

**BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL,  
Petitioner

: No. 114 DB 2022

:  
:

v.

: Atty. Registration. No. 44449

:  
:

SCOTT ERIC DIAMOND,  
Respondent

: (Philadelphia County)

**ANSWER TO PETITION FOR DISCIPLINE**

Respondent, Scott Diamond, through counsel, denies professional misconduct in violation of the Pennsylvania Rules of Professional Conduct and responds to the averments of the petition for discipline as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted that the language of this paragraph is consistent with the Information it references. Respondent has no reason to doubt the accuracy of most of the facts included in the Information, but made his plea without access to the case management system and cannot determine the accuracy of some facts with complete certainty. With respect to 5(c), Respondent acknowledges some of the notes in the case management system were changed by him, but cannot confirm that he made all of the changes alleged because he has not been permitted the opportunity to examine the case management system. The notes could have been altered by any employee of the firm, including Jesse Cohen, and without access, Respondent cannot know who made said changes. With respect to 5 (d), Diamond Law was an entity specifically created at the instance of Andrew Sacks who demanded the law firm Sacks Weston Petrelli Diamond a/k/a Sacks Weston Millstein Diamond a/k/a Sacks Weston Diamond, be owned by each members own corporation such that Sacks Weston Diamond was owned one-third by Diamond Law and two-thirds by Sacks Weston. With respect to 5(e), Respondent and his department received almost all of the daily mail and Respondent was the only partner in the firm that had a substantial practice. He and his staff almost always received the mail first. Respondent did not “intercept” mail for the specific purpose of taking the checks referred to in this matter. With respect to 5(j), as set forth in greater detail below, Respondent did not intentionally divert funds from clients.

6. Admitted.
7. Admitted.
8. Admitted.
9. Admitted.
10. Admitted.
11. Admitted.
12. Admitted.
13. Admitted.
14. No response is required.
15. Admitted.
16. Admitted.
17. Respondent has no access to file materials regarding the Fishel Matter and has no specific recollection regarding the matter.
18. See response to paragraph 17.
19. See response to paragraph 17.
20. See response to paragraph 17.
21. See response to paragraph 17.
22. See response to paragraph 17.
23. See response to paragraph 17.
24. See response to paragraph 17. Respondent does not deny that if the entry referred to in paragraph 23 was made into the system that it was not accurate.
25. See response to paragraph 17. Respondent acknowledges that if the entry referred to in paragraph 23 was made into the system, then it was most likely made by Respondent or Mr. Cohen.
26. Acknowledged.
27. Acknowledged.

28. It is acknowledged that Respondent used the \$750 in fees. Respondent believed he had an arguable right to the fees.

29. Acknowledged that Respondent knowingly and intentionally took the fees.

30. Respondent has no access to file materials regarding the Bulmer Matter and has no specific recollection regarding the matter.

31. See response to paragraph 30.

32. See response to paragraph 30.

33. See response to paragraph 30.

34. See response to paragraph 30.

35. See response to paragraph 30.

36. See response to paragraph 30.

37. See response to paragraph 30.

38. See response to paragraph 30.

39. See response to paragraph 30.

40. See response to paragraph 30. Respondent acknowledges that any W-9 sent by Diamond Law was issued by Respondent.

41. See response to paragraph 30.

42. See response to paragraph 30.

43. See response to paragraph 30.

44. See response to paragraph 30.

45. See response to paragraph 30.

46. Acknowledged.

47. Acknowledged that the funds were deposited in the Diamond IOLTA account.

48. Acknowledged.

49. Acknowledged.

50. It is acknowledged that Respondent used the \$13,500 in fees. Respondent believed he had an arguable right to the fees.

51. Acknowledged that Respondent knowingly and intentionally took the fees.

52. Respondent has no access to file materials regarding the Cooper Matter and has no specific recollection regarding the matter.

53. See response to paragraph 52.

54. See response to paragraph 52. Respondent does not deny that such a note may exist in the system and he may have made it.

55. See response to paragraph 52. Respondent does not deny that he may have closed the file.

56. See response to paragraph 52. Respondent does not know if he made the entry, or if he was aware the entry was incorrect when it was made.

57. See response to paragraph 52.

58. See response to paragraph 52.

59. Acknowledged that the post office box referenced in paragraph 59 was the post office box for the Diamond firm.

60. See response to paragraph 52. Respondent does not deny that such a letter may have been received, but if received, then it would be part of the records currently maintained by the SWD Firm that Respondent does not have access to.

61. See response to paragraph 52. Respondent has no records to confirm the averments of this paragraph, but believes them to be correct.

62. See response to paragraph 52.

63. Acknowledged.

64. Acknowledged.

65. Acknowledged.

66. It is acknowledged that Respondent used the \$3,175 in fees. Respondent believed he had an arguable right to the fees.

67. Acknowledged that Respondent knowingly and intentionally took the fees.

68. Respondent has no access to file materials regarding the Shultz Matter and has no specific recollection regarding the matter. Respondent was aware Ms. Shultz retained Mr. Cohen.

69. See response to paragraph 68.
70. See response to paragraph 68.
71. See response to paragraph 68.
72. See response to paragraph 68. Respondent did not open any of Mr. Cohen's cases in the management system of the firm. Mr. Cohen opened his own cases along with his secretary and associates.
73. See response to paragraph 68. A review of the dockets confirm Respondent and Brian Drach were listed as counsel in this matter along with Mr. Cohen. Respondent has no reason to doubt the filing fee was paid by the SWD firm.
74. Acknowledged.
75. See response to paragraph 68.
76. See response to paragraph 68. Respondent does not deny that such a note may exist in the system and he may have made it.
77. See response to paragraph 68. Respondent does not know if the matter was marked closed as a result of the entry referenced in paragraph 77.
78. See response to paragraph 68. Respondent does not deny that the entry may have been false.
79. See response to paragraph 68.
80. See response to paragraph 68.
81. See response to paragraph 68.
82. See response to paragraph 68.
83. Acknowledged.
84. Acknowledged.
85. Acknowledged.
86. Acknowledged.
87. Acknowledged.
88. Acknowledged.
89. Acknowledged.

90. It is acknowledged that Respondent used the \$1,500 in fees. Respondent believed he had an arguable right to the fees.

91. Acknowledged that Respondent knowingly and intentionally took the fees.

92. Respondent has no access to file materials regarding the Azam Matter and has no specific recollection regarding the matter.

93. See response to paragraph 92.

94. See response to paragraph 92.

95. Respondent was not involved in the commencement of the action on Mr. Azam's behalf and did not enter his appearance in that matter.

96. See response to paragraph 92. Respondent does not believe he was involved in the settlement of Mr. Azam's matter.

97. See response to paragraph 92.

98. Acknowledged.

99. See response to paragraph 92. Respondent does not deny that such a note may exist in the system and he may have made it.

100. See response to paragraph 92. Respondent does not know if the file was marked closed based upon the entry referred to in paragraph 100.

101. Acknowledged that the information in the entry set forth in paragraph 99 is false.

102. See response to paragraph 92. Respondent has no recollection of deleting any files in this matter.

103. Acknowledged.

104. Acknowledged.

105. Acknowledged.

106. Acknowledged.

107. Acknowledged.

108. Acknowledged.

109. Acknowledged.

110. Acknowledged.

111. Acknowledged.
112. It is acknowledged that Respondent used the \$958.86 in fees. Respondent believed he had an arguable right to the fees.
113. Acknowledged that Respondent knowingly and intentionally took the fees.
114. Respondent has no access to file materials regarding the Collins Matter and has no specific recollection regarding the matter.
115. See response to paragraph 114.
116. See response to paragraph 114.
117. See response to paragraph 114.
118. See response to paragraph 114.
119. See response to paragraph 114.
120. See response to paragraph 114.
121. See response to paragraph 114.
122. See response to paragraph 114.
123. See response to paragraph 114.
124. See response to paragraph 114.
125. Acknowledged.
126. Acknowledged.
127. Acknowledged.
128. It is acknowledged that Respondent used the \$1,195 in fees. Respondent believed he had an arguable right to the fees.
129. Acknowledged that Respondent knowingly and intentionally took the fees.
130. Respondent has no access to file materials regarding the Mitchell Matter and has no specific recollection regarding the matter.
131. See response to paragraph 130.
132. See response to paragraph 130. Respondent does not believe he played any part in settlement of this matter as Mr. Cohen had full authority to handle and settle matters.

133. See response to paragraph 130.
134. See response to paragraph 130. Respondent does not deny that such a note may exist in the system and he may have made it.
135. Acknowledged that the information in the entry set forth in paragraph 134 is false.
136. Respondent does not have any recollection of deleting files with respect to this matter.
137. See response to paragraph 130.
138. See response to paragraph 130.
139. Acknowledged that the check was received, Respondent does not know when the check was mailed.
140. Acknowledged.
141. Acknowledged.
142. Acknowledged.
143. Acknowledged.
144. It is acknowledged that Respondent used the \$12,124.33 in fees. Respondent believed he had an arguable right to the fees.
145. Acknowledged that Respondent knowingly and intentionally took the fees.
146. Respondent has no access to file materials regarding the Alcorn Matter and has no specific recollection regarding the matter.
147. See response to paragraph 146.
148. See response to paragraph 146.
149. See response to paragraph 146. Respondent does not deny that such a note may exist in the system and he may have made it.
150. Acknowledged that the information in the entry set forth in paragraph 149 is false.
151. See response to paragraph 146. Respondent does not have sufficient information to determine his responsibility for the entry set forth in paragraph 149.



152. See response to paragraph 146. Respondent does not have sufficient information to determine if the matter was closed due to the entry set forth in paragraph 149.

153. Respondent did not delete any files.

154. See response to paragraph 146. Respondent does not believe he played any part in settlement of this matter as Mr. Cohen had full authority to handle and settle matters.

155. See response to paragraph 146.

156. See response to paragraph 146.

157. See response to paragraph 146.

158. See response to paragraph 146.

159. See response to paragraph 146.

160. See response to paragraph 146.

161. See response to paragraph 146.

162. Acknowledged.

163. Acknowledged.

164. Acknowledged.

165. It is acknowledged that Respondent used the \$42,000 in fees. Respondent believed he had an arguable right to the fees.

166. Acknowledged that Respondent knowingly and intentionally took the fees.

167. Respondent has no access to file materials regarding the Wagner Matter and has no specific recollection regarding the matter.

168. See response to paragraph 167.

169. See response to paragraph 167.

170. Respondent is not named on the complaint and did not enter his appearance in this matter. According to the docket, this matter was filed by Mr. Cohen while he was at Smith & Cohen Law Group, not the SWD Firm.

171. See response to paragraph 167. Respondent was not involved in settling Ms. Wagner's personal injury lawsuit.

172. See response to paragraph 167.

173. See response to paragraph 167. Respondent does not deny that such a note may exist in the system and he may have made it. Respondent does not have any information as to when the note may have been created.

174. See response to paragraph 167. Respondent does not know if Ms. Wagner retained the SWD Firm.

175. See response to paragraph 167. Respondent does not have a recollection of deleting files related to Ms. Wagner's matter from the SWD Firm's case management system.

176. See response to paragraph 167.

177. See response to paragraph 167.

178. See response to paragraph 167.

179. Acknowledged.

180. Acknowledged.

181. Acknowledged.

182. Acknowledged.

183. Acknowledged.

184. Acknowledged.

185. It is acknowledged that Respondent used the \$32,500 in fees. Respondent believed he had an arguable right to the fees.

186. Acknowledged that Respondent knowingly and intentionally took the fees.

187. Respondent has no access to file materials regarding the Fritz Matter and has no specific recollection regarding the matter.

188. See response to paragraph 187.

189. See response to paragraph 187.

190. See response to paragraph 187.

191. See response to paragraph 187.

192. See response to paragraph 187.

193. See response to paragraph 187.

194. See response to paragraph 187.

195. See response to paragraph 187.

196. Respondent acknowledges he received the funds and they were deposited. Respondent does not have a recollection of whether he retrieved the check, whether it was placed in his office, or whether Mr. Cohen deposited the check.

197. See response to paragraph 187.

198. See response to paragraph 187.

199. See response to paragraph 187.

200. Acknowledged.

201. Acknowledged.

202. Acknowledged.

203. Acknowledged.

204. It is acknowledged that Respondent used the \$14,422.62 in fees. Respondent believed he had an arguable right to the fees.

205. Acknowledged that Respondent knowingly and intentionally took the fees.

206. Respondent has no access to file materials regarding the Khorosev Matter and has no specific recollection regarding the matter.

207. See response to paragraph 206. Respondent was not involved in referring any of Mr. Cohen's cases to outside counsel.

208. See response to paragraph 206.

209. Acknowledged.

210. Acknowledged.

211. Acknowledged.

212. Acknowledged.

213. It is acknowledged that Respondent used the \$1,550 in fees. Respondent believed he had an arguable right to the fees.

214. Acknowledged that Respondent knowingly and intentionally took the fees.

215. Respondent has no access to file materials regarding the Pappas Matter and has no specific recollection regarding the matter.

216. See response to paragraph 215.
217. See response to paragraph 215.
218. See response to paragraph 215.
219. See response to paragraph 215.
220. See response to paragraph 215.
221. See response to paragraph 215.
222. See response to paragraph 215.
223. See response to paragraph 215.
224. See response to paragraph 215.
225. See response to paragraph 215.
226. See response to paragraph 215.
227. See response to paragraph 215.
228. See response to paragraph 215.
229. See response to paragraph 215.
230. See response to paragraph 215.
231. See response to paragraph 215.
232. See response to paragraph 215.
233. Acknowledged.
234. Acknowledged.
235. Acknowledged.
236. Acknowledged.
237. Acknowledged.
238. It is acknowledged that Respondent used the \$6,496.02 in fees.  
Respondent believed he had an arguable right to the fees.
239. Acknowledged that Respondent knowingly and intentionally took the fees.

240. Respondent has no access to file materials regarding the Brown Matter and has no specific recollection regarding the matter.

241. See response to paragraph 240.

242. See response to paragraph 240. Respondent was not involved in the settlement of any of Mr. Cohen's cases.

243. Respondent does not deny that such a note may exist in the system and he may have made it.

244. Acknowledged that the information in the note described in paragraph 243 is false. Respondent was not involved in the settlement.

245. See response to paragraph 240. Respondent does not know if the matter was marked closed based upon the information in the note described in paragraph 243.

246. See response to paragraph 240.

247. Acknowledged the check was received. Respondent does not know when the check was received or who received it.

248. Acknowledged the check was sent to Erie Insurance. Respondent did not personally prepare a FedEx to send the check.

249. See response to paragraph 240.

250. Acknowledged the check was received. Respondent does not know when the check was received or who received it.

251. Acknowledged.

252. Acknowledged.

253. Acknowledged.

254. It is acknowledged that Respondent used the \$5,600 in fees. Respondent believed he had an arguable right to the fees.

255. Acknowledged that Respondent knowingly and intentionally took the fees.

256. Respondent has no access to file materials regarding the Hobaugh Matter and has no specific recollection regarding the matter.

257. See response to paragraph 256.

258. See response to paragraph 256.

259. See response to paragraph 256.

260. Respondent does not deny that such a note may exist in the system and he may have made it.

261. Acknowledged that the information in the note described in paragraph 260 is false.

262. See response to paragraph 256. Respondent does not know if the matter was marked closed based upon the information in the note described in paragraph 260.

263. See response to paragraph 256.

264. See response to paragraph 256.

265. See response to paragraph 256.

266. See response to paragraph 256.

267. See response to paragraph 256.

268. See response to paragraph 256.

269. See response to paragraph 256.

270. Acknowledged.

271. Acknowledged.

272. Acknowledged.

273. It is acknowledged that Respondent used the fees. Respondent believed he had an arguable right to the fees.

274. Acknowledged that Respondent knowingly and intentionally took the fees.

275. Acknowledged.

276. Acknowledged.

277. Acknowledged.

278. Acknowledged.

279. Acknowledged.

280. Acknowledged.

281. Acknowledged.

282. Acknowledged.

- 283. Acknowledged.
- 284. Acknowledged.
- 285. Acknowledged.
- 286. Acknowledged.
- 287. Acknowledged.
- 288. Acknowledged.
- 289. Acknowledged.
- 290. Acknowledged.
- 291. Acknowledged.
- 292. Acknowledged.
- 293. Acknowledged.
- 294. Acknowledged.
- 295. Acknowledged.
- 296. Acknowledged.
- 297. Acknowledged.
- 298. Acknowledged.

299. The proceeds did not belong to the SWD Firm. Mr. Sacks agreed to give Respondent the fee as the client had threatened both civil action and filing of an ethical complaint. Mr. Sacks stated that he could not afford another ethical issue. Respondent refused to give up the fee and Mr. Sacks consented to Respondent taking the fee with its attendant risk of action by the client. Respondent recalls the existence of a paper note in the file signed by Mr. Sacks that establishes this agreement.

300. Respondent did not misappropriate fees owed to the SWD Firm.

301. Respondent cannot verify the truth of this averment without access to the case management system. Respondent does not have a recollection of making any such note in the system.

302. Acknowledged the entry is factually incorrect. Respondent does not have a recollection of making any such note in the system.

303. Respondent does not have records to establish who closed the matter involving Ms. O'Neill.

304. Respondent cannot verify the truth of this averment without access to the firm's system. Respondent does not have a recollection of deleting electronic files related to the O'Neill matter from the SWD Firm servers.

305. Respondent has no access to file materials regarding the Statham Matter. Respondent does not know when the file was opened.

306. Mr. Statham was Respondent's client and the matter was not "assigned" to respondent.

307. Acknowledged.

308. Acknowledged.

309. Acknowledged.

310. Acknowledged.

311. Acknowledged.

312. Respondent has no access to file materials regarding the Statham Matter and does not have a specific recollection of the facts set forth in this paragraph. Respondent acknowledges he was made aware that the matter settled.

313. Respondent has no access to file materials regarding the Statham Matter and does not have a specific recollection of the facts set forth in this paragraph.

314. Respondent has no access to file materials regarding the Statham Matter and does not have a specific recollection of the facts set forth in this paragraph.

315. Respondent has no access to file materials regarding the Statham Matter and does not have a specific recollection of the facts set forth in this paragraph.

316. Respondent does not have a recollection of how the fee came to the SWD Firm.

317. Acknowledged that a conversation occurred. Respondent does not have specific information to acknowledge the date as alleged.

318. Acknowledged only that Respondent told Ms. Brosius the fee was to be turned over to the client. The remaining averments of this paragraph are inconsistent with Respondent's recollection of the conversation.

319. Acknowledged that the money was turned over to the client.



320. It is acknowledged that Respondent used the fees. Respondent believed he had an arguable right to the fees.

321. Acknowledged that Respondent knowingly and intentionally took the fees.

322. Respondent did not make a misrepresentation to Ms. Brosius regarding the reason for taking possession of the referral fee check.

323. Respondent has no access to file materials regarding the Reid Matter and has no specific recollection regarding the facts averred to in this paragraph.

324. See response to paragraph 323.

325. Acknowledged.

326. Respondent does recall the Kofsky firm transferred the matter to different counsel.

327. See response to paragraph 323.

328. See response to paragraph 323.

329. See response to paragraph 323.

330. See response to paragraph 323. Respondent acknowledges receiving the check.

331. Acknowledged.

332. It is acknowledged that Respondent used the fees. Respondent believed he had an arguable right to the fees.

333. Acknowledged that Respondent knowingly and intentionally took the fees.

334. Respondent has no access to file materials regarding the Rozen Matter and has no specific recollection regarding the facts averred to in this paragraph.

335. Acknowledged.

336. Acknowledged.

337. Acknowledged.

338. Acknowledged.

339. It is acknowledged that Respondent used the fees. Respondent believed he had an arguable right to the fees.

340. Acknowledged that Respondent knowingly and intentionally took the fees.

341. Respondent has no access to file materials regarding the Cyzner Matter and has no specific recollection regarding the facts averred to in this paragraph. Respondent does have a recollection that Mr. Cohen informed Respondent that the matter referred to in the following paragraphs was not part of the agreement.

342. See response to paragraph 341.

343. See response to paragraph 341.

344. Acknowledged.

345. Acknowledged.

346. It is acknowledged that Respondent used the fees. Respondent believed he had an arguable right to the fees.

347. Acknowledged that Respondent knowingly and intentionally took the fees.

348. Respondent has no access to file materials regarding the Gaiderowicz and Hadlock Matters. Respondent generated these matters, but has no specific recollection as to whether the SWD Firm was retained.

349. Acknowledged.

350. Acknowledged.

351. Respondent cannot verify the truth of these averments as he has no access to the emails referenced in this paragraph, but believes there were other emails with Mr. Marinari. Respondent acknowledges he was in contact with Mr. Marinari about performing work on his personal residence.

352. See response to paragraph 351.

353. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph. Respondent did not personally utilize the PayPal account, payments to Mr. Mariani were made by Respondent's secretary at Respondent's request.

354. Respondent cannot verify the truth of these averments as he has no access to the emails referenced in this paragraph.

355. Respondent cannot verify the truth of these averments as he has no access to the emails referenced in this paragraph.

356. Respondent cannot verify the truth of these averments as he has no access to the emails referenced in this paragraph.

357. Respondent cannot verify the truth of these averments as he has no access to the emails referenced in this paragraph.

358. Respondent cannot verify the truth of these averments as he has no access to the emails referenced in this paragraph.

359. Respondent acknowledges the payment was made. Respondent did not personally utilize the firm's PayPal account to make a payment.

360. Respondent did not falsely claim to Ms. Brosius that the payment was for expert services provided in the Gaiderowicz and Hadlock matters.

361. Respondent does not believe the funds were misappropriated from the firm.

362. Respondent has no access to file materials regarding the Kidd Matter. Respondent generated the Kidd Matter, but has no specific recollection as to whether the SWD Firm was retained.

363. Acknowledged.

364. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph. Respondent did not personally utilize the PayPal account, payments to Mr. Mariani were made by Respondent's secretary at Respondent's request.

365. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph. Respondent has a recollection that Mr. Mariani was used as an expert in the Kidd matter, but did not issue a report.

366. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph.

367. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph. Respondent did retain a concrete repairperson to perform work on his home.

368. Acknowledged.

369. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph. Respondent did retain Mr. Tray to perform work on his home. Respondent has a recollection that Mr. Tray gave a verbal opinion on a case, but does not recall whether it was in connection with the Kidd matter.

370. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph.

371. Respondent did not prepare the "invoice" referred to in this paragraph.

372. Respondent did not present the materials to Ms. Brosius. Respondent believes the materials were submitted to Ms. Brosius were submitted by his secretary.

373. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph.

374. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph.

375. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph. Respondent acknowledges he settled the Kidd matter.

376. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph.

377. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph.

378. Expert services were rendered by Mr. Marinari with respect to the Kidd Matter.

379. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph. Respondent is aware that there were expert costs associated with the Kidd Matter.

380. Respondent did not misappropriate fees from Ms. Kidd.

381. Respondent has no access to file materials regarding the Gage Matter. Respondent generated the Gage Matter, but has no specific recollection as to whether the SWD Firm was retained.

382. Acknowledged.

383. Acknowledged.

384. Acknowledged.

385. Acknowledged.

386. Any bills submitted to Ms. Brosius were submitted through Respondent's secretary.

387. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph.

388. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph.

389. Respondent believes the check was provided to his secretary.

390. Respondent did not cross out the typed information and hand-write in the customer billing ID number. Respondent does not deny that this may have happened, but he did not do it or direct it to be done.

391. Respondent does not deny that the check in question may have been used to satisfy his insurance policy premium. Respondent did not request that his insurance policy premium be paid in this manner, nor did he arrange for the check to be issued.

392. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph. Respondent acknowledges his secretary may have requested the check by issued in this manner to pay for his personal expenses which was improper.

393. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph.

394. Respondent did not seek to misappropriate money from Ms. Gage or the SWD Firm.

395. Respondent has no access to file materials regarding the Mawusi Matter. Respondent generated the Mawusi Matter, but has no specific recollection as to whether the SWD Firm was retained.

396. Acknowledged.

397. Acknowledged.

398. Acknowledged.

399. Any bills submitted to Ms. Brosius were submitted through Respondent's secretary.

400. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph.

401. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph.

402. Respondent believes the check was provided to his secretary.

403. Respondent did not cross out the typed information and hand-write in the invoice number.

404. Respondent does not deny that the check in question may have been used to satisfy his insurance policy premium. Respondent did not request that his insurance policy premium be paid in this manner, nor did he arrange for the check to be issued.

405. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph.

406. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph. Respondent recalls the personal injury matter settled.

407. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph.

408. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph.

409. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph. Respondent acknowledges his secretary may have requested the check by issued in this manner to pay for his personal expenses which was improper.

410. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph.

411. Respondent did not knowingly and intentionally misappropriate \$211.84 from Mr. Mawusi.

412. Respondent has no access to file materials regarding the Lemma Matter. Respondent generated the Lemma Matter, but has no specific recollection as to whether the SWD Firm was retained.

413. Admitted.

414. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph.

415. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph. The fall occurred outside his residence at an assisted living facility, not on a wet floor.

416. Admitted.

417. Respondent did not provide false information to the SWD Firm. Respondent personally visited Mr. Lemma with his investigator to examine the location of the fall.

418. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph.

419. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph.

420. Respondent did not present any invoices to Ms. Brosius. Respondent does not have records sufficient to verify the accuracy of the remaining averments of this paragraph.

421. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph.

422. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph.

423. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph.

424. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph.

425. Respondent did not make any request of Ms. Brosius to issue checks for his personal expenses. Respondent acknowledges this may have been done by his secretary, but denies it was done at his request.

426. Respondent did not present any bills to Ms. Brosius.

427. Respondent did not alter the bill. Respondent acknowledges this may have been done by his secretary, but denies it was done at his request.

428. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph.

429. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph.

430. Ms. Brosius did not give Respondent the check.

431. Respondent did not make the alteration on the bill. Respondent does not deny that such an alteration may have been made, but it was not made at his request.

432. Respondent does not deny that the check in question may have been used to satisfy the bill. Respondent did not request that his bill be paid in this manner, nor did he arrange for the check to be issued.

433. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph. However, Respondent did make a notation in the file when Mr. Lemma's father died.

434. Respondent did not knowingly and intentionally misappropriate \$993.63 from the SWD Firm.

435. Respondent has no access to file materials regarding the Coates Matter. Respondent generated the Coates Matter, but has no specific recollection as to whether the SWD Firm was retained.

436. Admitted.

437. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph.

438. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph.

439. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph.

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441. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph.

442. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph.

443. Respondent did not present any invoices to Ms. Brosius.

444. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph.

445. Respondent did not request Ms. Brosius issue a check.

446. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph.

447. Respondent does not have records sufficient to verify the accuracy of the averments of this paragraph.

448. Respondent did not receive the check.

449. Respondent does not deny that the check in question may have been used to satisfy the bill. Respondent did not request that his bill be paid in this manner, nor did he arrange for the check to be issued.

450. Respondent did not knowingly and intentionally misappropriate \$1,895 from the SWD Firm.

451. Respondent acknowledges that his conduct violated Rules of Professional Conduct, including Rules 1.15 and 8.4.

WHEREFORE, Respondent joins with Disciplinary Counsel in requesting the Honorable Board appoint, pursuant to Rule 205, Pa.R.D.E., a Hearing Committee to hear testimony and receive evidence in accordance with Rule 214(f)(1) on the sole issue

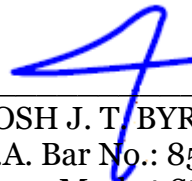


of the extent of the final discipline to be imposed, and at the conclusion of said hearing, to make such findings of fact, conclusions of law, and recommendations for discipline as it may deem appropriate.

Respectfully submitted,

MARSHALL DENNEHEY, P.C.

By:



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JOSH J. T. BYRNE, ESQUIRE  
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[jtbyrne@mdwcg.com](mailto:jtbyrne@mdwcg.com)  
(215) 575-2805

*Counsel for respondent,  
Scott Eric Diamond*

Date: January 23, 2024

**BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL,  
Petitioner

: No. 114 DB 2022

:  
:

v.

: Atty. Registration. No. 44449

:  
:

SCOTT ERIC DIAMOND,  
Respondent


: (Philadelphia County)

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served by electronic mail and/or first class mail the foregoing document upon all parties of record in this proceeding in accordance with the requirements of 204 Pa. Code § 89.22 (relating to service by a participant).

MARSHALL DENNEHEY, P.C.

By:

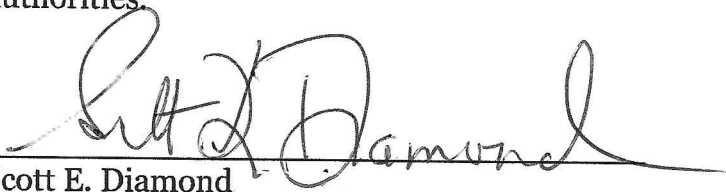
  
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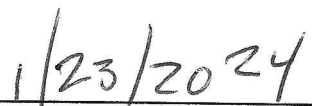
*Counsel for respondent,  
Scott Eric Diamond*

Date: January 23, 2024

**VERIFICATION**

The statements contained in the foregoing answer to petition for discipline are true and correct to the best of my knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Scott E. Diamond

  
\_\_\_\_\_  
Date