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and eloquent, attorney  
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# NEVER GIVE UP

Tenacious, thorough, and eloquent, attorney Michael Diamondstein takes an unrelenting approach to defending clients in criminal matters of every sort.

by *BILL DONAHUE* | photography by *JEFF ANDERSON*

## **Monte Small Atwell's involvement in a shooting death landed him in a courtroom facing a murder charge. He walked free after his attorney, Michael Diamondstein, convinced members of the jury that he had acted in self-defense.**

Elonzer Perkins found himself behind bars, facing 30 to 60 years in prison, over an allegation that he had raped an 11-year-old girl. Again, Diamondstein got the call. He pressed until Perkins' name had been cleared, with DNA evidence conclusively showing that he was not the rapist.

When the U.S. Government indicted Philadelphia District Attorney Seth Williams on multiple counts of bribery, fraud, and extortion, Williams wanted Diamondstein to represent him.

While each man's story is unique, all three share a commonality: They turned to the same individual, Michael J. Diamondstein—one of the Philadelphia area's most sought-after attorneys focusing on criminal defense—as their only hope of escaping legal entanglements that could have effectively ended their lives.

Known for his thoroughness, tenaciousness, and eloquence in the courtroom, Diamondstein has defended clients in cases that run the gamut of criminal allegations: assault, drug-related charges, DWI/DUI, murder, sex crimes, and weapons charges, as well as white-collar clients—both individual and corporate—for a multitude of allegations, including fraud. The thousands of clients he has represented in courtrooms in Pennsylvania, New Jersey, and across the country have included everyone from high-profile athletes and politicians to law enforcers and everyday working people.

Perhaps his most high-profile case to date involved Ray Rice, the former Baltimore Ravens running back who faced third-degree assault charges after a physical altercation with his fiancée (now wife) in an Atlantic City, N.J., hotel elevator. If convicted, Rice likely would have gone to jail, but Diamondstein was able to negotiate a pretrial intervention program for first-time offenders, thereby helping his client avoid a criminal conviction.

Closer to home, a case involving a Philadelphia narcotics officer named John Speiser drew the glaring spotlight

of the local media. Along with five other officers, Speiser faced a raft of federal corruption charges. Diamondstein poked a number of holes in the prosecution's case and capped his defense with an impassioned closing argument that drew tears from the eyes of several jurors. Speiser and his fellow officers were ultimately acquitted of the charges.

"What I do is a calling," Diamondstein says. "There is no crueler tyranny than that which is perpetrated under the shield of law and in the name of justice. When the government, with its limitless resources, steps beyond its lawful role, people can be destroyed. My clients' lives are on the line, and that's why I refuse to give up."

### **Hanging in the Balance**

During a brief phone interview, Diamondstein maintains a cordial but no-nonsense demeanor—seemingly mindful that the time spent discussing his practice is time he can't spend working on helping people. It's a 24/7 job, after all, where minutes matter and clients' fates hang in the balance.

"Generally speaking, when someone walks in my door, they are literally fighting for their lives," he says. "They're facing the heat of a government investigation or are being charged with a crime, and you cannot imagine what that experience is like. Without significant help, life as they know it is over. A conviction can end the life you had. You can lose your freedom, lose your livelihood, and have your hopes and dreams smashed to pieces."

Belinda Smith knows what it's like. Though she asked not to use her real name, Smith feels deeply indebted to

Diamondstein, because of his efforts to clear the name of her then-boyfriend, now-husband. Approximately four years ago, her husband's daughter from another marriage accused him of sexual abuse. Her husband maintained his innocence throughout, but Diamondstein prepared them for the worst.

"Michael was quite a pill to swallow at first, and the worst-case scenarios he told us were really tough to hear," she recalls. "Making the decision to go to trial was terrifying, because should they be able to sentence [my husband] according to the accusations, he was looking at multiple-year sentences. The trial was about two weeks long, and during that first week, I started seeing Michael in a different light, where I said, 'I think I might like this guy.' I saw that he was an empathetic, hardworking man who was doing everything in his power to save us."

While Diamondstein's burly defense of her husband impressed her, Smith worried that her husband had "the cards stacked against him" because he was an African-American male. The jury ultimately found him not guilty of the charges, and Diamondstein was "100 percent responsible for that," according to Smith.

**We never thought we would have a need for a criminal defense attorney, and we had no idea what to expect. Michael ended up being such a rock. It was a horrible situation to be put through, but Michael led us through it."**

—BELINDA SMITH, THE WIFE OF ONE OF MICHAEL DIAMONDSTEIN'S PAST CLIENTS

"We never thought we would have a need for a criminal defense attorney, and we had no idea what to expect," she adds. "Michael ended up being such a rock. It was a horrible situation to be put through, but Michael led us through it. The experience solidified us as a couple. We've made it through something horribly tragic—I think I have PTSD from



it—and it's something that will always be there; it won't ever be truly gone. The scariest thing about it is that it was such an out-of-left-field situation; it could happen to anyone."

Although Diamondstein spends his days leading a firm that defends those charged with crimes, he started his career on the other side, as a member of the prosecution. The experience made him a better defense attorney, he believes, as he cultivated a number of important relationships early on that continue to serve him to this day. More importantly, learning how a prosecutor builds a case against a defendant taught him how to spot vulnerabilities and find a point of attack.

"Nothing angers me more than watching an injustice; it keeps me up at night," he says. "People deserve to be treated fairly, without prejudice. They deserve equal protection under the law. They deserve to have an impartial tribunal. It's my duty to fight to make sure that happens."

The work demands a lot from Diamondstein, but he's compelled to do it because, as he says, "It's who I am." Despite the demands on his time, energy, and brain power, Diamondstein prioritizes time with his family, which includes his wife of 20 years and their three children, ages 15, 12, and seven. He even finds time to train for and compete in Ironman triathlons.

Notoriously grueling, an Ironman includes a 2.4-mile swim, a 112-mile bike, and then a marathon (26.2 miles on foot). In other words, an Ironman

challenges a competitor in mind, body, and spirit in ways most people could not imagine. In order to do well in this triathlon, Diamondstein says one must possess "incredible discipline, physical endurance, and the ability to endure pain"—some of the same qualities that have made him such an in-demand criminal defense attorney.

#### 'Saved My Life'

Diamondstein is certainly aware of the stigma associated with criminal defense attorneys and the work they do, but he pays it no mind. Besides, he suggests people might think differently if they truly understood what he does and the service he represents. A situation that could happen to anyone—a wrongful accusation, for example, or a traffic accident that results in a death—has the potential to derail someone's life and send them away to state or federal prison. When and if that happens, someone like him is often the only thing that stands in the way of having their world turned completely upside down.

"A criminal conviction means your life will never be the same," he says. "That's why I take my job so seriously. Every single person who calls me is calling at the worst time in their lives. It's an awesome responsibility that I bear, and it's one I live with 24 hours a day, seven days a week."

Diamondstein often tells his clients that he can't guarantee them that he will win, but he can guarantee that if there is any way out, if there is any way to prevail on their case, he will find it.

While this claim may sound braggadocious, he doesn't mean it to be; he just wants clients to know he's going to fight relentlessly on their behalf. A number of respected institutions seem to support his claim. Super Lawyers has named him a top-rated criminal defense attorney in Philadelphia since 2011, while Martindale-Hubbell bestowed him with an AV Preeminent rating. In addition, he's often invited to share his expertise with fellow attorneys for purposes of continuing education. In 2017, he spoke about handling high-profile cases with members of the Arkansas Association of Criminal Defense Lawyers.

While he appreciates the accolades, he's more concerned with his clients' assessments of his performance. Monte Small Atwell, a Philadelphia rapper who goes by the name "Benjy," is a good example. Atwell went so far as to write a song about Diamondstein's courtroom prowess after the attorney helped clear him of murder charges on grounds of self-defense.

"Mr. Diamondstein saved my life," Atwell said after his trial. "He is the best there is." ■



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