

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
KEVIN MURPHY, ESQ., BAR NO.
10938.

No. 53759

FILED

OCT 21 2009

TRACIE L. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CLERK DEPUTY CLERK

ORDER OF REFERRAL TO DISCIPLINARY BOARD

Bar Counsel for the State of Nevada has filed a petition pursuant to the reporting requirements of SCR 111(4). The petition is supported by certified copies of documents evidencing that on January 26, 2009, in the Superior Court of California, County of San Diego, attorney Kevin Murphy pled no contest to one count of driving a vehicle while having 0.08 percent or more by weight of alcohol in his blood, a misdemeanor in violation of California Vehicle Code section 23152(b). As Murphy concedes, due to a prior conviction of reckless driving the instant DUI was treated as a second offense. Murphy was sentenced to five years' informal probation; 96 hours in the sheriff's work release program; \$2408 in fines and fees; a \$100 probation revocation restitution fine which was suspended; 10 days of community service with 2 days' credit for time served; completion of a multiple-conviction program; and a victim impact panel. Murphy self-reported his conviction to the State Bar.

Murphy's conviction is for a misdemeanor that is not included among the crimes for which SCR 111(7)-(8) mandates automatic temporary suspension and referral to the appropriate disciplinary board. The crime is, however, one for which referral is within our discretion under SCR 111(9). We therefore refer this matter to the appropriate panel

of the state bar disciplinary board for determination of the discipline, if any, to impose. We decline to impose a temporary suspension at this time.

It is so ORDERED.¹

Hardesty, C.J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

Pickering, J.
Pickering

cc: Jeffrey D. Albregts, Chair, Southern Nevada Disciplinary Board
Rob W. Bare, Bar Counsel
Kimberly K. Farmer, Executive Director, State Bar of Nevada
Kemp, Jones & Coulthard, LLP

¹ The Honorable Ron D. Parraguirre, Justice, voluntarily recused himself from participation in the decision of this matter.