

APPLICATION FOR NOMINATION TO THE 18th CIRCUIT COURT

(Please attach additional pages as needed to respond fully to questions.)

DATE: September 1, 2018 Florida Bar No.: 369705

GENERAL: Social Security No.: _____

1. Name John C. Murphy E-mail: JCMurf58@gmail.com

Date Admitted to Practice in Florida: September 22, 1983

Date Admitted to Practice in other States: Ohio, November 15, 1982 (Inactive)

2. State current employer and title, including professional position and any public or judicial office.

Murphy's Law Offices, P.A., President

3. Business address: 5575 US Highway 1

City Rockledge County Brevard State FL ZIP 32955

Telephone (321) 985-0025 FAX (321) 985-0010

4. Residential address: _____

City _____ County _____ State _____ ZIP _____

Since October 1, 2008 Telephone _____

5. Place of birth: Woonsocket, R.I.

Date of birth: _____ Age: 60

6a. Length of residence in State of Florida: since 1982.

6b. Are you a registered voter? Yes No

If so, in what county are you registered? Brevard

7. Marital status: Married

If married: Spouse's name _____

Date of marriage _____

Spouse's occupation _____

If ever divorced give for each marriage name(s) of spouse(s), current address for each former spouse, date and place of divorce, court and case number for each divorce.

N/A

8. Children
Name(s) *Age(s)* *Occupation(s)* *Residential address(es)*

9. Military Service (including Reserves)

<i>Service</i>	<i>Branch</i>	<i>Highest Rank</i>	<i>Dates</i>
US Army Reserve	Special Forces	Colonel	May 79 to July 08

Rank at time of discharge Colonel (Ret) Type of discharge 30 year Retirement
Awards or citations See Appendix A - Resume of Service Career

HEALTH:

10.

11a.

11b.

12a.

12b.

13.

14.

15.

16.

17.

EDUCATION:

18a. Secondary schools, colleges and law schools attended.

<i>Schools</i>	<i>Class Standing</i>	<i>Dates of Attendance</i>	<i>Degree</i>
US Army War College	Unknown	May 04 - Jul 06	MS
Florida Institute of Technology		Sep 85 - May 92	
University of Dayton School of Law	Unknown	June 79 - May 82	JD
University of Rhode Island	Unknown	Sep 75 - May 79	BA

18b. List and describe academic scholarships earned, honor societies or other awards.

Florida Institute of Technology Business Honor Society (Delta Mu Delta)

NON-LEGAL EMPLOYMENT:

19. List all previous full-time non-legal jobs or positions held since 21 in chronological order and briefly describe them.

<i>Date</i>	<i>Position</i>	<i>Employer</i>	<i>Address</i>
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May 79

Various

US Army Reserve

See Appendix A

Resume of Career
Service

PROFESSIONAL ADMISSIONS:

20. List all courts (including state bar admissions) and administrative bodies having special admission requirements to which you have ever been admitted to practice, giving the dates of admission, and if applicable, state whether you have been suspended or resigned.

<i>Court or Administrative Body</i>	<i>Date of Admission</i>
Florida Supreme Court	(1983)
Ohio Supreme Court (Inactive)	(1982)
US Supreme Court	(1990)
US Court of Appeals for the 11th Circuit	(1983)
US Court of Appeals for the Federal Circuit	(1990)
US Court of Appeals for Veterans Claims	(2015)
US Claims Court	(1990)
US Tax Court	(1983)
USDC for the Middle District of Florida	(1983)

LAW PRACTICE: (If you are a sitting judge, answer questions 21 through 26 with reference to the years before you became a judge.)

21. State the names, dates and addresses for all firms with which you have been associated in practice, governmental agencies or private business organizations by which you have been employed, periods you have practiced as a sole practitioner, law clerkships and other prior employment:

<i>Position</i>	<i>Name of Firm</i>	<i>Address</i>	<i>Dates</i>
Partner & Managing Partner	Betten, Murphy & Weiss, Attorneys, P.A.	2627 West Eau Gallie Blvd. Melbourne, FL 32935	2/83 to 12/06

22. Describe the general nature of your current practice including any certifications which you possess; additionally, if your practice is substantially different from your prior practice or if

you are not now practicing law, give details of prior practice. Describe your typical clients or former clients and the problems for which they sought your services.

My practice evolved over the years. Initially, my practice was a trial practice with emphasis on criminal, juvenile and family law. Over time, I added more civil areas including government contract law, real estate, corporate, construction litigation including construction liens, homeowners associations and personal injury/insurance defense. I also practiced Federal Administrative Law appearing before a number of the Boards of Contract Appeals, the Merit System Protection Board, the Federal Department of Labor and the the Defense Office of Hearings and Appeals.

My current practice is limited to elder law including estate planning, probate administration and litigation, trust administration and litigation, medicaid estate planning including representation before the Florida Department of Children and Families. My typical client is seeking estate planning or needs a probate. I also handle Criminal Law cases mainly DUIs. I do have a small number of general civil cases

23. What percentage of your appearance in courts in the last five years or last five years of practice (include the dates) was in:

	Court		Area of Practice	
Federal Appellate	_____	%	Civil	_____ 10 %
Federal Trial	_____	%	Criminal	_____ 60 %
Federal Other	_____	%	Family	_____ 10 %
State Appellate	_____	%	Probate	_____ 20 %
State Trial	_____ 100	%	Other	_____ %
State Administrative	_____	%		
State Other	_____	%		
	_____	%		
TOTAL	_____ 100	%	TOTAL	_____ 100 %

24. In your lifetime, how many (number) of the cases you have tried to verdict or judgment were:

Jury?	_____ 52	Non-jury?	_____ 470
Arbitration?	_____ 0	Administrative Bodies?	_____ 100

25. Within the last ten years, have you ever been formally reprimanded, sanctioned, demoted, disciplined, placed on probation, suspended or terminated by an employer or tribunal before which you have appeared? If so, please state the circumstances under which such action was taken, the date(s) such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action.

No

26. In the last ten years, have you failed to meet any deadline imposed by court order or received notice that you have not complied with substantive requirements of any business or contractual arrangement? If so, please explain in full.

No

(Questions 27 through 30 are optional for sitting judges who have served 5 years or more.)

27a. For your last 6 cases, which were tried to verdict before a jury or arbitration panel or tried to judgment before a judge, list the names and telephone numbers of trial counsel on all sides and court case numbers (include appellate cases).

Kenyon v. Wilson, 2016-SC-30194, Joshua F. Porter (321) 445-7474 and Kory Pyles (321) 639-5900

State v. Boswell, 2017-CT-22321, ASA Parick Landy, (321) 617-7510

State v. D'Anna, 2016-MM-43837, ASA Francis D. DeMuro, (321) 617-7510

Bank of NY v. Loose, 2010-CA-7662, Walter L Sanders, (813) 908-4183

Brewster v. Rendon, 2017-DR-26909, Charles A. Kohler (904) 716-8000

Collins v. Woody, 2017-DR-14198, Joseph A. Culmer (321) 231-3597

27b. For your last 6 cases, which were settled in mediation or settled without mediation or trial, list the names and telephone numbers of trial counsel on all sides and court case numbers (include appellate cases).

Benazzo Trust, no case number, J. Rudi Trader, (321) 723-6731

Proszek v. McKinnie, 2018-CC-38075, J. Christopher Crowder, (321) 784-8158

Abbott v. Turner, 2017-CA-31637, Charles A. Kohler (904) 716-8000

Estate of Schuster, 2017-CP-21085, Brian W. Hurd (321) 453-5027

Fergusons v H&H Plumbing, 2018-CC-50516, Timothy R. Moorhead (407) 425-0234

State v. Coulson, 2016-CT-52185, ASA Kerry Mawn (321) 617-7510

27c. During the last five years, how frequently have you appeared at administrative hearings?
0 average times per month

27d. During the last five years, how frequently have you appeared in Court?
15 average times per month

27e. During the last five years, if your practice was substantially personal injury, what percentage of your work was in representation of plaintiffs?
_____ % Defendants? _____ %

28. If during any prior period you have appeared in court with greater frequency than during the last five years, indicate the period during which this was so and give for such prior periods a succinct statement of the part you played in the litigation, numbers of cases and whether jury or non-jury.

n/a

29. For the cases you have tried to award in arbitration, during each of the past five years, indicate whether you were sole, associate or chief counsel. Give citations of any reported cases.

n/a

30. List and describe the six most significant cases which you personally litigated giving case style, number and citation to reported decisions, if any. Identify your client and describe the nature of your participation in the case and the reason you believe it to be significant. Give the name of the court and judge, the date tried and names of other attorneys involved.

1. JOHN E. DAVIS VS PALM GARDENS GOLF COURSE, Brevard Case 05-1997-CA-020932, Plaintiff was hit in the eye by a golf ball. Multiple day jury trial. This case presented a complex liability situation since most people participate in golf. There was a very tough comparative negligence issue and a Workman's Compensation denial that negated the comparative negligence verdict. The case was tried in front of The Honorable Lisa Davidson (321) 617-7281.

2. WILEY J. WILLIAMS VS. CHRISTOPHER P HAMILTON and SEAN N. GARNER, Brevard Case 05-1996-CA-013031. My first civil jury trial. I represented the insurance company. This was an automobile accident, soft tissue case with the addition of a potential bad faith claim. The case was tried in front of The Late Honorable Thomas Waddell and the attorney for the Plaintiff was Howard M. Swerbilow, Esquire (321) 453-3880.

3. MARGARET WHITE VS GEORGE VARTANIAN, Brevard Case 05-1998-DR-006065. This case presented an issue concerning the distribution of military retirement years before the Uniformed Services Former Spouse Protection Act federal statute was passed. The case was tried in front of The Honorable David Dugan (321) 617-7279. Representing the former wife was Paul M. Goldman, Esquire now deceased.

4. STATE VS JAMES M. MURPHY, Brevard Case 05-1991-CT-79912. This was my first criminal jury trial defending my brother on a charge of DUI. I do not remember who the ASA was in this case. The case was tried in front of The Honorable William T. McCluan (321) 720-3174.

5. WILLIAMS VS NEC, USDCMDFL 1990? This case presented the question of whether a government employee may file a qui tam action under the False Claims Act based upon information acquired in the course of his government employment. I researched and drafted pleadings in the Middle District before it went to the Eleventh Circuit.

31. Attach at least one example of legal writing which you personally wrote. If you have not personally written any legal documents recently, you may attach writing for which you had substantial responsibility. Please describe your degree of involvement in preparing the writing you attached.

I am the author of all my writing samples and my published opinions.

See Appendix B - Writing Samples

LEGAL

CRIMINAL

1. Order Denying Motion to Suppress, State v. Marto, May 2012.
2. Order Granting Motion to Suppress, State v. Torpy, May 2010.

CIVIL

3. Final Judgment, Marine Bank v. Florida Business Bank, March 19, 2012.
4. Order Granting Defendant's Motion to Dismiss, July 28, 2015.

PROBATE

5. Order Enforcing Marital Settlement Agreement, Kaylor v. Wilder, November 2009.

FAMILY

6. Final Judgment for Dissolution of Marriage, Kuhley v. Kuhley, May 2008.
7. Final Judgment Granting Father's Petition to Relocate, Sheeks v. Guzzetta, August 6, 2014.

NON-LEGAL

8. US Army Command & General Staff College, Leadership Paper, February 22, 1991.

See Appendix C - Published Opinions (all available at FloridaLawWeekly.com).

PRIOR JUDICIAL EXPERIENCE OR PUBLIC OFFICE:

- 32a. Have you ever held judicial office or been a candidate for judicial office? If so, state the court(s) involved and the dates of service or dates of candidacy.

County Court Judge, Brevard County from January 2007 to January 2015

- 32b. List any prior quasi-judicial service:

<i>Dates</i>	<i>Name of Agency</i>	<i>Position Held</i>
1983-1992	Melbourne Beach Police Civil Service Board	Member 83-84 Chair 84-92
1995-1998	US Army Summary	Presiding Official

Court Martial

1979-2008

Article 15

as Commander of units

Police - Employment issues concerning Police Officers.

Types of issues heard: Army - equivalent to criminal non-jury trial.

32c. Have you ever held or been a candidate for any other public office? If so, state the office, location and dates of service or candidacy.

N/A

32d. If you have had prior judicial or quasi-judicial experience,

(i) List the names, phone numbers and addresses of six attorneys who appeared before you on matters of substance.

1. William F. Meyer, Esquire (321) 757-1470
1250 W. Eau Gallie Blvd., Suite G, Melbourne, Florida 32935

2. R. Scott Robinson, Esquire (321) 504-0321
5450 Village Dr, Rockledge, Florida 32955

3. Michelle Pruitt Studstill, Esquire (321) 425-2082
1361 Bedford Drive, Suite 103, Melbourne, Florida 32940

4. Jay Thakker, Esquire (321) 639-1320
96 Willard Street, Suite #302, Cocoa, FL 32922

5. Geoffrey Golub, Esquire (321) 757-6848
512 N. Harbor City Blvd., Melbourne, Florida 32935

6. Steven G. Casanova, Esquire (321) 725-3700
2323 S. Babcock Street, Melbourne, Florida 32901

(ii) Describe the approximate number and nature of the cases you have handled during your judicial or quasi-judicial tenure.

During my 9 years on the bench, I handled over 26,500 cases including over 140 jury trials. From January 2007 to March 31, 2007, I handled a combined civil and criminal division in the County Court. From July 2014 to January 2015, I handled a civil docket. The remaining time was in a criminal division.

(iii) List citations of any opinions which have been published.

I have had over 160 published opinions. See Appendix C - Published Opinions

(iv) List citations or styles and describe the five most significant cases you have tried or heard. Identify the parties, describe the cases and tell why you believe them to be significant. Give dates tried and names of attorneys involved.

1. STATE VS MCKELLAR LASHAWN, Brevard Case 05-2006-MM-050181. This case was my first jury trial as a County Court Judge. The State Attorney was Nathan Knust, Esquire (704) 262-5610 and the Public Defender was Mary McNames Kramer, Esquire (321) 723-6591.
2. JOHN KUHLEY VS JOYCE KUHLEY, Brevard Case 05-2006-DR-006959. I heard a this family case as an Acting Circuit Judge. This case presented a novel situation of using a supportive relationship to support the husband's ability to pay. Representing the husband was Margaret M. Anderson, Esquire (772) 562-6262 and the wife was represented by Thomas R. Townsend, Esquire (321) 632-4656.
3. STATE VS FULTON, Brevard Case 05-2009-CF-51794. I heard this case as an acting Circuit Judge. This case presented an issue of a 4th Sale of Cocaine offender and applying the Habitual Felony Offender (HFO) enhancement. The State was represented by Kaylee J. Taylor and Kari D. Kies (321) 617-7510 and the defense was represented by Daniel Wehking (863) 248-3002.
4. COCOA BEACH VS PATTY, Brevard Case 2014-CO-37401. This was a consolidation of four (4) cases. The case presented the issue of commercial speech restrictions by the City. Representing the City was James G. Fowler (407) 425-2684 and the Defendant was represented by Joshua F. Porter (321) 445-7474.
5. JOHN E. DAVIS VS PALM GARDENS GOLF COURSE, Brevard Case 05-1997-CA-020932, Plaintiff was hit in the eye by a golf ball. Multiple day jury trial. This case presented a complex liability situation since most people participate in golf. There was a very tough comparative negligence issue and a Workman's Compensation denial that negated the comparative negligence verdict. The case was tried in front of The Honorable Lisa Davidson (321) 617-7281.

(v) Has a complaint about you ever been made to the Judicial Qualifications Commission? If so, give date, describe complaint, whether or not there was a finding of probable cause, whether or not you have appeared before the Commission, and its resolution.

Yes. August 2014, the JQC filed a Notice of Formal Charges. The case was heard by the JQC on March 30 and 31, 2015. The JQC did recommend I be retained as a County Judge with sanctions. The Florida Supreme Court removed me as presently unfit to hold

office. They did state elsewhere in the Order, "It is without question that except for the June 2, 2014, incident, Judge Murphy has been a good judge."

(vi) Have you ever held an attorney in contempt? If so, for each instance state name of attorney, approximate date and circumstances.

No. I do not use contempt lightly. I believe contempt is a last and final resort.

There was a particular lawyer who continued to ignore the rules and decorum. First, I gave a subtle warning at the bench. The offending conduct continued. Second, I gave a stern warning on the record. The attorney was not getting the message. I was heading toward the contempt route next but upon reflection I decided for another technique. The lawyer arrived for the contempt proceeding but instead I had them walk with me back to chambers and we discussed the matter. I never had a problem with that lawyer again.

Upon reflection, I should have used the contempt power on June 2, 2014.

(vii) If you are a quasi-judicial officer (ALJ, Magistrate, General Master), have you ever been disciplined or reprimanded by a sitting judge? If so, describe.

N/A

BUSINESS INVOLVEMENT:

33a. If you are now an officer, director or otherwise engaged in the management of any business enterprise, state the name of such enterprise, the nature of the business, the nature of your duties, and whether you intend to resign such position immediately upon your appointment or election to judicial office.

N/A

33b. Since being admitted to the Bar, have you ever been engaged in any occupation, business or profession other than the practice of law? If so, give details, including dates.

See Appendix A - Resume of Service Career

33c. State whether during the past five years you have received any fees or compensation of any kind, other than for legal services rendered, from any business enterprise, institution, organization, or association of any kind. If so, identify the source of such compensation, the nature of the business enterprise, institution, organization or association involved and the dates such compensation was paid and the amounts.

None

POSSIBLE BIAS OR PREJUDICE:

34. The Commission is interested in knowing if there are certain types of cases, groups of entities, or extended relationships or associations which would limit the cases for which you could sit as the presiding judge. Please list all types or classifications of cases or litigants for which you as a general proposition believe it would be difficult for you to sit as the presiding judge. Indicate the reason for each situation as to why you believe you might be in conflict. If you have prior judicial experience, describe the types of cases from which you have recused yourself.

In the past, I have never recused myself from any cases. I was disqualified once after the June 2, 2014 incident. There is no particular type of case or relationship which would hinder my ability to sit as a judge, except one person. That one person was

involved in the June 2, 2014 incident. If selected for this position, I would enter an automatic recusal order concerning that person. I think I could be fair to that lawyer and his clients but do not want to face any accusation that he or his client were treated unfairly.

MISCELLANEOUS:

- 35a. Have you ever been convicted of a felony or a first degree misdemeanor?
Yes _____ No xx If "Yes" what charges? _____
Where convicted? _____ Date of Conviction: _____
- 35b. Have you pled nolo contendere or pled guilty to a crime which is a felony or a first degree misdemeanor?
Yes _____ No xx If "Yes" what charges? _____
Where convicted? _____ Date of Conviction: _____
- 35c. Have you ever had the adjudication of guilt withheld for a crime which is a felony or a first degree misdemeanor?
Yes _____ No xx If "Yes" what charges? _____
Where convicted? _____ Date of Conviction: _____
- 36a. Have you ever been sued by a client? If so, give particulars including name of client, date suit filed, court, case number and disposition.
No
- 36b. Has any lawsuit to your knowledge been filed alleging malpractice as a result of action or inaction on your part?
No
- 36c. Have you or your professional liability insurance carrier ever settled a claim against you for professional malpractice? If so, give particulars, including the amounts involved.
No
- 37a. Have you ever filed a personal petition in bankruptcy or has a petition in bankruptcy been filed against you?
No
- 37b. Have you ever owned more than 25% of the issued and outstanding shares or acted as an officer or director of any corporation by which or against which a petition in bankruptcy has been filed? If so, give name of corporation, your relationship to it and date and caption of petition.
No
38. Have you ever been a party to a lawsuit either as a plaintiff or as a defendant? If so, please supply the jurisdiction/county in which the lawsuit was filed, style, case number, nature of the lawsuit, whether you were Plaintiff or Defendant and its disposition.

Yes. Successfully sued the Brevard County Property Appraiser in 1984 for denying my Homestead Exemption while I was on military duty.

39. Has there ever been a finding of probable cause or other citation issued against you or are you presently under investigation for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, or other professional group. If so, give the particulars.

Based on the same June 2, 2014 incident, The Florida Bar pursued charges. The case was resolved with a Report of Minor Misconduct which was an Admonishment issued May 6, 2016. The chair of the 10th Circuit Grievance Committee agreed to be one of my references under paragraph 54.

40. To your knowledge within the last ten years, have any of your current or former co-workers, subordinates, supervisors, customers or clients ever filed a formal complaint or formal accusation of misconduct against you with any regulatory or investigatory agency, or with your employer? If so, please state the date(s) of such formal complaint or formal accusation(s), the specific formal complaint or formal accusation(s) made, and the background and resolution of such action(s). (Any complaint filed with JQC, refer to 32d(v).

No

41. Are you currently the subject of an investigation which could result in civil, administrative or criminal action against you? If yes, please state the nature of the investigation, the agency conducting the investigation and the expected completion date of the investigation.

No

42. In the past ten years, have you been subject to or threatened with eviction proceedings? If yes, please explain.

No

- 43a. Have you filed all past tax returns as required by federal, state, local and other government authorities?

Yes No If no, please explain. _____

- 43b. Have you ever paid a tax penalty?

Yes No If yes, please explain what and why. _____

- 43c. Has a tax lien ever been filed against you? If so, by whom, when, where and why?

No

HONORS AND PUBLICATIONS:

44. If you have published any books or articles, list them, giving citations and dates.

N/A

45. List any honors, prizes or awards you have received. Give dates.

N/A

46. List and describe any speeches or lectures you have given.

Viera Courthouse, Juror Education & Motivation, every Tuesday 2007-14
 Melbourne Chamber of Commerce, Veteran's Resource Council, Quarterly Breakfast, Veteran's Treatment Court, Jan 14
 Knights of Columbus, St. Patrick's Assembly, Veteran's Day, Nov 13
 Sons of the American Revolution, State Convention, Veteran's Treatment Court, Sep 13
 Cocoa Beach Rotary Club, Stand Your Ground: Post Zimmerman, Aug 13
 Rotary Club of Cocoa, Stand Your Ground, June 13
 18th Judicial Circuit, Fairness & Diversity Trainer, Apr 13
 Space Coast Community Law School, Gun Control & Stand Your Ground Apr 13
 Suntree Rotary Club, Stand Your Ground, March 13
 Florida Association of Professional Process Servers, Florida Service of Process Law and Electronic Service of Process, Mar 13
 Space Coast Community Law School, Gun Laws & Stand Your Ground Oct 12
 Daughters of the American Revolution, Veteran's Treatment Court, June 12
 Citizens for Constitutional Property Rights, Media & Trials, May 12
 Cocoa Beach HS, Veterans Day, Nov 11
 Florida Institute of Technology, Military Ball, How to Succeed to the Military, May 11
 Eau Gallie Yacht Club, Captain's Table, Criminal Court Issues, March 11
 The Florida Bar, Practicing with Professionalism, Top 10 Ways to Organization Feb 10
 Massing of the Colors, Veteran's Day Keynote Speaker, Nov 09
 Cocoa Beach HS, Veteran's Day Speech, Nov 09
 Brevard County Bar Association, Ethics in the Courtroom, Nov 09
 Numerous speeches on Criminal Court, Veterans Treatment Court, Patriotism, Judicial Ethics, Media & Trials

47. Do you have a Martindale-Hubbell rating? Yes If so, what is it? ___ No

PROFESSIONAL AND OTHER ACTIVITIES:

48a. List all bar associations and professional societies of which you are a member and give the titles and dates of any office which you may have held in such groups and committees to which you belonged.

Admitted to the Bar: Ohio Supreme Court inactive (1982); Florida Supreme Court (1983)
 US Supreme Court, US Court of Appeals for the 11th Circuit, the Federal Circuit and Veterans Claims, US Claims Court; US Tax Court and US District Court for the Middle District of Florida, Brevard County Bar Association, Seminole County Bar Association

and the Crane Creek Bar.

- 48b. List, in a fully identifiable fashion, all organizations, other than those identified in response to question No. 48(a), of which you have been a member since graduating from law school, including the titles and dates of any offices which you have held in each such organization.

Board of Governors, Young Lawyer's Division, The Florida Bar (Three Terms 87-92)

Conference of County Court Judges (CCCJ) (07- 15)

18th Judicial Circuit Representative (09-10)

Vice President (5th DCA) (10-11)

Brevard County Court

Acting Administrative Judge (09-11)

Administrative Judge (Chief Judge) (11-12)

Acting Administrative Judge (13-14)

Brevard County Canvassing Board (Chairperson) (13 - 14)

Drug Court back up Judge 09-11

Veteran's Court presiding Judge 11-14

Vassar B. Carlton American Inns of Court (07 to present)

Program Director (10-13) 4 National Program Awards in three years

Executive Board (10 - present)

National Honor Society, Florida Institute of Technology Graduate Business School

Leadership Brevard (86-87)

Sigma Chi Fraternity (Life Member)

Military Officers Association of America, Cape Canaveral Chapter (Dir 97-99 & 17-19),
2d VP 99, 1st VP 00, Pres 01 & Past Pres 02) National Chapter of the Year when
President

Military Order of the World Wars (National JAG (General Council) 04-05, Nat'l Ass't JAG
05 to 08) Patrick Henry Silver Medallion; Citizen Soldier of the Year

US Army War College Alumni Association

Air Defense Artillery Association (Life Member); Ancient Order of Saint Barbara

Civil Affairs Association (Life Member); Order of Cincinnatus

Special Forces Association

Military Society of the Blue Badge (Combat Infantryman Badge)

U.S. Parachute Association (License C-30031)

Melbourne Sertoma Club, Sertoman of the Year.

48c. List your hobbies or other vocational interests.

My military career took up much of my free time. Since my military retirement, I spend quite a bit of time working in my yard. I enjoy running for health and occasionally run a race. Someday, I endeavor to hit a golf ball.

My wife and I participate in a Fantasy Football league together. I am the Director of Player Personnel and she is the Head Coach. Although, she also claims to be the General Manager. In our rookie year, we reached the Super Bowl but did not win that game.

48d. Do you now or have you ever belonged to any club or organization that in practice or policy restricts (or restricted during the time of your membership) its membership on the basis of race, religion, national origin or sex? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices and whether you intend to continue as a member if you are selected to serve on the bench.

No

48e. Describe any pro bono legal work you have done. Give dates.

I provided Pro Bono services at the South Brevard Geriatric Center from 1998 to 2005. Our firm considered Pro Bono work mandatory well before The Florida Bar. I spent one morning a month providing free legal assistance to indigent or low income seniors. Most clients desired Estate Planning. This included a Will, Power of Attorney and Advance Directives. Other topics included advice on Bankruptcy, Landlord Tenant, Contracts, Small Claims and sometimes just common sense advice.

Since returning to private practice, I have performed my pro bono work by representing alleged incapacitated persons under Guardianship Court appointments. I exceed the mandatory hours by double/triple each year.

SUPPLEMENTAL INFORMATION:

49a. Have you attended any continuing legal education programs during the past five years? If so, in what substantive areas?

I have exceeded the minimum Continuing Legal Education (CLE) requirements for this reporting period. I have attended CLEs in the areas of Elder Law and Criminal Law. I participate in the American Inns of Court where CLEs are earned at every meeting.

49b. Have you taught any courses on law or lectured at bar association conferences, law school forums, or continuing legal education programs? If so, in what substantive areas?

As the 18th Judicial Circuit Fairness and Diversity Trainer, I trained other judges, court personnel and members of the Clerk of Courts office.

50. Describe any additional education or other experience you have which could assist you in holding judicial office.

Throughout my military career, I was taught a number of tools to organize, plan and execute missions. I have adapted the reverse planning sequence for lawyer/judge tasks. I used this technique as a County Court Judge and would likely benefit any new Circuit Judge.

The reverse planning sequence is a method to determine the milestones needed to accomplish your task. e.g. Starting with the goal of publishing an order in 2 months, you would work backwards to the present time. The last milestone would be to print, sign and publish the order. (1 day) Before the publishing of an order, it would be necessary to allow sufficient time to re-write, re-write and re-write. (2 weeks) Before re-writing the order, one would need to put together the facts, the law of the case and draft the legal analysis and conclusion. (1 week) Before drafting the legal analysis, you would need to research the law and draft the law of the case. (1 week) Before drafting the law of the case, you would need to determine the relevant facts and draft the factual findings. (1 week) Before drafting the factual findings, you would need to obtain transcripts or recordings of the hearing and listen/ review them. (1 week) Before reviewing transcripts/recordings, you would need to review notes, the motion and supplied case law and create a to do list. (day of hearing) Before creating a to do list, you would need to conduct the hearing, take notes, collecting the evidence and the case law. (day of hearing) Before conducting the hearing, you would review the motion, conduct preliminary reasearch and draft possible questions. The reverse planning sequence is not necessarily a lock step process but is a guide to ensure all necessary steps are accomplished. Some of the different steps are able to be accomplished simultaneously. This particular example has the great advantage of allowing about 2 weeks for unanticipated challenges.

51. Explain the particular potential contribution you believe your selection would bring to this position.

I always knew I would be a judge. It is a calling that I love. It is my opportunity to continue serving our community as I have done through my pro bono activities, civic leadership and military service.

Integrity is the keystone of the judicial system. I make decisions based on facts and the law. I recognize I do have biases and work to make sure they do not affect my decisions. I disregard personalities and political influences.

My practice as a lawyer was very diverse. I started as a trial lawyer with emphasis on criminal and family law. I litigated many government contract cases. My firm's largest cases were QUI TAM (Whistleblower) cases against the US Government. Also, our firm ran a Title company. I litigated real estate, corporate, construction including liens, homeowners association's liens, juvenile and personal injury cases. I also practiced Federal Administrative Law appearing before a number of the Boards of Contract Appeals, Merit System Protection Board, Federal Department of Labor and the Defense

Office of Hearings and Appeals. Before being elected to the bench, my practice was limited to elder law including estate planning, probate administration and litigation, trust administration and litigation, medicaid estate planning including representation before the Department of Children and Families. This diverse law practice background would help prepare any candidate for the many challenges of a Circuit Judge.

Judicial temperament includes patience, open-mindedness, courtesy, tact, firmness, understanding, compassion and humility. Patience was the toughest for me. I work very hard to ensure that I do not become impatient. I courteously deal with attorneys, parties, witnesses and jurors. I display the willingness to hear and consider all sides of a case. I try to explain the process to who are unfamiliar. I explain my decisions so that parties and their attorneys understand my decisions. I keep in mind that the power of a judge is easily abused and strive in every case to keep that power in check. If I have doubts as to a decision, I always remember, I have done the best that I can.

52. If you have previously submitted a questionnaire or application to this or any other judicial nominating commission, please give the name of the commission and the approximate date of submission.

Florida Supreme Court JNC	July 2008	
18 th Judicial Circuit JNC	October 2009	
Fifth District Court of Appeals JNC	March 2013	(Short List)
18 th Judicial Circuit JNC	June 2013	(Short List)
Fifth District Court of Appeals JNC	February 2014	(Short List)

53. Give any other information you feel would be helpful to the Commission in evaluating your application.

Early in my legal career, I represented the younger lawyers of the 18th Judicial Circuit on the Board of Governors of the The Florida Bar, Young Lawyer's Division. I set up the initial meetings of younger lawyers in Brevard County which has become the current Young Lawyers Section of the Brevard County Bar Association.

My military service was primarily as a Commander. Over 17 of my 29 years was served as a Commander. I enjoy the demands of being the leader. When I was not the leader, I was a good follower.

One of my civic leadership roles was with the Military Officer's Association of America Cape Canaveral Chapter (MOAACC). I was on the leadership ladder for over 6 years. I was the President in 2001-02 and during that year we were the national Chapter of the Year. I designed a website that went on to receive national communication awards.

I have continued to demonstrate my leadership on the bench. I represented the 18th Judicial Circuit to the Conference of County Court Judges and moved up to Vice President representing all County Judges of the 5th DCA area. I was the Assistant Administrative Judge for the County Court and thereafter became the Administrative

Judge. I started a Brevard County Veteran's Treatment Court after working in the felony Drug Court.

I am committed to justice. I will devote my mind and spirit to better serving the citizens of Florida.

REFERENCES:

54. List the names, addresses and telephone numbers of ten persons who are in a position to comment on your qualifications for judicial position and of whom inquiry may be made by the Commission.

Fifth District Court of Appeals

The Honorable John M. Harris

300 South Beach Street, Daytona Beach, FL 32114

Former Polk County Circuit Judge J. Michael Hunter

Address protected

Brevard County Court Judges of the 18th Judicial Circuit

The Honorable Judith Atkin

The Honorable Rhonda E. Babb

The Honorable Michelle V. Baker

The Honorable Cathleen Clarke (Senior)

The Honorable Benjamin B. Garagolzo

The Honorable Kelly Ingram

The Honorable Steven R. Koons

The Honorable William T. McCluan (Senior)

The Honorable David Silverman

Brevard Circuit Court Judges of the 18th Judicial Circuit

The Honorable David Dugan

The Honorable James H. Earp

The Honorable Lisa Davidson

The Honorable Jack Griesbaum (Senior)

The Honorable Charles Holcomb (Senior)

The Honorable Nancy Maloney
The Honorable Kelly McKibben
The Honorable Morgan Reinman
The Honorable Charles Roberts
2825 Judge Fran Jamieson Way, Viera, FL 32940

Seminole Circuit Judges of the 18th Judicial Circuit

The Honorable Nancy Alley (Senior)
The Honorable Melanie Chase
The Honorable Alan A. Dickey (Senior)
The Honorable Jessica Recksiedler

Seminole County Judges of the 18th Judicial Circuit

The Honorable Mark Herr
The Honorable John Woodard, III
301 N. Park Avenue, Sanford, FL 32771

Former Seminole County Judge Carmine Bravo
Former Seminole Circuit Judge O. H. Eaton, Jr.
Former Brevard Circuit Judge J Preston Silvernail
Former Seminole Circuit Judge Clay Simmons
Addresses protected

Mr. L. Allen Bryant

Richard G. Donoghue

Sherwood J. "Pete" Smith

Greg Crutchfield, Esquire

Shari Wilson, Esquire

Kory Pyles, Esquire

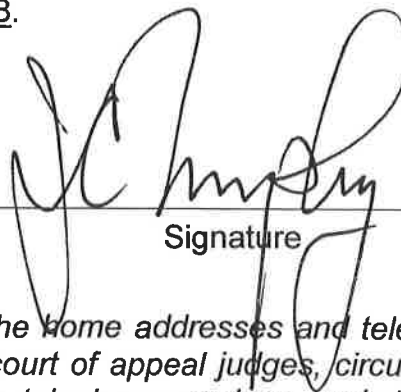
CERTIFICATE

I have read the foregoing questions carefully and have answered them truthfully, fully and completely. I hereby waive notice by and authorize The Florida Bar or any of its committees, educational and other institutions, the Judicial Qualifications Commission, the Florida Board of Bar Examiners or any judicial or professional disciplinary or supervisory body or commission, any references furnished by me, employers, business and professional associates, all governmental agencies and instrumentalities and all consumer and credit reporting agencies to release to the respective Judicial Nominating Commission and Office of the Governor any information, files, records or credit reports requested by the commission in connection with any consideration of me as possible nominee for appointment to judicial office. Information relating to any Florida Bar disciplinary proceedings is to be made available in accordance with Rule 3-7.1(l), Rules Regulating The Florida Bar. I recognize and agree that, pursuant to the Florida Constitution and the Uniform Rules of this commission, the contents of this questionnaire and other information received from or concerning me, and all interviews and proceedings of the commission, except for deliberations by the commission, shall be open to the public.

Further, I stipulate I have read, and understand the requirements of the Florida Code of Judicial Conduct.

Dated this 1st day of September, 2018.

John C. Murphy
Printed Name


Signature

(Pursuant to Section 119.071(4)(d)(1), F.S.), . . . The home addresses and telephone numbers of justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the home addresses, telephone numbers, and places of employment of the spouses and children of justices and judges; and the names and locations of schools and day care facilities attended by the children of justices and judges are exempt from the provisions of subsection (1), dealing with public records.