

MICHAEL A. DIAMOND, ESQUIRE
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Respondent *pro se*

FILED
NOV 22 2010
A. C. J. C.

IN THE MATTER OF : **SUPREME COURT OF NEW JERSEY**
: **ADVISORY COMMITTEE ON**
MICHAEL A. DIAMOND, : **JUDICIAL CONDUCT**
JUDGE OF THE MUNICIPAL :
COURT, :
: **DOCKET NO.: ACJC 2010-054**
:
: **ANSWER**
:

Michael A. Diamond, Respondent, hereby answers the Complaint in this matter in accordance with its numbered paragraphs as follows:

1. Admitted.

2. Admitted.

3. Admitted.

4. Neither admitted nor denied. Respondent has no knowledge regarding the facts of this paragraph.

5. Respondent has no knowledge of the conference between the Municipal Prosecutor and Defense Counsel, however, the Respondent did engage in an *ex parte* communication with the Municipal Prosecutor about the *Foxworth* matter. This communication was done with the knowledge of the Defense Counsel.

Denied as to the Respondent expressing any opinion as to the efficacy of the Defendant's case.

Admitted as to advising the Municipal Prosecutor on pertinent issues regarding the admission of certain evidence. The Supreme Court has held that trials are not games. This Prosecutor had twenty years experience in Municipal Law. I was expressing my opinion that a trial had to be conducted in this matter which was a DWI with an accident.

Denied as to referring to Respondent and the Municipal Prosecutor as “we.” The “we” referred to the Court only.

6. Admitted that the conversation between Respondent and the Municipal Prosecutor was conducted in the Courtroom, at Sidebar and was recorded. The Defendant’s attorney was aware of the conversation.

7. Denied.

8. Admitted.

9. Admitted.

10. Denied.

WHEREFORE, Respondent denies all charges against him and prays that the Advisory Committee on Judicial Conduct recommend that the Supreme Court dismiss the Complaint in its entirety.

SEPARATE DEFENSES

Respondent specifically reserves the right to amend his Answer to include any defenses or affirmative defenses upon reviewing the discovery in this matter.

Dated: November 19, 2010



MICHAEL A. DIAMOND, ESQUIRE
Respondent *pro se*

