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COMMONWEALTH OF MASSACHUSETTS
COMMISSION ON JUDICIAL CONDUCT

Complaint Nos. 2006-9; 2006-30;
SJC Docket No. OE-0119

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: IN RE: JUDGE ERNEST B. MURPHY :
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: :
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BEFORE: COMMISSION ON JUDICIAL CONDUCT

Robert J. Guttentag, Chairman
Honorable Stephen E. Neel
Honorable Paul F. LoConto
Mary Z. Connaughton
Gael Mahony, Esquire
David J. Martel, Esquire
Renee M. Landers, Esquire
Jacklyn Garcia Duran

APPEARANCES:

Brown Rudnick
(by Elizabeth A. Ritvo, Esq.)
One Financial Center, Boston, MA 02111,
for the Boston Herald.

Esdaile Barrett & Esdaile
(by Michael E. Mone, Esq.)
75 Federal Street, 16th Floor
Boston, MA 02110,
for Judge Ernest B. Murphy.

Held at:
Massachusetts State House
Hearing Room B1
Boston, Massachusetts
Tuesday, January 8, 2008,
2:30 p.m.

(Nancy M. Kingsbury, Registered Professional Reporter)

* * *

1 P R O C E E D I N G S

2 CHAIRMAN GUTTENTAG: Good afternoon. It's
3 approximately 2:30, and I am going to call this
4 hearing to order. This is a public hearing relevant
5 to Complaints No. 2006-9 and 2006-30, SJC Docket No.
6 OE-0119, in the matter of Judge Ernest B. Murphy,
7 being held pursuant to Massachusetts General Laws
8 Chapter 211C, Section 7, Section 9, and Commission
9 Rule 11. The purpose of this hearing relates solely
10 to what the Commission's recommendation for
11 discipline will be.

12 Virtually identical letters were sent out
13 on December 19, 2007, to Mr. Patrick Purcell, care
14 of Ms. Elizabeth Ritvo, who is counsel to
15 Mr. Purcell, and Mr. Michael E. Mone, Sr., who is
16 counsel to Judge Murphy. I will read into the
17 record the first letter which was sent to
18 Mr. Purcell:

19 "Dear Mr. Purcell, this letter is to notify
20 you that, pursuant to Commission Rule 11, the
21 Commission has scheduled a public hearing in the
22 above matter regarding its recommendation for
23 discipline to the Supreme Judicial Court. This
24 hearing will take place at 2:30 p.m. on Tuesday,

1 January 8, 2008, in Hearing Room B1 at the State
2 House in Boston. Judge Ernest B. Murphy and the
3 Complainant, *The Boston Herald*, will have an
4 opportunity to be heard before the Commission at
5 this hearing. You and/or your attorney will be
6 given a total of 15 minutes in which to address the
7 Commission, as will Judge Murphy and/or his
8 attorney. This hearing is public and will be
9 transcribed. At this hearing, the Commission will
10 not entertain new evidence, exhibits, witnesses, nor
11 cross-examination. If you have any questions,
12 please contact me at (617) 725-8050," and it was
13 signed Howard B. Neff, III, staff attorney.

14 A virtually identical letter, except in
15 name changes, was sent to Attorney Mone, and unless
16 there is objection, it will be entered into the
17 record without reading. Mr. Mone?

18 MR. MONE: No objection. But I would note
19 I am Michael E. Mone. I am not Michael E. Mone, Sr.
20 Just because I have a son didn't make me "Sr." He
21 is "Jr.," but I am just Michael Mone.

22 CHAIRMAN GUTTENTAG: So noted.

23 Now, the first order of business is, we who
24 are sitting at the table and are members of the

1 Commission will introduce ourselves, state our
2 status as judge, attorney or layman.

3 JUDGE NEEL: I am Stephen Neel. I am a
4 judge member.

5 JUDGE LoCONTO: I am Paul LoConto, a judge
6 member.

7 MS. CONNAUGHTON: Mary Connaughton, a lay
8 member.

9 MR. MAHONY: Gale Mahony, lawyer member.

10 MR. MARTEL: David Martel, lawyer member.

11 MS. LANDERS: I am Renee Landers, lawyer
12 member.

13 MS. DURAN: Jacklyn Duran, lay member.

14 CHAIRMAN GUTTENTAG: Robert Guttentag, the
15 chair and a lay member. Thank you.

16 As indicated in the letters which you
17 received, the Complainant and the Respondent sides
18 will each have 15 minutes. The time may be split in
19 your option between the individuals involved and
20 their attorneys. Bear in mind that the only subject
21 under discussion is the special hearing officer's
22 recommendations. We will not entertain new
23 evidence, exhibits, witnesses, nor
24 cross-examination. And at the end of each

1 presentation, the Commission members may initiate
2 questions of the presenters.

3 I should also note at this time for
4 inclusion in the record that on December 10, 2007,
5 counsel for the Commission filed objections to the
6 hearing officer's report and proposed findings and
7 recommendations. These may be found on the
8 Commission's Web site, www.ma.gov/cjc, and copies
9 were sent to Respondent's counsel. He has filed no
10 objections. I believe we can now start.

11 Mr. Purcell or Attorney Ritvo, you have 15 minutes.

12 MR. PURCELL: Thank you. Good afternoon.
13 I am Patrick Purcell, publisher of the Boston
14 Herald.

15 The Boston Herald filed the second
16 complaint made against Judge Murphy. By the letters
17 Judge Murphy wrote to me, by their tone, by their
18 content, by the fact they were on court stationery,
19 Judge Murphy demonstrated a disregard for the rules
20 which I am told should govern the conduct of judges.
21 As you consider the facts found by Judge Kilborn and
22 consider the appropriate sanctions, I ask that you
23 keep in mind that to this day, Judge Murphy has
24 never truly accepted responsibility for all of his

1 misconduct. He has shown no regret and shown no
2 awareness of how harmful his behavior has been, not
3 just to the Herald but to the public perception of
4 how judges ought to behave.

5 This proceeding before the Commission is
6 not about the Herald, as Judge Murphy and Attorney
7 Mone argued to Judge Kilborn. The libel case Judge
8 Murphy brought against the Herald is over. We
9 believe in the Herald reporting about Judge Murphy;
10 the paper backed up that belief by going to trial.
11 The jury came back with a \$2 million verdict. We
12 appealed. We lost, and his judgment got paid.
13 That's our system. We exercised our right to defend
14 the paper and to appeal the jury's verdict.

15 The current complaints before the
16 Commission are, however, about Judge Murphy's
17 conduct, and the issue before the Commission is what
18 sanctions will communicate forcefully to Judge
19 Murphy, and clearly to the public and other sitting
20 judges, that his conduct was abuse of his office. I
21 would like to talk briefly about the judge's use of
22 court stationery and then turn to the two letters he
23 wrote to me.

24 Judge Murphy continues to minimize the

1 issues of the stationery, apologizing for his
2 mistake but seeing this as, at most, a technical
3 violation of some rule. But this is not just some
4 technical matter. How does it look to the public
5 for a judge to use court stationery to send
6 threatening letters, bizarre letters, to someone he
7 still has an active suit against?

8 Judge Murphy claimed that at the time he
9 wrote his letters to me in February, March of 2005,
10 he was unaware that judges could not use court
11 stationery for personal uses. However, at the
12 hearing, he also testified that in August of 2002 he
13 had been advised by the executive director of this
14 Commission about the appropriateness of using
15 judicial stationery for certain purposes. His
16 counsel describes the judge's use of court
17 stationery as inadvertent. But what is inadvertent
18 about Judge Murphy crossing out the name of the
19 clerk of court on an envelope and writing by hand,
20 "Murphy, J., Superior Court"?

21 As you consider sanctions against Judge
22 Murphy, I ask you to consider whether he has
23 demonstrated any understanding of why judges are
24 prohibited from using court stationery for personal

1 use, as he did. I ask you to consider whether he
2 has been candid about his ignorance of the rules on
3 this matter.

4 Now about the letters' substance. After
5 the verdict in the libel case came down, the judge
6 sent me two letters, one in February and one in
7 March 2005. His letters look like ransom notes.
8 They were threatening in tone, and I felt that they
9 were one more attempt by Judge Murphy to intimidate
10 the Herald into settling the case and not pursuing
11 its appeal.

12 Right after the verdict, Judge Murphy asked
13 for a settlement meeting through our lawyer. The
14 Herald declined. Within a day of that, Judge Murphy
15 sent his first letter to me. In it, he tells me
16 that he wants to have a meeting, a meeting where he
17 will come with his lawyer and I am to come without
18 my long-term counsel who tried our case. He insists
19 that I am not to involve these lawyers or even tell
20 them of this meeting. He tells me there is a price
21 to this meeting and that I will bring a cashiers
22 check payable to him for an amount that exceeds by
23 half a million dollars the verdict, with interest.
24 He tell me that everything he told me about what was

1 going to happen in the case has happened. He adds
2 that maybe he now has some credibility with me. He
3 concludes by telling me that it is in my distinct
4 business interest to pay him this amount, and that
5 he -- and I quote -- has not the slightest
6 apprehension of failure of my ability to make you
7 and your insurer concur in that assessment. He then
8 adds a postscript that it will be a mistake for me
9 to show this letter to anyone other than the person
10 authorized to sign the check to him. In fact, a big
11 mistake, "big" in capitals.

12 In his second letter sent a month later, he
13 tells me I have zero chance -- "zero" in caps --
14 chance of reversing this verdict on appeal. Not 5
15 percent but zero.

16 I am not an attorney. I have no legal
17 training. Judge Murphy is an attorney and a sitting
18 judge. For a sitting judge, even if he is a party
19 in the case, to tell me to come to a meeting where
20 the judge will have his counsel but I cannot is
21 simply wrong. For a sitting judge to tell me that I
22 cannot even tell my attorney about these letters or
23 about the judge's efforts to settle the case --
24 again I quote -- to his maximum advantage and to

1 mine, as he said in his first letter, is wrong. For
2 a sitting judge to state, as Judge Murphy did, that
3 he knows with 100 percent certainty what will happen
4 in the case impugns the integrity and fairness of
5 our legal system.

6 The way I read that and the way any layman
7 would read it is that the result in the case is a
8 foregone conclusion, that the fix is in. That's a
9 threat not just to the Herald but also to the
10 public's trust in our judiciary and our courts.

11 Judge Murphy has never acknowledged with
12 respect to the content of these letters that his
13 conduct was wrong or that he violated the rules
14 governing judicial conduct, rules designed to
15 protect the public and to ensure the integrity of
16 our legal system. He has expressed no regret.
17 Instead, he claims that the letters were part of his
18 grand strategy to force a settlement. But how did
19 Judge Murphy describe his strategy as to his
20 outrageous demand for a \$500,000 premium on the
21 judgment plus interest? He testified that he wanted
22 me to think -- and I quote -- this guy is crazy.
23 Whatever the judge's private strategy, all I could
24 see, and all the public can see, is what the judge

1 did and what the judge said in these letters. And
2 to a layman, what the judge did in sending these
3 letters was misconduct.

4 Judge Murphy's strategy to force a
5 settlement had one last piece. In December 2005,
6 Judge Murphy filed a baseless postjudgment motion to
7 freeze the Herald's assets, baseless because the
8 Herald had insurance. He tried to cripple us. I am
9 thankful that motion was denied. Clearly that
10 effort must be seen in conjunction with receipt of
11 those letters. Taken together they were an effort
12 to intimidate me and to keep me from exercising my
13 legal right, the right to defend this newspaper
14 whose work, whose role in this community are truly
15 believable. If this isn't misconduct, I don't know
16 the meaning of the word.

17 At the hearing, Judge Murphy's attorney
18 stated that the judge is bigger than life and that
19 he has his own way of expressing himself. But this
20 is no excuse. There are not two sets of rules
21 governing the conduct of judges, one for those
22 bigger than life and one for the other judges. To
23 the public, all judges have the same power and
24 position, and all judges must be held to the same

1 standard. For these reasons, the Herald asks that
2 Judge Murphy be suspended without pay for an
3 appropriate period of time, be publicly censured and
4 assessed costs and expenses. For the public to have
5 confidence in the courts and to believe what the
6 canons of judicial conduct mean what they say
7 demands no less. Thank you.

8 CHAIRMAN GUTTENTAG: Thank you,
9 Mr. Purcell. Do any commissioners have questions
10 for Mr. Purcell? We will now hear from Judge Murphy
11 or Attorney Mone. You also have 15 minutes.

12 MR. MONE: Thank you. Frankly, listening
13 to the Boston Herald tell us that Judge Murphy never
14 expressed any regret and that Judge Murphy has had
15 an impact on judicial ethics is like being called
16 ugly by a frog. The Boston Herald's conduct in this
17 case and its conduct in general in regards to the
18 judiciary does not stand up to the smell test,
19 particularly when you look at what it did to Judge
20 Murphy in this case. Moreover, for him to tell us
21 that Judge Murphy has never apologized, Judge Murphy
22 apologized within days; Judge Murphy apologized at
23 the hearing; Judge Murphy apologizes now. He should
24 not have written the letters; he should not have

1 used judicial stationery. He said that all along.
2 That apology is in dramatic contrast to the fact
3 that the Boston Herald has never apologized, never
4 apologized for what it did to Judge Murphy and his
5 family in this case. Not one word. To state what
6 their reporter said at the trial, when asked, he
7 didn't care about the impact that they had had on
8 Judge Murphy and his family. He said, "I don't
9 care." When asked at the hearing, when I asked
10 Mr. Purcell at the hearing as to whether he had any
11 apology for Judge Murphy after having been found by
12 a jury to have libeled him maliciously,
13 slanderously, with reckless disregard for the truth,
14 his answer was "no."

15 So please, I don't want to hear anything
16 from Mr. Purcell about what ethics require. There
17 are judicial ethics, but I assume they assume that
18 at some point there are also ethics with regard to
19 what newspapers publish, ethics that apparently the
20 Herald has no interest in and completely ignores.

21 Now, this is an interesting process. It's
22 a process unlike any legal process, because before I
23 ever get to ask a question of a witness, the
24 punishment has been decided. You have already

1 decided what the punishment is going to be. You
2 have communicated to me through your staff and at
3 the very beginning what it is you want. So before
4 Judge Kilborn heard one word, I already knew what
5 the punishment would be, and I had to convince him
6 that that was inappropriate, which I did.

7 And now here we are back here, and all I
8 can hope is that there is an open mind here, that
9 there is an open mind in regard to listening to what
10 Judge Kilborn said and what Judge Kilborn
11 recommended in this case and listening to the judge,
12 the former chief judge of the land court who was
13 appointed by the Supreme Judicial Court presumably
14 because they have confidence in his ability and his
15 integrity.

16 Judge Kilborn is the one who listened to
17 all of this and made the recommendation that you
18 have before you and made the recommendation that you
19 have in terms of what is an appropriate sanction for
20 Judge Murphy, the sanction, which I was agreeable to
21 from the very beginning, that what he should receive
22 is a public reprimand for his conduct. You do not
23 have a precedent to do worse, to do more. And I
24 want to discuss that with you, but first let me

1 discuss with you a couple of things, because what
2 the presentation in this case has always tried do is
3 to take out of the case the context under which the
4 letters were written. So all they want to do is
5 look at the text without interest to the content,
6 which there is an old saying that text without
7 context is simply pretext. That's what it is.

8 So let's understand where he was when he
9 wrote the letters, what had happened to him when he
10 wrote the letters. This is a very real part of what
11 you have to decide, because you have to decide, if
12 you will, the whole main concept of this, what it is
13 that he did, for which we admit he was wrong, but
14 what it was that drove him to do that and what were
15 the circumstances under which he did that. And
16 let's look at those circumstances, which the Herald
17 doesn't want to talk about. Their jihad does not
18 recognize what they did to this man, does not
19 recognize to this day what they have done to this
20 man.

21 And the only thing I presume that is going
22 to keep Judge Murphy off the front page of the
23 Boston Herald tomorrow will be the New Hampshire
24 primary, because they have always been known to put

1 him on the front page of the paper. They followed
2 him around, they followed his wife, they take
3 pictures of him. And this is somebody we have to
4 listen to lecture us about ethics and what's right
5 and wrong? That's the way they behave.

6 Let's look at what they did in the case.
7 You know, it's easy. I hope all of you have read
8 the Supreme Court decision in Murphy vs. Herald, a
9 unanimous decision by the court. When Judge Murphy
10 predicted that he would win, he was indeed correct.
11 The Supreme Court found that the Herald had lied 18
12 times, 18 times about Judge Murphy. They had
13 accused him of being insensitive to a rape victim.
14 They had accused him of insulting people in his
15 court. They had accused him of all of these things.

16 They have put it on their Web site. On
17 their Web site they had people writing in,
18 recommending that Judge Murphy's children, his
19 daughters, his teenage daughters, be raped, be raped
20 because that was an appropriate punishment for what
21 he had done in court. They published his whole
22 address on their Web site along with that
23 information. Their reporter went on national
24 television and said, repeated these things about

1 Judge Murphy, which a jury and which the Supreme
2 Court of this state has found were false,
3 absolutely, unequivocally false. Not only were they
4 false, they were published with reckless disregard
5 for the truth of those statements. That's what this
6 man had to undergo.

7 And put yourself in the position of a
8 judge. Put yourself in the position. What do you
9 have other than a reputation for being fair, for
10 being appropriate with litigants? What else do you
11 have? That's what they took away from him. And
12 more than that, as the Supreme Court said, they set
13 out to destroy his family. They destroyed his
14 health, they destroyed his sense of himself. They
15 took it out on his children, they put him through a
16 trial, which he won. They had every right to go to
17 trial, but he won the trial. And all of this in the
18 context of lies.

19 You know, this isn't The New York Times vs.
20 Sullivan. This is a paper that decided to get in
21 bed with a prosecutor who didn't like Judge Murphy
22 and drive him off the bench. That process continues
23 today. That's what they are asking you to do. They
24 are asking you to join in that process. And that,

1 in my view, is simply outrageous.

2 So that's the context in which he wrote the
3 letters. Was that the context in which someone else
4 might have done something different? Was that the
5 context in which a more calm and reasoned approach
6 might have been used? Yes, but look at what he had
7 gone through. Look at where he was. Look at what
8 this man and his family were suffering from. And as
9 Judge Kilborn found in his findings, his family and
10 he suffer today through this. This continues
11 through to today. His teenage daughter remains in
12 therapy. Therapy they put her in. And that's the
13 man who sat down to try to end what was happening to
14 him.

15 And he thought, he thought he had a
16 confidentiality agreement. That's what he thought.
17 Judge Kilborn said he was reasonable. That's a
18 credibility finding, by the way. Judge Kilborn
19 found that he was reasonable, that he believed it.
20 He may not have -- he shouldn't have believed it,
21 but he did believe it, that he believed he had a
22 confidentiality agreement. Now, he, the publisher,
23 doesn't remember that. He doesn't remember any of
24 that. He doesn't remember that his lawyer agreed to

1 that. But Judge Kilborn said he either knew it or
2 he was bound by what his lawyer said.

3 So he wrote the letters to Purcell. Why?
4 Because he was trying to settle the case, because he
5 was trying to get the thing over with. And, you
6 know, one of the things that they constantly repeat
7 is the thing about you have to bring the check, they
8 don't repeat the part that says at the end of this,
9 if we haven't settled the case, I am going to give
10 you the check back, because he said at the hearing
11 when he looked at his own paper, he couldn't find it
12 in his paper. That's what we are dealing with. And
13 to say -- my understanding was that at the hearing,
14 that the Commission was not holding Judge Murphy
15 responsible for anything or any pleadings that his
16 lawyers brought. The motion for protection was
17 filed by his lawyers, and it was filed in the
18 context of an insurance company who wouldn't
19 acknowledge they insured the Herald. That was the
20 context under which that was filed. So for him to
21 bring that in this morning -- or this afternoon --
22 it seems to me, is totally inappropriate.

23 Now, one of the important findings that
24 Judge Kilborn made was they weren't intimidated.

1 They were never intimidated by the letters, and it
2 didn't affect their decision to appeal. That's a
3 finding, that he wasn't intimidated. And certainly
4 the fact that it was on judicial stationery, it
5 wasn't a surprise to him that he was a judge. After
6 all, the complainant in the case was The Honorable
7 Ernest B. Murphy vs. The Boston Herald and David
8 Wedge, and others. Couldn't have not known that he
9 was a judge. So the stationery didn't bring
10 anything more to that.

11 But I understand the public perception. It
12 was inappropriate. He has acknowledged that; I
13 acknowledge that. So what we come down to, what is
14 the appropriate sanction under all the circumstances
15 for Judge Murphy? Judge Murphy is a terrific judge.
16 I have tried cases. A terrific judge. What's the
17 appropriate sanction? Well, why don't we look at
18 what you have done in the past when you have
19 suspended a judge in the past, and take a look at
20 all of those cases where you suspended someone. And
21 what do all of them have? Dishonesty, dishonesty.
22 Lying about something.

23 Judge Kilborn didn't find in one single
24 instance that Judge Murphy lied about anything. It

1 may have been wrong, but he didn't lie. So there's
2 no dishonesty. The underlying activity was not
3 dishonesty. It was not self-dealing. It was not a
4 corruption. He did not corrupt a decision in his
5 court. He did not sell himself. He didn't do any
6 of the things that have resulted in suspension. You
7 have a history here. So you have a history that
8 there is no dishonesty, there is no corruption of
9 the judicial process, and there is no pattern of
10 misconduct. Those are all of the things that you
11 looked at in the past in situations where you have
12 thought that a suspension was appropriate. None of
13 that exists in this case, and that's important.

14 And then when you put it in the context of
15 other cases, particularly where you have a finding
16 in this case by Judge Kilborn that there was no
17 willful misconduct, there may have been mistakes,
18 there may have been errors, but there was no willful
19 misconduct. So you have no dishonesty, no willful
20 misconduct, no corruption of the judicial process.
21 It was extrajudicial. And they want a suspension?
22 For what? Public perception.

23 Let's look at the public perception. Let's
24 look at cases that you have decided and that the

1 Supreme Court has decided. There are two of them
2 that I would point out to you.

3 CHAIRMAN GUTTENTAG: You have two minutes.

4 MR. MONE: I will talk faster. There are
5 two. Brown. What did Judge Brown do? Judge Brown
6 attacked a family on the bench, said that they
7 were -- said essentially they were feeding at the
8 public trough, they weren't protecting the union
9 members, and went on and on and on. Not only did he
10 do it, he did it after twice having been admonished
11 and once having been privately warned by this
12 Commission that he shouldn't be making such
13 intemperate remarks on the bench. So here is a
14 judge on the bench, making outrageous statements in
15 the middle of a judicial hearing. What was that?
16 That was a public reprimand. A public reprimand.
17 Suspension? They apparently didn't even consider a
18 suspension. That's what you recommended, and that's
19 what the Commission did.

20 Lastly, Harrison. Now, before Harrison,
21 went -- before the Harrison case turned into the
22 atomic bomb of the judicial process, the Harrison
23 case was a situation which Judge Harrison went to a
24 public hearing in which his wife was representing a

1 litigant and attacked verbally one of the
2 participants in the hearing, publicly made a vulgar
3 remark to him, and it was widely reported in the
4 paper that that's what happened. What was that?
5 What was that? Suspension? No. That was a private
6 reprimand, a private reprimand.

7 So look, at the end, what Judge Kilborn
8 recommended is appropriate. He recommended a public
9 censure for the judge. That's appropriate. He
10 recommended that he pay the costs of the proceeding.
11 That's appropriate. But to suspend him under these
12 circumstances, to suspend him under the
13 circumstances that he found himself in, to suspend
14 him when he was under this unrelenting attack by the
15 Boston Herald would be simply inappropriate.

16 And what I would ask you at the end of the
17 day is that it's time for this to end. You can end
18 this process. You can end it by publicly censuring
19 the judge. The Herald isn't going to give up. The
20 Herald will continue to follow; the Herald will
21 continue to attack; and the Herald will continue to
22 do what they have done to other members of the
23 judiciary. But he did the one thing that no one in
24 this state has ever had the guts to do. He sued

1 them, and he showed that they lied and that they
2 lied repeatedly. He stood up for an independent
3 judiciary, and he ought not to be suspended for
4 that. Do you have any questions?

5 JUDGE NEEL: One, Mr. Mone, just the very
6 last thing that you said was that Judge Kilborn
7 recommended public censure and costs. As you know,
8 he recommended public reprimand. And you said that
9 the Commission could end this by public censure and
10 costs. Where are you on the issue of reprimand
11 versus censure?

12 MR. MONE: I think they are the same thing.
13 I'm sorry. You know, whether you say "we publicly
14 reprimand" or "we publicly censure," I'm sorry, I'm
15 sort of confused where these terms have meant
16 different things at different times. In any event,
17 what it is is a public -- a public acknowledgment
18 that he did the wrong thing, and you are censuring
19 him for this. That's the appropriate -- that's what
20 I view to be the appropriate sanction under all
21 these circumstances, particularly under -- by the
22 way, there's no precedent in the country that holds
23 to the contrary.

24 JUDGE NEEL: Thank you.

1 CHAIRMAN GUTTENTAG: Other questions? I
2 assume Judge Murphy has spoken through you, Attorney
3 Mone.

4 MR. MONE: He waives his time, since I used
5 it.

6 CHAIRMAN GUTTENTAG: Thank you all for
7 coming. The Commission will make its final
8 recommendation to the Supreme Journal Court within
9 90 days from today, and there being no further
10 matters to come before this hearing, this hearing is
11 adjourned.

12 (Whereupon, the hearing was
13 adjourned at 3:00 p.m.)

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C E R T I F I C A T E

I, Nancy M. Kingsbury, Registered Professional Reporter, do hereby certify that the foregoing transcript, Volume IV, is a true and accurate transcription of my stenographic notes taken on January 8, 2008.

Nancy M. Kingsbury
Registered Professional Reporter

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