

**THE NATIONAL
LAW JOURNAL**

ALM Properties, Inc.

Page printed from: <http://www.nlj.com>[Back to Article](#)

Judge acquitted of attempting to bribe opposing candidate

A jury has acquitted a California state trial judge of attempting to bribe his opponent during a 2008 election, in a rare criminal case that highlighted the uglier side of judicial races.

Amanda Bronstad

August 02, 2011

A jury has acquitted a California state trial judge of attempting to bribe his opponent during a 2008 election, in a rare criminal case that highlighted the uglier side of judicial races.

The jury issued its verdict on Aug. 1, after about one day of deliberations, rejecting arguments by a prosecutor at the California Attorney General's office that Los Angeles County, Calif., Superior Court Judge Harvey Silberman, then a court commissioner, used his campaign consultants and others to offer money to induce Los Angeles County Deputy District Attorney Serena Murillo not to run against him.

The verdict allows Silberman, who would have faced up to three years in prison if convicted, to return to hearing cases.

"We feel justice was done. We contended from the start that this was a politically motivated prosecution from the inception, with the involvement of the D.A.'s office investigating a case where the complaining witness was a D.A. who was currently involved in a contested judicial election," said Shepard Kopp, a solo practitioner who represents Silberman. "He was and is innocent of any wrongdoing and he looks forward to going back to work to do the work that the voters elected him to do."

The district attorney's office investigated the matter but turned over the case to the state attorney general's office. The lead prosecutor, Deputy Attorney General Zee Rodriguez, declined to comment. Shum Preston, a spokesman for the attorney general's office, declined to comment.

Silberman stepped down from hearing cases after being indicted in 2009 along with his campaign consultants, Evelyn Alexander and Randy Steinberg, principals of the firm SJA Strategies. Alexander and Steinberg pleaded no contest to misdemeanors and testified for the government during Silberman's trial, which began on July 18.

The three had been charged with violating a section of California's Election Code that prohibits someone from having "solicited, or received, any money or another valuable consideration to or for the use of any person in order to induce a person not to become or to withdraw as a candidate for public office."

Orange County, Calif., Superior Court Judge Richard King, who oversaw the case after all the judges in the Los Angeles Superior Court were disqualified, tossed out additional bribery charges under California's Penal Code before the trial.

During closing arguments, Rodriguez told the jury that in February 2008 Silberman called William Kopeny, an attorney in Irvine, Calif., and former chairman of the Judicial Nomination Evaluation Commission, the day after Murillo filed a declaration of interest for an open seat against Silberman, asking him to "try to get Ms. Murillo out of this race."

When that didn't work, Rodriguez said, Los Angeles Superior Court Commissioner Lori-Ann Jones called Murillo three days later to discuss the campaign. With Jones at the time was Alexander, whom Jones had retained as a campaign consultant. Minutes later, she said, a call was placed from Jones' home to Silberman; soon after that, Jones called Murillo back, informing her that Silberman had agreed to pay her \$1,787 filing fee if she would drop out of the race. Murillo ended up running for the same seat as Silberman but losing to him.

Jones resigned from the bench last year and testified for the prosecution in the trial.

Rodriguez also brought up a later incident in which Steinberg, in a phone call, told Murillo's campaign consultant that Silberman would no longer run for the same seat if Murillo would pay for Silberman's ballot statement--about \$83,000.

In his closing argument, Kopp attacked Murillo's campaign consultant, Hal Dash of Cerrell Associates Inc. He also attacked the credibility of the government's witnesses, particularly Silberman's two campaign consultants, who he said exemplified the "rogue" behavior increasingly prevalent in judicial elections.

"Those government witnesses were bought and paid for with plea deals and immunity agreements, and the shoddy quality of their testimony was clearly unreliable," Kopp said following the verdict. "Judicial elections have been dragged down by these campaign consultants into the same gutter that every other campaign is run in these days."

Before he was indicted in 2009, Silberman heard family law disputes at downtown Los Angeles' Stanley Mosk Courthouse, including high-profile cases such as the custody battle between Charlie Sheen and ex-wife Denise Richards over their two children.

It wasn't clear exactly when or where Silberman would return to the bench, said another attorney for Silberman, Daniel Nixon of Byrne & Nixon in Los Angeles. "He's been receiving his pay and benefits and carried his title but has not been allowed to hear cases," he said. "Now that he's been acquitted, he really is anxious to get back to work."

Amanda Bronstad can be contacted at abronstad@alm.com.

Copyright 2011. ALM Media Properties, LLC. All rights reserved.