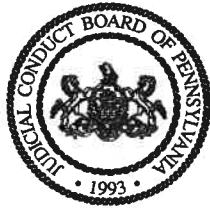


Judicial Conduct Board

Commonwealth of Pennsylvania



Joseph A. Massa, Jr., Chief Counsel
717-234-7911

Press Release

September 24, 2010

TO: Media/Press

FROM: Judicial Conduct Board

**SUBJECT: David J. Murphy,
Former Magisterial District Judge;
Magisterial District 32-2-38;
Delaware County
1 JD 2010**

Harrisburg. The Judicial Conduct Board has announced today that it has instituted formal proceedings against former Magisterial District Judge David J. Murphy of Delaware County. A Board Complaint has been filed with the Court of Judicial Discipline in Harrisburg.

The Board Complaint alleges that as a result of his July 21, 2010 conviction on charges of Forgery, Identity Theft and Perjury, former Magisterial District Judge Murphy has engaged in activity prohibited by law and has brought disrepute to the judiciary.

In accordance with the rules which govern proceedings before the Court of Judicial Discipline, former Magisterial District Judge Murphy has an opportunity to respond to the charges, obtain and inspect the evidence which forms the basis of the allegations and the right to a public trial before the Court of Judicial Discipline.

Upon completion of the trial, if the Court determines that the charges have been proven by clear and convincing evidence, it will schedule a Sanctions Hearing to determine what sanctions should be imposed upon the former magisterial district judge for violating the Rules Governing Standards of Conduct of Magisterial District Judges and the Pennsylvania Constitution. Possible sanctions include reprimand and restriction of future judicial employment.

Counsel

Board: Daniel T. Reimer -- Assistant Counsel

Respondent: James C. Schwartzman, Esquire

Contact: Joseph A. Massa, Jr., Chief Counsel

Board Complaint (without exhibits) is attached.

For more information about the Judicial Conduct Board, please visit our website at www.jcbpa.org.

END

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

RECEIVED AND FILED
COURT OF
JUDICIAL DISCIPLINE
OF PENNSYLVANIA

2010 SEP 24 A 10: 19

In re:

David J. Murphy :
Former Magisterial District Judge :
District Court 32-2-38 : 1 JD 2010
Delaware County :
:

IMPORTANT NOTICE

TO: FORMER MAGISTERIAL DISTRICT JUDGE DAVID J. MURPHY:

The Pennsylvania Judicial Conduct Board has determined that there is probable cause to file formal charges against you for conduct proscribed by Article V, §§ 17 and 18 of the Constitution of the Commonwealth of Pennsylvania. The Board's counsel will present the case in support of the charges before the Pennsylvania Court of Judicial Discipline.

You have an absolute right to be represented by a lawyer in all proceedings before the Court of Judicial Discipline. Your attorney should file an entry of appearance with the Court of Judicial Discipline within fifteen (15) days of service of this Board Complaint in accordance with C.J.D.R.P. No. 110.

You are hereby notified, pursuant to C.J.D.R.P. No. 302(B), that should you elect to file an omnibus motion, that motion should be filed no later than thirty (30) days after the service of this complaint in accordance with C.J.D.R.P. No. 411.

BOARD COMPLAINT

AND NOW, this 24th day of September, 2010, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (hereinafter "Board") and files this Complaint against Former Magisterial District Judge David J. Murphy (hereinafter "Respondent"), District Court 32-2-38, Delaware County, Pennsylvania, pursuant to Court of Judicial Discipline Rule of Procedure 303, alleging that the Respondent has violated the Constitution of the Commonwealth Article V, § § 17(b) and 18(d)(1) as more specifically delineated herein.

1. This action is taken pursuant to the authority of the Board under Article V, § 18 of the Constitution of the Commonwealth of Pennsylvania, which grants the Board the authority to determine whether there is probable cause to file formal charges, and, when it concludes that probable cause exists to file formal charges against a justice, judge, or magisterial district judge for proscribed conduct, to present the case in support of such charges before the Court of Judicial Discipline.

2. From January 6, 1992 until August 26, 2009, Respondent served as a Magisterial District Judge in Delaware County, Pennsylvania, in District Court 32-2-28. As a Magisterial District Judge, he was subject to all the duties and responsibilities imposed on him by the Constitution of Pennsylvania.

3. On August 26, 2009, Respondent was placed on paid administrative leave by the President Judge of Delaware County after a criminal investigation had been launched by the Delaware County District Attorney's Office concerning Respondent's alleged forgery of nomination petitions for his 2009 campaign for re-election.

4. Despite being on administrative leave, Respondent was successful in his bid for re-election and his commission for another term was issued on December 21, 2009. Respondent signed his Oath of Office on January 4, 2010.

5. Respondent continued to be placed on paid administrative leave until March 29, 2010, on which date he was placed on unpaid leave following his arraignment on multiple criminal counts.

6. On March 31, 2010, Respondent retired from his position as Magisterial District Judge.

7. On July 21, 2010 Respondent entered a guilty plea to sixty-four (64) counts of **Forgery**, 18 P.S. §4101 (graded as misdemeanors of the first degree); sixty-four (64) counts of **Identity Theft**, 18 P.S. §4120 (graded as misdemeanors of the first degree); two (2) counts of **Perjury**, 25 P.S. §3502 (Election Code)(graded as misdemeanors of the first degree); sixty-four (64) counts of **False Signatures in Nomination Petitions**, 25 P.S. §3513 (Election Code)(ungraded misdemeanors) and one (1) count of **Criminal Conspiracy**, 18 P.S. §903 (graded as a misdemeanor of the first degree).

8. Respondent was immediately sentenced to an aggregate period of probation of four (4) years, ordered to perform 200 hours of community service and to obey the general conditions of his probationary supervision. A certified copy of the Certificate of Imposition of Judgement of Sentence is attached hereto as Exhibit "A"; a certified copy of the signed Criminal Information is attached hereto as Exhibit "B" and a copy of the transcript from the sentencing proceeding is attached hereto as Exhibit "C".

9. Respondent has not appealed from either his conviction or sentence, and therefore his conviction is final for purposes of this proceeding. A certified copy of the docket is attached hereto as Exhibit "D".

10. The allegations contained in the paragraphs two (2) through (9) of this Complaint subject Respondent to discipline pursuant to Article V, 18(d)(1) of the Pennsylvania Constitution for the following reasons:

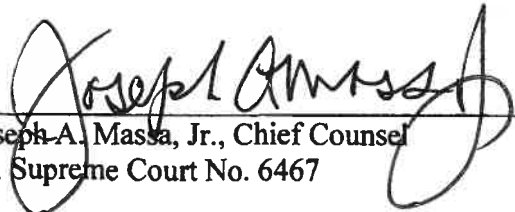
COUNT 1: Respondent has violated Article V, § 18(d)(1) of the Pennsylvania Constitution by engaging in conduct which brings the judicial office into disrepute; and

COUNT 2: By virtue of his conviction as set forth above, Respondent has violated Article V, § 17(b) of the Pennsylvania Constitution by engaging in activity prohibited by law.

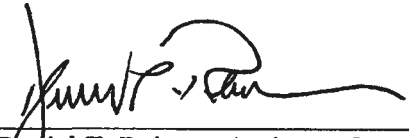
WHEREFORE, David J. Murphy, the former Magisterial District Judge named in these charges, is subject to disciplinary action pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, § 18(d)(1).

Respectfully submitted,

September 24, 2010



Joseph A. Massa, Jr., Chief Counsel
Pa. Supreme Court No. 6467

BY 

Daniel T. Reimer, Assistant Counsel
Pa. Supreme Court No. 68955

Judicial Conduct Board
601 Commonwealth Avenue
P.O. Box 62525
Harrisburg, PA 17106
(717) 234-7911

COMMONWEALTH OF PENNSYLVANIA

COURT OF JUDICIAL DISCIPLINE

In re:

David J. Murphy :
Former Magisterial District Judge :
District Court 32-2-38 : 1 JD 2010
Delaware County :
:

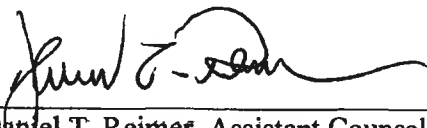
VERIFICATION

I am Assistant Counsel for the Judicial Conduct Board and I am authorized to make this verification and file the foregoing *BOARD COMPLAINT*. I verify that the Judicial Conduct Board found probable cause to file the formal charges contained in this Board Complaint. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S Section 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

September 24, 2010

BY



Daniel T. Reimer, Assistant Counsel
Pa. Supreme Court No. 68955

Judicial Conduct Board
301 Chestnut Street, Suite 403
Harrisburg, PA 17101
(717) 234-7911

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

In re:

David J. Murphy :
Former Magisterial District Judge :
District Court 32-2-38 : **1 JD 2010**
Delaware County :


PROOF OF SERVICE

In compliance with Rule 122(D) of the Court of Judicial Discipline Rules of Procedure, on September 24, 2010, a copy of this *BOARD COMPLAINT* was sent by U.S. Mail to counsel for the Respondent:

James C. Schwartzman
Stevens & Lee
1818 Market Street
29th Floor
Philadelphia, PA 19103

Certified Mail No. 7161 7145 5370 3333 5880
Return Receipt Requested

Respectfully submitted,



Daniel T. Reimer, Assistant Counsel
Pa. Supreme Court No. 68955

Judicial Conduct Board
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Harrisburg, PA 17101
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