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April 29, 2024

The Honorable Richard J. Durbin  
Chairman  
Committee on the Judiciary  
United States Senate  
224 Dirksen Senate Office Bldg.  
Washington, DC 20510

The Honorable Lindsey Graham  
Ranking Member  
Committee on the Judiciary  
United States Senate  
224 Dirksen Senate Office Bldg.  
Washington, DC 20510

Dear Chairman Durbin and Ranking Member Graham:

I am writing in support of the nomination of Brian Murphy to the Federal Bench. I have been practicing law since January 1977 and am a member of the Worcester County Bar, the Massachusetts Bar Association, the Massachusetts Association of Criminal Defense Lawyers and the National Association of Criminal Defense Lawyers. I have served as the President of the Worcester County Bar Association, the Massachusetts Bar Association and was a member of the American Bar Association House of Delegates for many years. I have served as an assistant district attorney in Worcester County and for most of my career been an active trial lawyer in both state and federal courts. I have known Brian Murphy and observed his work for the past fifteen years. My observations of Brian Murphy are as follows.

1. **Professional Competence:** Brian scores high across the board. He is an excellent and experienced trial attorney. He has had numerous trials in the Superior Court, including cases of first-degree murder. He is always well prepared, writes extremely well, is well versed in the rules of evidence, trial procedures and the law as it applies to individual matters. He has been a supervising attorney for the bar advocate program and has attended, or presented in, well over one hundred MCLE and continuing education programs. He is a member of the Criminal Justice Act panel in federal court accepting appointments for indigent clients charged with federal crimes.<sup>1</sup> I have witnessed his trial skills, preparation, and his judgment firsthand as we represented co-defendants in a significant federal prosecution. I

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<sup>1</sup> As you may know in the Massachusetts District, CJA panel members must apply and be reviewed by the CJA Board before being approved for membership. The recommendations of the Board are reviewed by the Court members.

have referred clients to him in matters where I had a conflict or otherwise was unable to represent the client.<sup>2</sup> He is most experienced in criminal matters, although he also has significant civil experience as well.

2. **Integrity:** Brian has an excellent reputation for integrity. His character is above reproach. He is well regarded in the legal community. He has been a member of various bar associations, has served on numerous boards and offices of responsibility and is presently the President of the local Federal Bar Association. He has been a public defender. Following that, he established a successful law practice in Worcester, MA. Many lawyers refer various matters to Brian and the members of his firm. His general reputation in the community is excellent. His legal practice, his work with various legal associations and his community work all speak to his industry and diligence.
3. **Judicial Temperament:** The tone of any courtroom is set by the presiding Judge. What staff, members of the public, litigants, and the attorneys see and hear from the Judge generally creates an atmosphere which can be good or bad. It will reflect fairness and justice, or something worse. There is no doubt in my mind that Brian is possessed of all the attributes anyone could wish for in a Judge. He is patient and listens well, never interrupting. This is true in the general context of day-to-day discussions or in a courtroom. Without a doubt he is open-minded and decisive. He does not jump to conclusions, make prejudgments, and treats all people with the same respectful demeanor. Having worked with him side by side, I know that he is free of any bias, is committed to the rule of law and will administer justice with an even and compassionate hand. He knows full well as Bryan Stevenson has said, "each of us is more than the worst thing we've ever done."<sup>3</sup> The public and the bench will be well served by his appointment. His courtroom will be a place where not only will justice be meted out fairly, but it will also be perceived as such. People leaving his courtroom, win or lose, will recognize that they have been heard and treated fairly. No one in his court family, staff, clerks, marshals, custodians will feel unseen or unappreciated.

I hope I have provided sufficient information for you to consider in connection with Brian's appointment to the Federal bench. I have served on several committees dealing with judicial appointments, including the MBA Joint Bar Committee, and acted as its chair. I recommend Brian for an appointment without hesitation or qualification.

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<sup>2</sup> Recently I asked Brian to represent family members who had been summoned to a grand jury to testify against another family member. Although the notice was short, he jumped right in and did an excellent job. The family members reported to me that he was very supportive, knowledgeable, and were very comfortable with his work and advice.

<sup>3</sup> Just Mercy, by Brian Stevenson.

If you have any questions or need further information, please contact me.

Very truly yours,

*Edward P. Ryan, Jr.*

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/EPR