

SUPREME COURT OF KANSAS

In re Murphy

No. 122,036 (Kan. Dec. 30, 2021) · No. No. 122,036 · Decided December 30, 2021

SUMMARY

The Kansas Supreme Court grants a joint motion to stay the remainder of Mark D. Murphy's two-year suspension from practicing law. Effective November 15, 2021, Murphy's license is reinstated subject to probation, compliance with continuing legal education and registration requirements, and payment of applicable fees.

CASE DETAILS

COURT	Supreme Court of Kansas
JURISDICTION	Kansas
DECIDED	December 30, 2021
DOCKET	No. 122,036
DISPOSITION	other
PROCEDURAL POSTURE	The respondent and the disciplinary authorities jointly moved to stay the second year of his two-year suspension pending successful completion of probation under an approved probation plan.
PRECEDENTIAL VALUE	Published order; primarily procedural and case-specific

TOPICS

appellate procedure

administrative law

PRACTICE AREAS

legal ethics

attorney discipline

professional licensing

QUESTIONS PRESENTED

1. Whether the court should stay the remainder of Murphy's two-year suspension after approval of a probation plan.
2. Whether Murphy's law license should be reinstated subject to probation and compliance with continuing legal education and attorney-registration requirements.

HOLDINGS

1. The court granted the joint motion and stayed the remainder of Murphy's two-year suspension effective November 15, 2021, pending his successful completion of probation under the approved probation plan.
2. Murphy's license was reinstated subject to probation, compliance with the approved probation plan, annual continuing legal education requirements, and payment of attorney-registration and continuing legal education fees.

KEY QUOTATIONS

“IT IS THEREFORE ORDERED that the remainder of the two-year period of suspension of the respondent Mark Murphy's law license is stayed effective November 15, 2021, his license to practice law in Kansas is reinstated, and he is placed on probation pursuant to the terms set forth in the approved Probation Plan.” (at 1)

“IT IS FURTHER ORDERED that the stay of the suspension of Murphy's license as set forth above is conditioned upon his compliance with the annual continuing legal education requirements and upon his payment of all attorney registration and continuing legal education fees.” (at 2)

FACTUAL BACKGROUND

Murphy had been suspended from the practice of law in Kansas for two years, with the second year subject to a stay upon approval of a probation plan. The Disciplinary Administrator's office approved a probation plan, and the parties jointly requested that the second year of the suspension be stayed pending Murphy's successful completion of probation.

PROCEDURAL HISTORY

On October 16, 2020, the court suspended Mark D. Murphy from practicing law in Kansas for two years, with the second year eligible to be stayed if he entered an approved probation plan. After the Disciplinary Administrator's office approved the plan, the parties jointly moved to stay the second year of the suspension. The Supreme Court of Kansas granted the motion, reinstated Murphy's license effective November 15, 2021, and placed him on probation subject to specified conditions.

DISPOSITION

other

CASES CITED

- In re Murphy, 312 Kan. 203, 236-37, 473 P.3d 886 (2020)

OPINION

PER CURIAM.

IN THE SUPREME COURT OF THE STATE OF KANSAS No. 122,036 In the Matter of MARK D. MURPHY, Respondent. ORDER OF REINSTATEMENT On October 16, 2020, the court

suspended the respondent Mark D. Murphy from the practice of law in the state of Kansas for two years in accordance with Supreme Court Rule 203(a)(2) (2019 Kan. S. Ct. R. 240).

The court ordered the period of suspension would be stayed after the first year provided Murphy enters into a probation plan approved by the Disciplinary Administrator's office that is applicable for the second year of suspension.

The court further directed that "[a]pproval of a probation plan by that office is required before the stay of respondent's suspension can commence. The provisions of Kansas Supreme Court Rule 211(g) (2019 Kan. S. Ct. R. 257) (discharge from probation) apply."

In re Murphy, 312 Kan. 203, 236-37, 473 P.3d 886 (2020). The court briefly stayed the suspension period from October 21 to November 19, 2020, to consider Murphy's motion for reconsideration or modification of the suspension order.

The parties now jointly move the court to stay the second year of the two-year suspension of Murphy's license and privilege to practice law pending his successful completion of probation, the terms of which are incorporated in the Probation Plan approved by the office of the Disciplinary Administrator and attached to the parties' joint motion.

The court has considered and grants the joint motion. 1 IT IS THEREFORE ORDERED that the remainder of the two-year period of suspension of the respondent Mark Murphy's law license is stayed effective November 15, 2021, his license to practice law in Kansas is reinstated, and he is placed on probation pursuant to the terms set forth in the approved Probation Plan.

Absent any proceedings based on Murphy's violation of that probation under Supreme Court Rule 227(i) (2021 Kan. S. Ct. R. 277), his probation will continue until he is specifically discharged by this court. See Rule 227(g), (h) (formerly Rule 211[g]) (procedure for discharge upon successful completion of probation). IT IS FURTHER ORDERED that the stay of the suspension of Murphy's license as set forth above is conditioned upon his compliance with the annual continuing legal education requirements and upon his payment of all attorney registration and continuing legal education fees.

See Supreme Court Rule 206 (2021 Kan. S. Ct. R. 251), as amended effective April 2, 2021; Supreme Court Rule 812(c) (effective June 1, 2021, see Kansas Supreme Court Administrative Order 2021-RL-062) (formerly Rule 811[c], as amended effective April 2, 2021). Upon receipt of proof of Murphy's completion of these conditions, the Office of Judicial Administration is directed to enter his name on the roster of attorneys actively engaged in the practice of law in Kansas.

IT IS FURTHER ORDERED that this order be published in the official Kansas Reports and that the costs herein be assessed to Murphy. Dated this 30th day of December 2021. 2

