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WALDER, HAYDEN & BROGAN, P.A.
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Attorneys for Respondent, the Hon. Randolph M. Subryan

IN THE MATTER OF
RANDOLPH M. SUBRYAN,
JUDGE OF THE SUPERIOR COURT

SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

DOCKET NO. ACJC 2004-101

Civil Action

ANSWER AND REQUEST FOR DISCOVERY

The Honorable Randolph M. Subryan ("Respondent") answers the formal complaint as follows:

1. The Respondent admits the allegations of paragraph 1.

2. The Respondent admits the allegations of paragraph 2.

3. The Respondent admits the allegations of paragraph 3.

4. The Respondent denies the allegations of paragraph 4.

5. The Respondent denies the allegations of paragraph 5.

6. The Respondent denies the allegations of paragraph 6.

7. The Respondent denies the allegations of paragraph 7, and the out-of-context references, but admits that he has heard and used the phrase "writ of Rockmanus," which he understands is sometimes used in a somewhat jovial manner and occasionally he has heard its use in the courtroom. It is used both on and off the record. As understood by the Respondent, this phrase has no sexual connotation. Upon information and belief, it is a variation of a Yiddish word meaning compassion.

8. The Respondent admits that he may have placed his hands on J.B.'s shoulders, but denies any sexual connotation therewith.

9. The Respondent denies the allegations of paragraph 9 and the out-of-context references, except that the proffered photographs were determined to be inadmissible.

10. The Respondent denies the allegations of paragraph 10 and the out-of-context references, except to admit that there were some legal discussions as to the potential evidentiary use of the photographs, but at no time were such photographs shown to anyone outside of the court proceedings.

11. The Respondent denies the allegations of paragraph 11 and the out-of-context references; *see* paragraphs 9 and 10 above.

12. The Respondent admits being joined in his Chambers by J.B. and two other law clerks, and, at their request for the purpose of discussing related evidentiary issues, discussing the photographs. The Respondent otherwise denies the allegations of paragraph 12 and the out-of-context references; *see* paragraphs 9 and 10 above.

13. The Respondent denies the allegations of paragraph 13, except he admits discussing with J.B. her job interviews.

14. The Respondent denies the allegations of paragraph 14.

15. The Respondent denies the allegations of paragraph 15, except he admits discussions about J.B.'s job interviews.

16. The Respondent lacks sufficient information to admit or deny the allegations of paragraph 16.

17. The Respondent denies the allegations of paragraph 17.

REQUEST FOR DISCOVERY

In accordance with *R.* 2:15-13(a), and as a matter of fundamental fairness and appropriate discovery, the Respondent hereby requests the following discovery:

1. All written statements and tapes (audio and video) of interviews related to this matter;

2. All notes, memoranda or summaries of any oral statements by any individuals interviewed by the Administrative Office of the Courts and/or the Advisory Committee on Judicial Conduct (hereinafter both are referred to as "Committee"), including the Respondent;

3. A summary of any oral communications with potential witnesses or persons with relevant knowledge which took place pursuant to the Committee's investigation. (We hereby request that any such oral communications which are not presently summarized in a written report be reduced to written form and provided to counsel for the Respondent);

4. The names, addresses and telephone numbers of all persons known to have relevant knowledge or information about this matter, including but not limited to, those who have been interviewed, as well as a designation by the Committee of those persons who will be called as witnesses;

5. All investigative reports (drafts and final);

6. The names and addresses of each person expected to be called as an expert;

7. The qualifications of any such experts;

8. The subject matter on which each expert will testify;

9. A copy of all written reports submitted by each expert (drafts and final) or, if none, a statement of the facts and opinions to which each expert will testify and the summary of the grounds for each opinion;

10. All tangible objects, papers, records of any type or documents obtained from, or belonging or relating to, the Respondent, or obtained from any other individuals or entities during the course of the investigation of the Respondent;

11. All notes, including rough notes, created, produced or maintained during the course of the investigation of the Respondent. (We hereby request that all rough notes and drafts be preserved and provided for the purpose of discovery and that the Committee take all reasonable and immediate steps to notify appropriate individuals to assure the preservation of such notes and drafts);

12. All written communications between the Committee and any person relating to the subject matter of the complaint including, but not limited to, any written communications to or from J.B. regarding any matter, whether or not same is referenced in the Committee's formal complaint;

13. Copies of medical history or reports relating to J.B;

14. Copies of J.B.'s applications or letters for job interviews with the names, addresses and dates of persons who interviewed J.B. for potential employment;

15. A list of the Committee's files, for Respondent's inspection, that involve allegedly improper personal conduct engaged in by a member of the judiciary respecting any of the Canons of the Code of Judicial Conduct, or *R.* 2:15-8(a)(6), as alleged in the formal complaint against the Respondent, which have resulted in the Committee issuing a recommendation of dismissal;

16. A list all of the Committee's files, for Respondent's inspection, that involve allegedly improper personal conduct engaged in by a member of the judiciary respecting any of the Canons of the Code of Judicial Conduct, or *R.* 2:15-8(a)(6), as alleged in the formal complaint against the Respondent, which have resulted in the Committee issuing a private discipline;

17. A list of the Committee's files, for Respondent's inspection, that involve allegedly improper personal conduct engaged in by a member of the judiciary respecting any of

the Canons of the Code of Judicial Conduct, or *R.* 2:15-8(a)(6), as alleged in the formal complaint against the Respondent, which have resulted in the Committee issuing public reprimand;

18. A list of the Committee's files, for Respondent's inspection, that involve allegedly improper personal conduct engaged in by a member of the judiciary respecting any of the Canons of the Code of Judicial Conduct, or *R.* 2:15-8(a)(6), as alleged in the formal complaint against the Respondent, which have resulted in the Committee issuing a censure;

19. A list of the Committee's files, for Respondent's inspection, that involve allegedly improper personal conduct engaged in by a member of the judiciary respecting any of the Canons of the Code of Judicial Conduct, or *R.* 2:15-8(a)(6), as alleged in the formal complaint against the Respondent, which have resulted in the Committee issuing a suspension;

20. A list of the Committee's files, for Respondent's inspection, that involve allegedly improper personal conduct engaged in by a member of the judiciary respecting any of the Canons of the Code of Judicial Conduct, or *R.* 2:15-8(a)(6), as alleged in the formal complaint against the Respondent, which have resulted in the Committee issuing a removal; and

21. All facts, including documents, the identification of individuals and the knowledge of such individuals, relating to the subject matter of the allegations contained in the formal complaint.

WALDER, HAYDEN & BROGAN, P.A.
Attorneys for the Respondent
The Honorable Randolph M. Subryan

By: _____
JUSTIN P. WALDER

Dated: March 31, 2004

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