



News

Media Summary: David S. Weinstein Discusses the Mistrial of New Jersey Senator Robert Menendez

November 17, 2017

On Thursday, a New Jersey federal judge declared a mistrial in the case of U.S. Senator Robert Menendez. The Senator was accused of a bribery scheme involving nearly \$1 million in campaign contributions and lavish gifts—private jet trips and luxury vacations—from Florida eye doctor Salomon Melgen, a friend of Menendez and co-defendant in the case. Hinshaw's David S. Weinstein, a former federal prosecutor, provided an analysis on the decision in several national media outlets. A summary of his commentary follows below.

Wall Street Journal Risk & Compliance Journal: McDonnell Decision Echoes in Menendez Mistrial

Reporter Samuel Rubinfeld looked for clues to the Menendez mistrial in the 2016 U.S. Supreme Court decision in *McDonnell* which "narrowed key parts of U.S. anti-bribery law." Weinstein said that companies can learn important lessons from the mistrial of Menendez and the *McDonnell* decision. He also cautioned that the mistrial should not send a message to companies that it's OK to attempt to influence a government official simply by a "wink and a nod" because bribery of a public official remains illegal. "You still need to be cautious and careful in your relationships with public officials about what you give them and what you ask them to do for you," Weinstein said.

Read the full article "[McDonnell Decision Echoes in Menendez Mistrial](#)," on the *Wall Street Journal* website (*subscription required*)

Bloomberg Politics: Menendez Mistrial Leaves U.S. With Choice: Retry or Give Up?

Reporters Neil Weinberg and David Voreacos focused on the decision facing prosecutors to either retry Menendez or accept acquittal given the Justice Department's "spotty record" in other public corruption cases. Weinstein said that a retrial represents "more of a mulligan for the prosecution than it is for the defense." Additionally, he notes that the Justice Department must evaluate the impact of the *McDonnell* decision on its charging theory of how Menendez broke the law.

Read the full article "[Menendez Mistrial Leaves U.S. With Choice: Retry or Give Up?](#)," on the *Bloomberg* website

New Jersey Law Journal: Second Menendez Trial Seen as Likely After Deadlock Leads to Mistrial

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Litigation reporter Charles Toutant looked at the likelihood of a retrial following Thursday's declaration of a mistrial. Weinstein said his "gut reaction" was that Menendez will be tried again, keeping in mind that the initial indictment was brought under a different attorney general. A decision to retry Menendez, according to Weinstein, would "require a close look at whether the proofs in the case support a finding the Menendez carried out official acts on Melgen's behalf." He also discussed the difficulty of obtaining a bribery conviction. "You have to show what Menendez did what was intended to influence the outcome," Weinstein said. "It's not just enough for somebody to get a gift or handout and the person that receives it has to do something in his or her official capacity."

Read the full article, "[Second Menendez Trial Seen as Likely After Deadlock Leads to Mistrial](#)," on the *New Jersey Law Journal* website (*subscription required*)