

## **CHOOSING COUNSEL IN WHITE COLLAR CASES**

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White collar criminal defendants are unusual in the criminal defense world. Many white collar defendants don't see themselves as criminals in the same way a burglar or a smuggler might. White collar defendants are often business people who cut corners, stock brokers who "do what everyone else is doing" or executives who do "what makes sense" knowing that it is technically questionable.

When the police come to the white collar's home, they quickly find ways to let the defendant know that he is no different from everyone else. There is no "White Collar" jail and no "White Collar" court. You get thrown in with the drunks, the robbers and the wife beaters. It is like "Bonfire of the Vanities", one day you are on top of the world and the next day you are in the body of the beast.

Because white collar defendants don't see themselves as criminals, the people they know and the lawyers they know, are detached from the criminal defense world. Most initial (I emphasize INITIAL) white collar referrals come from business lawyers and accountants. Later, the defendants themselves are the ones reach out. (I'll explain why in a minute.) The lawyers selected are usually housed in large business law firms that have a white collar section.

In general, the lawyers in those white collar sections have very little trial experience, often less than 20 trials in their entire career. Many, even most, are former prosecutors with long standing relationships in the law enforcement community. There is a real benefit to these types of lawyers. If you are one of the first to be arrested and if you have a lot of information, these types of lawyers can walk you into the prosecutor's office and make you a cooperation deal.

My office does not represent people in this position. Try a former prosecutor for that and if it fails, then you can contact me. In other words, there are two types of white collar defense

lawyers. The first type takes the cases, looks for an easy (and often effective) way out. If that doesn't work, they are usually not at their best. The clients then often look for a criminal defense attorney (they hate using that phrase at first) and then they come to me. By the time a white collar defendant comes to my office, they are usually battered, disheartened and genuinely frightened. I don't make guarantees but very often we can help. At the very least, I can give the white collar client a clear idea as to where he stands and what his chances are.

To summarize: (Trial lawyers like to repeat things)

A cooperation deal lets you supply information about and testify against others in exchange for a much reduced sentence. If this is best for you, these lawyers can often do the job very well.

If you are one of the people on the receiving end of an informant, you do not need a "cooperation" lawyer. You need a litigation lawyer, a trial lawyer.

When you come into my "Emergency Room", you have lost the first round but don't despair. You can still get a deal, but your deal will come from hard work and not by surrendering yourself to the prosecutors (someone else already got that job).

You get a deal by fighting a good fight and taking apart the prosecution case. If that fails, you might have to go to trial. As frightening as that might seem (and usually is to a white collar defendant), it is not a piece of cake for the prosecutor to get a conviction in the face of a strong defense. They need 12 out of 12, you only need one to hang the jury.

Don't be disheartened by high profile losses (e.g. Ken Lay), there are a lot of not quite as high profile wins that don't get the media attention that they should. White Collar trial victors are not uncommon.

The Law Office of Daniel Horowitz has an extensive record of trial wins and our teams

of lawyers, paralegals, experts and investigators are custom assembled to meet the needs of your case. In every instance, Daniel Horowitz is the prime attorney on your case. He makes all of the critical appearances and leads the jury trial (if needed). Daniel Horowitz has over 150 jury trials to his credit, experience that is matched with a record of success that is highly acclaimed.

Are we the only law firm with such experienced white collar trial teams? Of course not, the criminal defense bar has some of the finest true lawyers in the legal profession. We recommend that you select the right type lawyer for your case. If you have to fight your case rather than plead it, consider hiring a firm like the Horowitz Law Firm that is designed to litigate rather than just negotiate.