IN RE: MICHAEL A. MURPHY

BD-2012-065

S.J.C. Order of Term Suspension entered by Justice Duffly on September 17, 2012, with an effective date of October 17, 2012.[1]

(S.J.C. Judgment of Reinstatement with Conditions entered by Justice Duffly on January 14, 2014.)

SUMMARY[2]

This matter came before the Court on a stipulated recommendation for suspension based on two counts of misconduct. At all relevant times, the respondent was employed by a law firm, where he was paid an annual salary and was eligible to receive additional compensation based, in part, on the amount of time that he billed to and collected from clients of the firm.

The first case involved the respondent's representation of a client who was a defendant in a products liability action. He was retained in April of 2010. In a written fee agreement, the respondent agreed to bill at an hourly rate for the time that he spent working on the case. He also agreed to submit monthly invoices to the client for these billable hours, which were to be paid directly to his law firm.

Over the next six months, the respondent billed his client in excess of 600 hours. The respondent knowingly spent more time than necessary on this billed work in order to increase his billable hours at the firm. For example, although the case was in its early stages, the respondent billed meaningful amounts of time on nearly every working day over this six-month span. He also billed for tasks that should have been delegated, in whole or in part, to a lawyer of lesser seniority and billing rate at his firm. And, he billed for tasks that were duplicated (and billed) by others at the firm.

In the second case, the respondent was retained by a client to have his professional license reinstated by the state. As in the first case, the respondent submitted monthly invoices to the client for his billable hours. Over a three-month span of this representation, the respondent billed in excess of 150 hours. These billable hours also were the result of the respondent's knowingly spending more time than necessary on the case in order to increase his billable hours at the firm. For example, the respondent billed meaningful amounts of time to preparing for a hearing that had yet to be scheduled. In the course of such preparation, he often reviewed materials that he had already reviewed for purposes of the anticipated, but not-yet-scheduled proceedings.

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[1] The complete Order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

[2] Compiled by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.

In both cases, the respondent's law firm ultimately wrote off the above invoices and returned any fees that had been paid by the respondent's clients.

By knowingly spending more time than necessary on these cases in order to increase his billable hours, the respondent violated Mass. R. Prof. C. 1.5(a) and 8.4(c).

The parties submitted a stipulation to the Board of Bar Overseers in which the respondent admitted the truth of the above facts and stipulated to the above disciplinary rule violations. The parties recommended that the respondent be suspended from the practice of law for one year and a day.

On July 9, 2012, the Board of Bar Overseers voted to accept the stipulation of the parties and their proposed sanction.

On September 17, 2012, the Supreme Judicial Court for Suffolk County (Duffly, J.) ordered that the respondent be suspended from the practice of law for one year and a day, effective thirty days after entry.