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Attorneys for Respondent,
Sybil M. Elias
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**SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT**

DOCKET NO: ACJC 2007-096

IN THE MATTER OF

ANSWER TO COMPLAINT

**SYBIL M. ELIAS,
JUDGE OF THE MUNICIPAL COURT**

Alan L. Zegas, attorney for Respondent, the Honorable Sybil M. Elias, Judge of the Municipal Court, in Answer to the Complaint filed against her, says:

1. Respondent admits the allegations set forth in Paragraph 1 of the Complaint.
2. Respondent admits the allegations set forth in Paragraph 2 of the Complaint.
3. Respondent admits the allegations set forth in Paragraph 3 of the Complaint.
4. Respondent admits the allegations set forth in Paragraph 4 of the Complaint.
5. Respondent admits Ms. Davis and she are friends, but they do not frequently see one another. Respondent admits the remainder of the allegations set forth in Paragraph 5 of the Complaint.
6. Respondent admits the allegations set forth in Paragraph 6 of the Complaint.

7. Respondent admits the allegations set forth in Paragraph 7 of the Complaint.
 8. Respondent admits the allegations set forth in Paragraph 8 of the Complaint.
 9. Respondent admits the allegations set forth in Paragraph 9 of the Complaint.
 10. Respondent denies the allegations set forth in Paragraph 10 of the Complaint.
 11. Respondent admits that she wrote on the ticket that it was dismissed, but to the best of her recollection, she placed her disposition of the ticket on the record, with numerous other tickets adjudicated that same date also being dismissed without costs, contrary to the recommendations of the prosecutor. Respondent is without sufficient information to state whether the Prosecutor had knowledge of the adjudication of the ticket.
 12. Respondent denies the allegations set forth in Paragraph 12 of the Complaint.
 13. Respondent denies the allegations set forth in Paragraph 13 of the Complaint.
 14. Respondent denies the allegations set forth in Paragraph 14 of the Complaint.
- WHEREFORE, Respondent would move for dismissal of the Complaint against her.

STATEMENT IN MITIGATION

It is Respondent's best recollection that, at the end of the Court day, before the Court record closed, Respondent did place on the record her disposition of Ms. Davis' ticket. It is further her recollection that she had adjudicated various other tickets before the Court in the same way as she had adjudicated the ticket of Ms. Davis, that being that a violation was found, but costs were not imposed.

It was also Respondent's intention, out of an instinct to act conservatively, to have another judge adjudicate the matter, although she did not believe that she had an

obligation under the Canons of Judicial Ethics to do so. By the time Respondent completed her session, after hearing an unusually busy calendar, the other judge in the courthouse had left for the day.

Respondent has practiced law in a highly ethical manner since she was admitted to the bar of this State. She is a highly accomplished lawyer and well-respected jurist. As a minority, she has overcome many hurdles in order to obtain the positions she has obtained at such a young age.

On December 1, 2006, prior to the Respondent taking bench, the court administrator, Mr. Moss escorted Ms. Davis into the judge's chamber. The Respondent was unaware that Ms. Davis had a matter scheduled before her that day. Respondent had an emotional meeting with Ms. Davis, who explained what was going on in her personal life. The discussion had nothing whatsoever to do with the tickets. Respondent noted that the prosecutor had recommended on the file that Ms. Davis's ticket be dismissed. The prosecutor routinely recommends that court costs be imposed on all tickets, even those recommended for dismissal. Utilizing her judicial discretion, the Respondent does not accept all of the recommendations for dismissal with the imposition of court cost by the prosecutor. Often times, defendants are adamant about not paying court cost and regard the requirement to pay court cost on a ticket being dismissed as unjust and unfair penalty.

The Respondent permitted Ms. Davis to leave the Court, prior to adjudication of the matter, because of the prosecutor's dismissal recommendation, and because it was Respondent's intention to have another judge adjudicate Ms. Davis's ticket. Respondent recognizes that, until she had the ticket reassigned to another judge, she

should not have excused Ms. Davis or she should have ordered her to return on another day if another judge did not agree that the dismissal should be without the imposition of court costs, or was intending upon adjudicating the manner with some other result.

LAW OFFICES OF ALAN L. ZEGAS

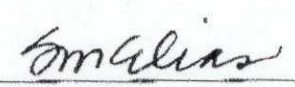
By: 

Alan L. Zegas
Attorney for
Sybil M. Elias

Dated: November 9, 2007

CERTIFICATION OF RESPONDENT

I certify that the above answers to the Complaint, and the circumstances in mitigation, also set forth above, are truthful and accurate. I am aware that if any of these statements is knowingly false, I may be subject to punishment.



Sybil M. Elias

Dated: 11.9.07