







Andy Murphy

Partner

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 @millernashllp

“Clients come to me because they have a problem that they need help solving, and I take that responsibility very seriously. I listen to my clients to understand the issues and obstacles they are facing, and then develop and execute a strategy that is bespoke to each client’s circumstances. I aim to provide practical advice that clients understand and can use to keep doing business the way they want to while mitigating risks that may arise along the way.”

Andy Murphy is a versatile litigator whose practice focuses on disputes involving highly regulated industries, particularly the cannabis industry. Andy has led on industry-shaping impact litigation, constitutional issues of first impression, and bet-the-company litigation in addition to providing the everyday advice that clients need to run their businesses.

Andy has a depth of experience in administrative litigation, particularly regulatory enforcement actions brought by the Washington State Liquor and Cannabis Board as well as land use appeals. Andy also represents businesses and individuals seeking relief from government entities, such as striking laws as unconstitutional, and recovering large damage awards.

Andy’s broad commercial litigation experience enables him to advise his clients on a wide range of issues. He is experienced in resolving matters involving partnership disputes, employment law, municipal law, company dissolution, contract interpretation, product liability, intellectual property, class actions, and state and federal constitutional law.

Before becoming a lawyer, Andy ran a nonprofit organization dedicated to chronic pain patient advocacy and eliminating prescription-drug-related unintentional overdose deaths.

Professional Activities

- King County Bar Association
 - Amicus Brief Committee, member
- Federal Bar Association
- American Bar Association
 - Tort Trial & Insurance Practice Section, member

Education

J.D., University of Washington School of Law, 2013

- Order of the Barristers
- Executive Committee, Moot Court Honor Board
- CALI Excellence for the Future Award: Trial Advocacy II

B.S., University of Utah, *cum laude*, economics, 2008

H.B.S., University of Utah, *cum laude*, gender studies, 2008

- Beehive Honor Society

Bar Admissions

Washington, 2013

Court Admissions

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Federal Claims

U.S. District Court, Eastern District of Washington, 2014

U.S. District Court, Western District of Washington, 2013

- QLaw, member
- QLaw Foundation of Washington LGBTQ+ Legal Clinic, volunteer attorney
- University of Washington School of Law
 - Affiliate instructor of law, Trial Advocacy II
 - Willem C. Vis International Commercial Arbitration Moot Team, head coach
- King County Prosecuting Attorney's Office, Special Deputy Prosecutor
- ACLU of Washington, cooperating attorney
- Extern, Washington State Supreme Court, Honorable Steven C. González, 2012

Civic Activities

- Lifelong, vice-president of the board of directors
- Greater Seattle Business Association, member

Representative Experience

Plaintiff-Side Litigation Against Government Entities

- Represent plaintiff seeking to strike the residency requirement for Washington's cannabis industry as unconstitutional.
- Represent former cannabis retailer seeking damages from municipality for wrongful denial of a business license.

Cannabis Regulatory Enforcement Defense

- Represented cannabis producer-processor in multiple related appeals of actions where the Washington State Liquor and Cannabis Board sought license cancellation for traceability violations.
- Represented cannabis producer-processor in defense of administrative violation notice alleging violations of true parties of interest and prohibited practices.
- Represented cannabis producer-processor in defense of administrative violation notices alleging violations of traceability and advertising rules.
- Represented cannabis retailer and producer-processor in responding to audits conducted by Washington State Liquor and Cannabis Board.

Commercial Disputes Involving Cannabis Companies

- Represents cannabis retail stores in defense of class actions alleging violations of the Telephone Consumer Protection Act (TCPA).
- Represented cannabis businesses in lawsuits arising out of mergers and acquisitions.
- Represented partners in retail cannabis stores in disputes alleging breaches of fiduciary duties and seeking dissolution of the partnerships.
- Represented marijuana processor in dispute regarding ownership of industrial equipment.
- Represented cannabis retailer in a commercial landlord-tenant dispute.

Commercial Litigation

- In connection with multidistrict class action litigation, represented business in seeking tax refunds from over 150 municipalities across the State of Washington.
- Represented plaintiffs in class action against the United States regarding taking of real property.
- Defended a Fortune 500 Company in private arbitration against former subsidiary involving breach of contract, breach of fiduciary duties, and indemnification claims. Settled multimillion-dollar dispute for less than half of one percent of the damages alleged by claimants.
- Represented business and primary shareholder in recovering high-value real property collateral following rescission of underlying loan.

Labor & Employment

- Prevailed at trial in defending a manufacturing company against allegations of retaliation against former employee.
- Following contested administrative hearing before Public Employment Relations Commission, prevailed on claims alleging discrimination and retaliation.
- Obtained dismissal of wage theft and breach of contract claims brought by former employee, and dismissal was upheld on appeal.
- Obtained dismissal of claims of race, age, gender, and national origin discrimination against employer.

Land Use Appeals

- Obtained dismissals of three land use appeals involving development of an affordable housing community.
- Obtained dismissal of all claims in a land use appeal regarding alleged noncompliance with Washington State Environmental Policy and Growth Management Acts.
- Obtained summary judgment dismissal of a land use appeal before the Shorelines Hearings Board alleging dozens of violations of the Shoreline Management Act.
- Prevailed in contested administrative hearing regarding adequacy of a Mitigated Determination of Nonsignificance.

Publications

- “Text Message Marketing Can Cost You Millions,” Miller Nash Graham & Dunn, *IP Law Trends*, co-author (Feb. 2021)
- Exhaustion of Administrative Remedies in Washington State, 91 Wash. L. Rev. Online 217 (2016)

Presentations

- “Clean Air, Insurance and Sustainable Design, and Marijuana Land Use Law,” Washington State Bar Association, Environmental and Land Use Law Section CLE (Nov. 2020)
- “Civil Enforcement Issues,” Seattle University School of Law (Feb. 2020)
- University of Washington School of Law, Discovery in the United States, panelist (Feb. 2016, Feb. 2017, Feb. 2019)

Recognition & Honors

- Selected for inclusion in *Best Lawyers: Ones to Watch* in Commercial Litigation, 2021
- Selected for inclusion as a Washington Super Lawyer—Rising Stars, 2017-present
- King County Bar Association President’s Award, 2015
- Judge John C. Coughenour Award for Best Oral Advocate, 2013
- Hugh Miracle Award for Best Opening Statement, 2013

Personal Activities

Andy has never lost a game of *Scene It* and is ruthless when playing parlor games.