

# Daily Journal

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## PAUL D. MURPHY

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LITIGATION

**P**aul Murphy traces his path to the law not to a family tradition or a mentor's guidance, but to a scene in a novel. Growing up in a household of accountants, he had assumed a career in finance was his natural destination — until he read *To Kill a Mockingbird* in high school.

"When all of the defendant's friends in the balcony quietly stood to honor Atticus as he walked out of the courtroom," Murphy recalled. "At that moment, I understood the power and responsibility of the courtroom, and the unique opportunity it gives lawyers to truly help people."

That moment set Murphy on a path that now spans three and a half decades of civil litigation. "I just did the math — even checked it twice — and the answer is 35 years," he says. "I do not know how that is even possible, but it is an undeniable fact."

Murphy's recent work includes a First Amendment challenge on behalf of Catholic Medical Mission Board, a charity that distributes pharmaceuticals globally. After the California Attorney General sued CMMB over alleged accounting and solicitation improprieties, Murphy defeated the accounting claims at the administrative level, but faced a fine exceeding \$500,000 for what the judge characterized as "potentially misleading" solicitations — despite no evidence of donor complaints or intent to deceive. *Catholic Medical Mission Board v. California*, 20STCP01520 (L.A. Super. Ct., filed April 28, 2020).

A jurisdictional constraint compounded the difficulty: administrative law judges are generally precluded from considering First Amendment defenses, which prevented Murphy from raising his strongest arguments until the case reached the Los Angeles Superior Court on a writ of administrative mandate.

Once there, the court agreed with Murphy's constitutional arguments and entered a statewide injunction protecting the free speech rights of California charities. The case carried personal weight: Murphy later discovered his late mother had quietly donated to CMMB for years. "Winning this

case allowed me to honor her legacy and a cause she cared for," he said.

Murphy also represented Ovation Fund Management in a petition for writ of certiorari to the U.S. Supreme Court, challenging the use of "bar orders" in federal receiverships — court tools that can extinguish third-party claims against non-receivership entities. *Ovation Fund Management II, LLC v. Nossaman LLP et al.*, 24-1192.

The case arose from a Ponzi scheme in which a law firm partner allegedly made knowingly false statements to induce a multi-million-dollar investment. Although the court denied certiorari, Murphy regards the matter as among his most significant.

"The case had the strongest liability-establishing document I have seen in my career, yet I lost," he says. "The result is a difficult but important reminder to me that our legal system is an imperfect, evolving work in progress."

Two figures shaped Murphy's approach to the profession. A clerkship with Judge William J. Rea in the Central District of California instilled in him a principle he has carried ever since: "A reputation is the hardest thing to earn, and the easiest to lose."

Later, working alongside trial lawyer Brian Lysaght reinforced a different lesson — that litigation is a long road, and fixating on every obstacle along the way can obscure the destination.