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## 2 Ex-Judges And a Lawyer Are Convicted Of Corruption

By The New York Times

SAN DIEGO, Oct. 19 — Two former California Superior Court judges and a prominent lawyer were found guilty on Friday in Federal District Court here of conspiring to conduct court affairs through a pattern of bribery and extortion.

After a five-week trial, the former judges, James A. Malkus and G. Dennis Adams, and the lawyer, Patrick Frega, were each convicted on one count of conspiracy to conduct racketeering. Mr. Frega was also convicted of racketeering, and all three were convicted on several counts of mail fraud. They were acquitted of some mail-fraud charges.

Judge Edward Rafeedie set sentencing for Jan. 30. The maximum penalty faced by each of the defendants is about 20 years, the prosecutors said.

Federal prosecutors charged that Mr. Frega had made more than \$25,000 in illegal payments to the judges in the form of gifts in exchange for favorable treatment, like assigning him judges that he requested and providing him with confidential information about cases. The prosecutors said they were very pleased with the verdicts.

"When officers of the court abuse the trust vested in them by the people, it undermines the very foundation of fairness upon which our system rests," said the United States Attorney, Alan D. Bersin. "Court corruption was identified and no one — including judges — stood above the law."

Mr. Frega said he would appeal the verdict. The other two men are expected to appeal as well.

As Mr. Frega walked from the courtroom, he was defiant. "The jury will have to live with this decision," he said. "It's not over."

Jerry Coughlan, Mr. Malkus's lawyer, said: "I feel terrible. I've let down my client, who is innocent. I'll continue to fight for him."

The case hinged on the testimony of Michael Greer, once this city's most powerful Superior Court judge. In March, Mr. Greer pleaded guilty on charges of accepting bribes from Mr. Frega in exchange for a promise from the prosecutors that they would recommend probation for Mr. Greer.

In his testimony, Mr. Greer told the jury that he and the other two judges had taken gifts and favors from Mr. Frega, then had made rulings that helped him win his multi-million-dollar lawsuits. The gifts included dinners, clothing, club memberships and jobs for relatives.

Mr. Greer, who admitted taking \$75,000 in gifts from Mr. Frega, and Mr. Malkus resigned in 1993 in the middle of an investigation into the unreported gifts; the California Supreme Court removed Mr. Adams from the bench in 1995.

Mr. Greer said that he had assisted Mr. Frega with dozens of cases in a 10-year period and that he and the lawyer "took care of each other." He said he had let Mr. Frega select "favorable" judges and had then tricked opposing lawyers into thinking that the judges were objective.

One trick, Mr. Greer said, involved fining Mr. Frega \$150 for appearing late in court as a "demonstration of neutrality" before assigning the case to the judge whom Mr. Frega had privately requested.

The trial and the events preceding it clearly had an effect on Mr. Greer. In January, after news of the investigation became public, he disappeared for two days. He was found in a hotel room in Hemet, a rural community in Riverside County, where he had attempted suicide by taking pills and slashing his wrist.

While testifying against Mr. Frega and his two former colleagues, Mr. Greer was subdued in manner and tone.

His credibility as a witness was repeatedly attacked in 12 grueling hours of cross-examination by defense lawyers, who suggested that his comments were tainted because of deals made with prosecutors.

But a Federal prosecutor, Phillip Halpurn, said prosecutors had not guaranteed Mr. Greer that he would not serve time in prison, only that they would make that recommendation. He is to be sentenced on Jan. 29.

Mr. Frega, a charismatic lawyer who was once named "Lawyer of the Year" by his colleagues, contended that he had given the gifts to the judges out of friendship.

Mr. Malkus testified that he had not been aware that Mr. Frega had paid for the gifts.