

<p>ORIGINAL PROCEEDING IN DISCIPLINE Colorado Commission on Judicial Discipline</p>	
<p>IN RE:</p> <p>COMPLAINANT, Colorado Commission on Judicial Discipline, and RESPONDENT, Sean K. Murphy.</p>	<p>▲ COURT USE ONLY ▲</p>
<p>Attorney for Respondent Nathan Bruggeman, #39621 David M. Beller, #35767 RECHT KORNFELD, P.C. 1600 Stout Street Suite 1400 Denver, CO 80202 (303) 573-1900 nate@rklawpc.com david@rklawpc.com</p>	<p>Case No. 25-185 (Supreme Court Case No. 2025SA317)</p>
<p>Attorney for Complainant Jeffrey M. Walsh, #33762 Special Counsel Ralph L. Carr Colorado Judicial Center 1300 Broadway, Suite 210 Denver, CO 80203 (303) 457-5131 j.walsh@jd.state.co.us</p>	
<p>JOINT REQUEST TO REMAND THIS MATTER TO THE COMMISSION PURSUANT TO COLO. RJD 3(D)</p>	

Respondent, Sean K. Murphy, through his counsel, Nathan Bruggeman and David Beller of Recht Kornfeld, P.C., and the Colorado Commission on Judicial Discipline (“Commission”), through its counsel, Jeffrey Walsh, jointly request that this Adjudicative Judicial Discipline Panel

(“Panel”) remand the matter to the Commission pursuant to Interim Colo. RJD 36(d). In support of this request, the Parties state the following:

1. On or about November 4, 2025, the Commission filed its complaint alleging that Judge Murphy violated the Colorado Code of Judicial Conduct.

2. Pursuant to section 23 of article VI of the Colorado Constitution, this Panel was convened.

3. Since the filing of the complaint, the Commission has learned new information concerning significant health issues that Judge Murphy was experiencing during the time period relevant to the allegations in the complaint.

4. These health conditions persisted into the fall of 2025 and up to the filing of the complaint, and they limited and negatively affected Judge Murphy’s ability to engage with the Commission during its investigation.

5. Had the Commission been aware of this information, it may not have authorized the filing of this complaint in favor of a different course of action.

6. Interim Colo. RJD 36 provides this panel with authority to remand a case in formal proceedings to the Commission in circumstances such as these so that a matter can be considered instead through disability.¹

¹ Section 23(k) of article VI of the Constitution convenes a rule drafting committee to adopt new rules of judicial discipline. The Constitution authorizes the committee to promulgate interim rules pending the adoption of final rules, and the committee has adopted Interim Rule 36. See <https://ccjd.colorado.gov/judicial-discipline-rule-making-committee>.

7. The parties further note that pursuant to Colo. R. Civ. P. 41(a), a case may be dismissed upon stipulation of the parties.²

8. The Commission respectfully requests that the Panel remand this matter to the Commission so that it may reconsider the complaint in light of the new information about Judge Murphy's health and determine whether a disability proceeding or other resolution would be appropriate.

9. Judge Murphy does not oppose remand, and, considering his health situation, he intends to resign from the bench.

10. Accordingly, neither party will be prejudiced by a dismissal.

11. Nor is dismissal contrary to the public interest. The Colorado Constitution and disciplinary rules contemplate that situations may arise where it would be inappropriate to pursue a disciplinary proceeding against a judge for alleged violations of the Colorado Code of Judicial Conduct that arise from a health condition the judge is experiencing. *See* Colo. Const. art. VI, sec 23(e)(I) (authorizing the Commission to utilize informal resolutions); Colo. RJD 33.5 (disability proceedings); interim Colo RJD 36(d) (dismissal for disability proceedings).

12. Unlike in a formal disciplinary proceeding, the Commission's consideration of a judge's health information and any informal resolution that results from it would be confidential. Colo. Const. art. VI, sec. 23(g)(I). If the Commission refers a case to a disability proceeding, that proceeding is confidential. *See* Colo. RJD 33.5(b)(2).

² The Constitution further provides that pending the adoption of temporary or permanent rules to govern these proceedings, the Colorado Rules of Civil Procedure apply. Colo Const. art. VI, sec. 23(k)(II). The commission has not promulgated an interim rule on dismissals, and, therefore, Colo. R. Civ. P. 41 applies until such time as the committee does.

13. Thus, as this request arises because of Judge Murphy's health conditions, it is appropriate to remand this case to the Commission for reconsideration.

WHEREFORE, the Parties respectfully requests that the Panel remand this case for reconsideration by the Commission.

Respectfully submitted this 31st day of December, 2025.

RECHT KORNFELD, P.C.

By: *Nathan Bruggeman*
Nathan Bruggeman (#39621)
David M. Beller (#35767)

Attorneys for Respondent

COLORADO COMMISSION ON JUDICIAL DISCIPLINE

By: *Jeffrey Walsh*
Jeffrey Walsh (#33762)
Attorney for Complainant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 31st day of December, 2025, a true and correct copy of the above and foregoing **JOINT REQUEST TO REMAND THIS MATTER TO THE COMMISISON PURSUANT TO COLO. RJD 3(D)** was filed with the 2d Judicial District Support Staff by emailing a copy to kenidee.bronner@judicial.state.co.us and nikolaus.zender@judicial.state.co.us, and was served on the following via email, addressed as follows:

Jeffrey M. Walsh, Esq.
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S/ *Nate Bruggeman*