Further, respondent obtained a certificate of good health from a physician who was
22 unaware of his purported medical conditions; did not resign his judgeship prior to commencing
23 medical school; did not inform the court or staff that he was leaving the country or leave them a
24 means of communicating with him as required by court policy; lied to Judge Treu about his
25 medical condition and testing in order to obtain additional sick leave and to attend his deposition;
26 and did not respond to Judge Treu's requests for medical documentation for his absences from
27 October 25 through November 16, 1999.

28 The foregoing conduct occurred while respondent holding judicial office and it involved

1 moral turpitude, dishonesty and corruption.

2 **Counts 2 and 3 - Sections 6068(b) and (d) (Failure to Maintain Respect Due**
3 **Court and Employing Means Inconsistent with the Truth)**

4 Section 6068(b) requires an attorney to maintain the respect due to the courts of justice
5 and to judicial officers.

6 Section 6068(d) requires an attorney from employing, for the purpose of maintaining the
7 causes confided to him or her, those means only as are consistent with the truth, and never to
8 seek to mislead the judge or any judicial officer by an artifice or false statement of fact or law.

9 The same facts support the violations of section 6106 and the charges that respondent
10 violated sections 6068(b) and (d). Accordingly, the Court will not attach any additional weight
11 in determining the appropriate discipline to the wilful violation of sections 6068(b) and (d) and
12 these charges are dismissed with prejudice. (See *In the Matter of Broderick* (Review Dept. 1994)
13 3 Cal. State Bar Ct. Rptr. 138, 155.)

14 **LEVEL OF DISCIPLINE**

15 **Aggravating Circumstances**

16 Respondent's misconduct evidences a pattern of misconduct. (Standard 1.2(b)(ii),
17 Standards for Attorney Sanctions for Professional Misconduct ("standard(s)").) For several years
18 while he was a judicial officer, he continuously and repeatedly engaged in corrupt, dishonest
19 conduct amounting to moral turpitude by lying about his health status and engaging in
20 nonjudicial activities in lieu of work while continuing to hold office and to be compensated as a
21 judge.

22 Respondent demonstrated indifference toward rectification of or atonement for the
23 consequences of his misconduct. (Standard 1.2(b)(v).) For example, as a result of his continual
24 absences, other judicial officers had to undertake his caseload and assignments such as "probable
25 cause" duty. He persisted in his misconduct without regard to its consequences.

26 **Mitigating Circumstances**

27 Respondent did not participate in these proceedings and he bears the burden of
28 establishing mitigation by clear and convincing evidence. The Court, therefore, has been

1 provided no basis for finding mitigating circumstances, except approximately 12 years of
2 unblemished practice at the time the misconduct commenced in 1996. (Standard.1.2(e)(i).) This
3 is a significant mitigating factor.

4 **Discussion**

5 The purpose of State Bar disciplinary proceedings is not to punish the attorney, but to protect
6 the public, to preserve public confidence in the profession, and to maintain the highest possible
7 professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111; *Cooper v.*
8 *State Bar* (1987) 43 Cal.3d 1016, 1025; standard 1.3.)

9 Standard 1.6 provides that the appropriate sanction for the misconduct found must be
10 balanced with any mitigating or aggravating circumstances, with due regard for the purposes of
11 imposing discipline. If two or more acts of professional misconduct are found in a single
12 disciplinary proceeding, the sanction imposed shall be the most severe of the applicable sanctions.
13 (Standard 1.6(a).) The standards, however, are guidelines from which the Court may deviate in
14 fashioning the most appropriate discipline considering all the proven facts and circumstances of a
15 given matter. (*In re Young* (1989) 49 Cal.3d 257, 267 (fn. 11); *Howard v. State Bar* (1990) 51
16 Cal.3d 215.) They are "not mandatory 'sentences' imposed in a blind or mechanical manner." (*Gary*
17 *v. State Bar* (1988) 44 Cal.3d 820, 828.)

18 In the instant case, the recommended level of discipline is prescribed by standard 2.3, which
19 suggests actual suspension or disbarment for culpability of an act of moral turpitude, fraud,
20 intentional dishonesty or concealment of a material fact from a court, client or other person. The
21 level of discipline depends upon the extent to which the victim is harmed or misled, the magnitude
22 of the misconduct and the degree to which it relates to the practice of law.

23 OCTC recommends disbarment and the Court agrees.

24 Respondent's misconduct is egregious. The harm to the public, the administration of justice
25 and the legal profession is inherent in his behavior. For approximately a five-year period, this
26 experienced attorney and judge engaged in an extensive, lucrative pattern of dishonesty without
27 regard to the adverse impact it might have on litigants, his colleagues or the public's perceptions of
28 the judicial system. He was indifferent to the pernicious effect his conduct might have on the

1 public's confidence in the legal profession. He manipulated the truth to suit his interests.
2 Respondent does not possess the integrity required to exercise the privilege of practicing law.

3 Although there is a significant mitigating circumstance in respondent's 12 years of discipline-
4 free practice prior to the commencement of the misconduct, no explanation has been offered that
5 might render disbarment inappropriate and the Court can glean none. The Court has no reason to
6 believe that respondent could or would conform his behavior to the ethical rules, particularly in light
7 of his failure to participate herein.

8 It would undermine the integrity of the disciplinary system and damage public confidence
9 in the legal profession if respondent were not disbarred for his misconduct. Disbarment is the only
10 sanction that guarantees that the public and the courts will be protected from his wanton wrongdoing.
11 If he desires to practice law again, he will bear the heavy burden of demonstrating by the most clear
12 and convincing evidence his rehabilitation and fitness to practice. Accordingly, the Court
13 recommends disbarment.

14 DISCIPLINE RECOMMENDATION

15 **IT IS HEREBY RECOMMENDED** that respondent **PATRICK B. MURPHY** be
16 **DISBARRED** from the practice of law in the State of California and that his name be stricken from
17 the rolls of attorneys in this state.

18
19 It is also recommended that the Supreme Court order respondent to comply with rule 955,
20 paragraph (a), of the California Rules of Court within 30 calendar days of the effective date of the
21 Supreme Court order in the present proceeding, and to file the affidavit provided for in paragraph
22 (c) within 40 days of the effective date of the order showing his compliance with said order.

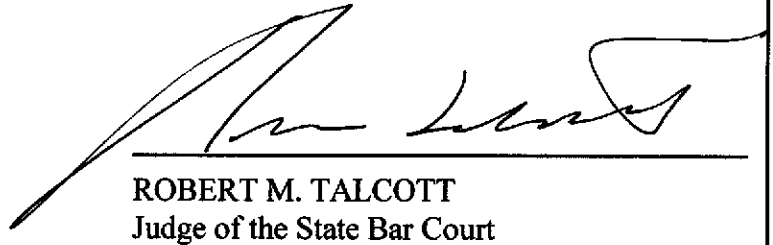
23 COSTS

24
25 The Court recommends that costs be awarded to the State Bar pursuant to Business and
26 Professions Code section 6086.10, and that those costs be payable in accordance with section 6140.7.

27 ORDER REGARDING INACTIVE ENROLLMENT

1 It is ordered that respondent be transferred to involuntary inactive enrollment status pursuant
2 to section 6007(c)(4). The inactive enrollment shall become effective three days from the date of
3 service of this order and shall terminate upon the effective date of the Supreme Court's order
4 imposing discipline herein or as otherwise ordered by the Supreme Court pursuant to its plenary
5 jurisdiction.
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11 Dated: November 20th, 2003



ROBERT M. TALCOTT
Judge of the State Bar Court

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on November 24, 2003, I deposited a true copy of the following document(s):

**DECISION INCLUDING DISBARMENT RECOMMENDATION AND
ORDER OF INVOLUNTARY INACTIVE ENROLLMENT, filed November
24, 2003**

in a sealed envelope for collection and mailing on that date as follows:

- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:


**PATRICK B. MURPHY
336 GLENDORA AVE
WEST COVINA CA 91790**

**PATRICK MURPHY
2505 STRANAHAN DR
ALHAMBRA CA 91803**

- [X] by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

CHARLES CALIX & PAUL O'BRIEN, ESQ., Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on November 24, 2003.



Rose M. Luthi
Case Administrator
State Bar Court