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IN THE MATTER OF

SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

Docket No. ACJC 2009-153

ANSWER

ROBERT A. SOLOMON
JUDGE OF THE MUNICIPAL COURT

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ROBERT A. SOLOMON, a Judge of the Municipal Court of the State of New Jersey in Answer to the complaint of the Advisory Committee on Judicial Conduct says:

1. Respondent admits the allegations contained in paragraph 1.
2. Respondent admits the allegations contained in paragraph 2.
3. Respondent admits the allegations contained in paragraph 3.
4. Respondent admits the allegations contained in paragraph 4.
5. Respondent admits the allegations contained in paragraph 5.
6. Respondent admits that prior to taking the bench on February 10, 2009 he entered the office of the Municipal Prosecutor outside the presence of Ms Esposito. Respondent denies the remaining allegations and states that it was respondent's normal practice and procedure to speak to the Municipal Prosecutor prior to taking the bench to determine whether there was a sufficient number of cases that were ready to proceed with guilty pleas and,

for the purposes of public convenience and time management, to find out if any cases were going to require a trial that court session. I did not ask the Municipal Prosecutor to plead Ms Esposito's speeding ticket down to obstructing traffic or engage in any other type of plea bargaining.

7. Respondent admits the allegations contained in paragraph 7.
8. Respondent admits the allegations contained in paragraph 8 and would not have objected to the plea agreement provided that 1.) the plea could be entered knowingly and voluntarily; 2.) there would be an adequate factual basis for the plea, and; 3.) considering the defendant's driving history, the interests of justice would be served by the plea.
9. Respondent denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph 9.
10. Respondent denies knowledge or information sufficient to form a belief as the allegations contained in paragraph 10.
11. Respondent denies the allegations contained in paragraph 11 in part. After hearing all of the ready cases on the calendar the afternoon of February 10, 2008, the Court took a recess. At that time, respondent went to the Municipal Prosecutor's office to find out the status of the remaining cases. Sitting in the Municipal Prosecutor's office was Lt. Sposa from the Norwood Police Department. Respondent admits that the Municipal Prosecutor informed Respondent in the presence of Lt. Sposa that Lt. Sposa would not agree to the reduced charges as had been requested by Ms Esposito.

12. Respondent denies the allegations contained in paragraph 12. Respondent never followed the Municipal Prosecutor into her office. As stated in paragraph 11, the Municipal Prosecutor and Lt. Sposa were at all times in the Municipal Prosecutor's office.

13. Respondent admits the allegations contained in paragraph 13.

14. Respondent admits the allegations contained in paragraph 14.

15. Respondent admits the allegations contained in paragraph 15.

16. Respondent denies the allegations contained in paragraph 16.

17. Respondent denies the allegations contained in paragraph 17.

18. Respondent denies the allegations contained in paragraph 18.

AS AND FOR AN AFFIRMATIVE DEFENSE

1. With respect to Canon 2B and Rule 1:12-1 the Municipal Prosecutor never asked me to recuse myself from the case. Furthermore, the Municipal Prosecutor never suggested that there was a conflict of interest. It never occurred to me that I should recuse myself from a case involving someone with whom I had no personal or business relationship and with whom I had not had a conversation in over 2 years.

WHEREFORE I request that all of the charges against me be dismissed.

Dated: October 22, 2010

ROBERT A. SOLOMON

VERIFICATION

STATE OF NEW JERSEY }

COUNTY OF BERGEN } ss.:

ROBERT A. SOLOMON, of full age, being duly sworn according to law, upon his oath deposes and says:

I am the respondent in the foregoing Answer. I am familiar with the facts set forth herein. I hereby verify that the allegations made in the Answer are true and accurate to the best of my knowledge and belief.

ROBERT A. SOLOMON

Sworn to before me this

22nd day of October, 2010

RICHARD WEINBAUM, ESQ.
An Attorney at Law and
Notary Public of New Jersey