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* SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 06-176
District Docket Nos. XIV-03-0263E
and IIB-06-900E

IN THE MATTER OF
VINCENT J. MURPHY, JR.
AN ATTORNEY AT LAW

Decision

Argued: September 21, 2006

Decided: October 31, 2006

John J. Janasie appeared on behalf of the District IIB Ethics Committee.

Respondent waived appearance for oral argument.

To the Honorable Chief Justice and Associate Justices of the Supreme Court of New Jersey.

This matter came before us pursuant to R. 1:20-6(c)(1). Respondent waived his right to a district ethics committee hearing and admitted the allegations of the complaint charging him with violating RPC 8.4(b) (criminal act reflecting adversely on a lawyer's honesty, trustworthiness or fitness); RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation); RPC 8.4(d) (conduct prejudicial to the

administration of justice); and RPC 8.1(b) (failure to reply to a lawful demand for information from a disciplinary authority). These charges stemmed from respondent's use of his brother's driver's license when stopped by police, on two separate occasions, for driving while under the influence of alcohol (DUI). We determine that a reprimand is the appropriate discipline in this matter.

Respondent was admitted to the New Jersey bar in 1983 and has no history of discipline. He does not practice law in New Jersey. The New Jersey Lawyers' Fund for Client Protection report listed him as retired from 1995 to 2000, and on the Supreme Court's list of ineligible attorneys from September 25, 1995 to August 16, 2001, and September 30, 2002 to April 11, 2003.

At the relevant times, respondent resided in Somerville and East Rutherford, New Jersey.

On August 23, 1999, in Westport, Connecticut, police officers stopped respondent and charged him with a DUI offense. Thereafter, on November 7, 1999, while driving in East Rutherford, New Jersey, respondent was again stopped by the police and charged with another DUI offense. At both police stops, respondent presented to the officers his brother's (Michael J. Murhpy) New Jersey driver's license. According to

the complaint, respondent used his brother's license to "misidentify himself" to avoid prosecution. At the time of the above incidents, respondent's New Jersey driver's license was suspended.

Between December 3, 2004 and April 26, 2005, the OAE sent five letters to respondent requesting his reply to a grievance concerning the above allegations, to no avail. On April 26, 2005, an OAE investigator left a detailed message on respondent's answering machine. Respondent, however, failed to return the call.

Respondent filed a March 19, 2006 letter-answer, admitting the allegations of the ethics complaint and setting forth the following as mitigation.

Respondent revealed that he is an alcoholic, but has been sober and in recovery since late 1999. In 1996, his wife left him and his two young daughters. Respondent admitted that he used that "predicament as an excuse to wallow in self-pity and drown [his] sorrows in alcohol." His early attempts at recovery were unsuccessful. His life continued to spiral downward. He also suffered from severe depression and took anti-depressant medication, which, he claimed, had no effect on his condition.

According to respondent, after his DUI arrests, he realized that he had "hit bottom" and decided to seek help. He

participated in some intensive long-term treatment programs. Afterwards, he entered a half way house, working during the day and attending meetings and group counseling in the evening. During his course of treatment, respondent's daughters lived with their grandparents. After respondent left the halfway house, his children went to live with him again. Respondent continues to attend Alcoholics Anonymous ("AA") meetings and to comply with its teachings. He noted that his sponsor helped save his life. Respondent stated:

I work the steps of AA and try to make myself the best person I can be. I realize I am on a lifelong journey. I am not the same person who committed those offenses back in 1999. I have been clean and sober for well over 6 years. I know I cannot change the past. And I am not looking to make excuses for myself. I have deservedly received severe punishment, which continues to this day, for my past offenses. [I do wish to note that in both instances I later contacted the legal authorities and informed them of what I had done and had the charges changed to my name.]

[Ex.2at2.]

According to the Office of Attorney Ethics ("OAE"), that office monitors all attorney DUI cases until the attorneys are convicted or the charges are dismissed. Although, generally, the OAE does not prosecute attorneys for a DUI offense, the information is used to determine whether an attorney should provide a medical certification of fitness to practice. Because

the fact that he did not avoid the consequences of his act by advancing a claim of diminished capacity.

Respondent's conduct was more similar to that of Gonzalez. He used his brother's driver's license to avoid prosecution, just as Gonzalez used his cousin's license to avoid losing his own license.

Mitigating factors include respondent's travails combating his alcoholism, his self-reporting to authorities, and his admission of wrongdoing in this ethics matter.

Although the record is silent about the outcome of respondent's arrests, further inquiry by Office of Board Counsel, revealed that he was convicted of the DUIs. It is not known what penalties, if any, were imposed on him.

Under all these circumstances, we determine that a reprimand is the appropriate form of discipline.

We also determine that, within thirty days of a final order in this matter, respondent is to submit to the OAE proof of fitness to practice law.

Members Boylan, Stanton and Wissinger did not participate.

We further determine to require respondent to reimburse the Disciplinary Oversight Committee for administrative costs and actual expenses incurred in the prosecution of this matter, as provided in R. 1:20-17.

Disciplinary Review Board
William J. O'Shaughnessy, Chair

By: Julianne K. DeCore
Julianne K. DeCore
Chief Counsel

**SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD**

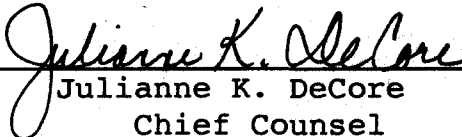
In the Matter of Vincent J. Murphy, Jr.
Docket No. DRB 06-176

Argued: September 21, 2006

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Disposition: Reprimand

Members	Suspension	Reprimand	Admonition	Disqualified	Did not participate
O'Shaughnessy		X			
Pashman		X			
Baugh		X			
Boylan					X
Frost		X			
Lolla		X			
Pashman		X			
Stanton					X
Wissinger					X
Total:		6			3


Julianne K. DeCore
Chief Counsel