

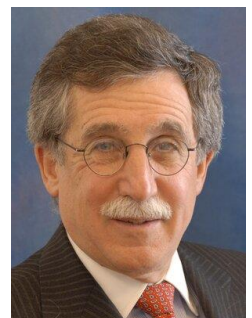
The 'Even-Handed' Judge Handling Menendez's Bribery Case

By Jake Maher

Law360 (October 5, 2023, 3:28 PM EDT) -- With Sen. Bob Menendez of New Jersey facing corruption charges in New York federal court, overseeing a case rife with explosive allegations will be left to U.S. District Judge Sidney H. Stein, a jurist for nearly three decades known for his "even-handed" approach to cases.

A judge in the Southern District of New York since 1995, Judge Stein has built a reputation as well-prepared and partial neither to the defense nor to the prosecution, according to interviews with several attorneys who have appeared before him.

"It is my experience, and also Judge Stein's reputation, that he is eminently fair, even-handed and keeps an open mind," said Edward Imperatore, a partner in Morrison Foerster LLP's investigations and white collar defense group, in an interview with Law360 Pulse.



Judge Sidney H. Stein

Imperatore previously worked as an assistant U.S. attorney for the Southern District and tried a complex white collar case before Judge Stein.

He emphasized that Judge Stein in general gives the defense a fair chance to make its case. Somewhat unusually, he said, Judge Stein places a high value on oral argument and can be persuaded to make decisions by highly effective argument.

"Oral argument matters before Judge Stein because he keeps an open mind," Imperatore said.

Roger Burlingame, a white collar defense attorney and partner at Dechert LLP, echoed Imperatore's comments about Judge Stein's level of preparation, saying that he is "extremely up to speed and fully in control."

Earlier this year Burlingame represented a British finance professional who pled guilty before Judge Stein to assisting fraudster Inigo Philbrick in an \$86 million scheme to deceive art collectors, investors and lenders.

Burlingame praised Judge Stein's willingness to hear both sides of a case and give the defense a serious chance to present its case.

"He's very even-handed and down the middle," Burlingame told Law360 Pulse.

A Princeton University and Yale Law School graduate, Judge Stein got his start in the law clerking for Judge Stanley Fuld of the New York State Court of Appeals in the early 1970s.

He entered private practice at Paul Weiss Rifkind Wharton & Garrison LLP before founding his own litigation boutique, Stein Zauderer Ellenhorn Frischer & Sharp, where he spent the bulk of his practicing years.

President Bill Clinton tapped Judge Stein for the court in 1995 and he took senior status in 2010. During his time on the court Judge Stein has overseen several major cases, including multidistrict litigation between Par Pharmaceutical Cos. Inc. and Purdue Pharma LP over patents for OxyContin.

He also presided over the 2019 trial of several participants in a \$31 million scam that involved recruiting hundreds of people to fake slip and fall accidents and undergo unnecessary surgery so they could file bogus lawsuits against businesses and insurance companies.

With the case against Menendez, Judge Stein will be presiding over what represents the second set of bribery-related charges brought against the 69-year-old Democratic lawmaker in less than a decade.

After beating the first case in 2018, Menendez, along with his wife, Nadine, are accused of taking some \$600,000 worth of bribes from Garden State business associates Fred Daibes, Jose Uribe and Wael Hana in exchange for, among other things, steering billions of dollars' worth of military aid to Egypt. The defendants have denied the charges and the senator has indicated he will fight the case before a jury.

At a Monday hearing, Judge Stein prodded federal prosecutors to get "voluminous" discovery from some 50 online accounts and devices largely produced to defense lawyers by early December — and the judge put the case on track for trial starting May 6.

In steering the case, Judge Stein is expected to bring the same down-to-earth approach he has applied to other matters.

Speaking to Law360 Pulse, Elisha Kobre, a partner at Bradley Arant Boult Cummings LLP, emphasized Judge Stein's ability to use his decades of experience to "make decisions in a confident manner, without having a full briefing when it's not necessary."

Kobre prosecuted multiple cases before Judge Stein earlier in his career when he served as an assistant U.S. attorney in the Southern District. He praised Judge Stein's practical and down-to-earth approach to managing cases.

Kobre and Imperatore both noted Judge Stein's willingness to question witnesses on his own to get at the heart of an issue and to make the issue clear for a jury.

Throughout the prosecution of the \$31 million slip-and-fall fraud case, for example, Judge Stein took an interest in having lengthy discussions with defendants about their scheme.

"This is one of those cases that confounds me," Judge Stein commented in court at one point during a sentencing. "It boggles the mind. It's a frightening insight into human nature."

He also spoke directly to the government, advising prosecutors to pursue higher-ranking doctors and lawyers who took part in the fraud.

Regarding Menendez's trial, Imperatore said he expected politics and close media attention to play "no role" in how Judge Stein works.

With Judge Stein's open-minded temperament and his willingness to clarify issues for the jury, Imperatore said litigants and attorneys walk away from court with a positive impression of him.

Kobre concurred.

"He's a very pleasant judge to have a trial in front of," he said.

--Additional reporting by Pete Brush and Daniel Siegal. Editing by Robert Rudinger.