

# DISCIPLINARY REVIEW BOARD

OF THE

SUPREME COURT OF NEW JERSEY

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ASSISTANT COUNSEL

November 24, 2014

**VIA CERTIFIED MAIL, R.R.R. & REGULAR MAIL**

Kendall S. Murphy  
c/o Joseph L. Mooney, III, Esq.  
315 Market Street  
Trenton, New Jersey 08611

Re: **In the Matter of Kendall S. Murphy**  
Docket No. DRB 14-274  
District Docket No. VII-2013-0009E  
**LETTER OF ADMONITION**

Dear Mr. Murphy:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Following a review of the record, the Board determined to impose an admonition.<sup>1</sup>

Specifically, in July 2005, you were retained to obtain the expungement of several criminal convictions from the record of your client, Eric Holman. You filed three petitions of expungement on his behalf. The first petition, filed on July 25, 2005, was dismissed, without prejudice, on August 24, 2005, for having been filed prematurely.

After you filed the second petition on August 7, 2009, you failed to effect service on various State and local

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<sup>1</sup> Member Hoberman was recused.

agencies, as required by law, and did not comply with three notices from the prosecutor's office, requesting that you cure the defect. On April 26, 2010, the second petition was dismissed, without prejudice, for failure to cure the defect.

In August 2010, you filed a third petition, which failed to include three of your client's arrests. You filed an amended petition on April 7, 2011. The court entered an order of expungement on April 11, 2011, which you sent to your client with the advice that he could then represent that he had not been convicted of a crime. Thereafter, on June 28, 2011, the court sua sponte entered an amended order of expungement that excluded a disorderly persons offense. Not noticing the change, you sent the amended order to your client, without cautioning him that the disorderly persons offense had not been expunged.

The Board found that you lacked diligence in the representation of your client and that you failed to adequately communicate with him or explain the status of the matter in a manner that he could understand, violations of RPC 1.3 and RPC 1.4(b). The Board dismissed the charged violations of RPC 1.1(a) for lack of clear and convincing evidence and RPC 1.1(b) as inapplicable to the facts of this matter. In re Rohan, 184 N.J. 287 (2005) (at least three instances of neglect are necessary to form a pattern of neglect).

In imposing an admonition, the Board considered that your client eventually received the only relief available to him under the law and that you previously enjoyed an unblemished professional record of nineteen years.

Your conduct has adversely reflected not only upon you as an attorney but also upon all members of the bar. Accordingly, the Board has directed the issuance of this admonition to you. R. 1:20-15(f)(4).

A permanent record of this occurrence has been filed with the Clerk of the Supreme Court and the Board's office. Should you become the subject of any further discipline, it will be taken into consideration.

I/M/O Kendall S. Murphy, DRB 14-274

November 24, 2014

Page 3 of 3

The Board has also directed that the costs of the disciplinary proceedings be assessed against you. An invoice of costs will be forwarded under separate cover.

Very truly yours,



Ellen A. Brodsky  
Chief Counsel

EAB/lg

c: Chief Justice Stuart Rabner  
Associate Justices  
Bonnie Frost, Chair (via email)  
Disciplinary Review Board  
Mark Neary, Clerk  
Supreme Court of New Jersey  
Gail G. Haney, Deputy Clerk  
Supreme Court of New Jersey (w/ethics history)  
Charles Centinaro, Director (via email)  
Office of Attorney Ethics  
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District VII Ethics Committee  
Alan G. Frank, Secretary  
District VII Ethics Committee  
Eric L. Holman, Grievant