

WHO YA GONNA CALL?

The defense attorneys who won't back down to deliver justice

By ADINA GENN

Dogged. Relentless. Willing to fight for their clients when everyone else has turned their backs. These are the qualities sought in defense attorneys who answer desperate pleas for help, knowing it's up to them to get justice.

They're not afraid to make enemies, though they take pride in strong relationships with their adversaries. They don't back down, even if opponents and competitors scoff at the merits of their case. And they're no strangers to challenging authority – many of them, as former prosecutors, have been the authority.

These defense attorneys have represented some of the region's biggest headline-makers, from Gary Melius to Harendra Singh to Martin Tankleff.

A top criminal defense attorney can charge as much as \$1,000 an hour, experts say, circumventing prison or helping to ensure a case never sees the light of day.

"There are businesses that bring me in connection with crises or crimes committed against them – affluent people in the middle of complete chaos, their worlds are about to be ruined, and they need help," said Robert Altchiler, of counsel to Wolf Haldenstein, a New York-based law firm where he heads up the white collar and investigations practice group. "It could be business owners being blackmailed and extorted. [I say] listen to me and do what I tell you to do. It seems dire...but it goes away and no one ever hears about it."

Of course, the public will find some cases very familiar. A former Brooklyn prosecutor, Altchiler made national headlines while representing David LaGuercia, a Connecticut gun-shop owner whose store sold two guns found at the Newtown massacre.

"He was under attack by the federal government looking for a scapegoat, threatening felony charges and jail time," Altchiler said. "He was guilty of paperwork violations connected with the gun sales... but not bigger things."

"After extensive conversation and negotiations," his client faced only "a couple of misdemeanor convictions," Altchiler said.

"I enjoy a good hard negotiation, and bare-knuckled brawling – part of that might come from growing up in Commack," Altchiler said, noting that he'd seen his share of street fighting, and been raised by a single-mother who'd conquered addiction. You bring these experiences, he said, "to everything you do."

Some nights, Altchiler stays up until 3:30 a.m. for that "ah-ha" moment. Those late nights don't bother him at all if it helps generate good outcomes.

"I really enjoy winning," he said. "That's my job for my clients."

Late nights come with the territory.

"When you're going to trial, it's almost 24-7 – you're constantly involved in cases, working at night or waking up in the middle of the night with an idea you want to write down," said Joseph Conway, a part-

ner at the Mineola-based law firm LaRusso, Conway & Bartling. Previously an assistant U.S. attorney, Conway represented former Suffolk Chief of Police James Burke, as well as Melius, and also Singh, but because of a conflict had to withdraw from the case.

"It gets the adrenaline going," he added. "You're meeting someone who is in the worst position of their lives. They come to you to do your best. It's challenging. You have to dig in, and learn the facts, and make some strategic hard decisions on the best thing for this individual."

Conway, who considered running for Nassau DA in 2014, is one of the go-to attorneys that Smithtown business and corporate attorney Howard Greenberg said he would direct his clients to if they were picked up by the police or FBI.

Another is Robert Gottlieb, the founding member of the New York law firm Gottlieb & Janey, specializing in criminal white-collar cases. It's easy to see why Gottlieb, a former assistant district attorney in Manhattan under Robert Morgenthau, who ran twice for Suffolk County district attorney, perseveres in the trenches.

"As a defense attorney you may go up against the powers that be," Gottlieb said. "Prosecutors and others may resent that you are fighting them rather than playing footsies with them so as not to upset the applecart. My obligation is only to my client and to the law – the personalities on the other side are irrelevant. You make enemies along the way. If you are not willing to do that, then you shouldn't be a defense attorney."

And in this line of work, trust goes a long way.

"I make clear to anyone I represent that they must be totally honest and candid and open with me," Gottlieb said. "The only way I can properly protect someone is to know the truth. If I go down one avenue based on a lie from a client, you expose the client to a prosecutor who can affirmatively show that the defense is baseless."

But that trust has to be developed, he said.

"The client has to see you are prepared and willing to fight for him or her until there's no breath left in you, that you'll fight to the death," he said.

Anthony Grandinette, a Mineola-based defense attorney, said he fights "tooth and nail" to "help exonerate the innocent."

A former Nassau County prosecutor, Grandinette said, "My firm represents people who have been falsely accused and in many instances signed confessions about crimes they didn't commit."

"I'm grateful for the police and admire the police, but I'm a realist," he said. "No institution is immune from having bad apples. If we bury our heads in the sand, we're morons."

Grandinette's clients include Seemona Sumasar, a Queens woman who may score a \$2 million settlement in her civil suit against Nassau County and a police detective for serving time after being wrongly convicted of impersonating a police officer, pulling drivers over and robbing them at gunpoint. She was



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released from jail in 2010 after the DA found that an ex-boyfriend framed her.

"Obviously there's a saying, 'Anyone can indict a ham sandwich,'" Grandinette said. "We start with the premise that people make mistakes."

Some ask him, "How can you defend these people?" meaning criminals," he said. "There are many wonderful people in life that make mistakes. And not everyone who gets arrested is a bad person."

When Grandinette tells clients' parents, "I'm willing to take on this case no matter how hard it is because I believe in your child, they are eternally grateful. You do the best you can, and when you're successful, it's tremendously gratifying, and you hope their child will go on and do great things."

And when cases don't work out, some defense attorneys remain hopeful.

Gottlieb, who was Martin Tankleff's "trial attorney on the case that was televised gavel to gavel" in 1990 said, "The case [in which Tankleff was wrongly imprisoned for his parents' murder] created controversy and tension right from the beginning."

"There was an overwhelming feeling of injustice – a sense that something terribly wrong had occurred, and I said it at the time, 'I only hope that I would be alive the day that Marty walked out of jail,' and I was there in court 15 or 17 years later when he walked out of jail," he said. It was an "injustice that required continued effort to rectify the terrible wrong."

Of course not everyone can afford a top attorney's hourly rate, though ideally, these seasoned veterans have the connections and the expertise to resolve cases efficiently.

Some take on pro bono work.

"It's part of my obligation as an attorney," Conway said.

Altchiler said he gives back by teaching law students, taking pride "for every client that they help."