

It's time for Business Profits in the Real World, where we bring you Long Island and the New York Metro's most successful business owners, sharing how you, too, can bring your business to among the most profitable in your industry. Now, your host, business profitability visionary and CPA, Michael Kessler. From the studios of 103.9 Ally Newsradio, good afternoon.

We've got a great show for you today on Business Profits in the Real World, where we bring you Long Island and the New York Metro's most successful business owners, sharing how you, too, can bring your business to among the most profitable in your industry. I'm Mike Kessler, and you can reach me directly by email at michael.kessler at cpa.com. And if you, too, want to challenge the status quo to get your business creating the results you've always dreamed for you and your family, call us directly at 516-449-2852 or visit our website at www.michaelkesslercpa.com. So, today we're changing it up a bit and, you know, asking yourself, what if you and or your business needs legal representation? You know, most of us from time to time have gotten those expensive traffic violations and hopefully never have more serious legal problems, but it could happen. And if it did, wouldn't you want the best possible legal representation? So let's continue this discussion with my guest on today's show.

He's Alan J. Schwartz, the principal and managing attorney at the law offices of Alan J. Schwartz PC, which engages in the general practice of law with specific emphasis on all aspects of criminal defense and related matters ranging from traffic violations to white collar crime to all other violations, misdemeanors, and felonies from the least to the most serious on the local, county, state, and federal levels. Alan worked for five years as an assistant district attorney in Nassau County where he practiced in the District Court Trial Bureau, the Grand Jury Bureau, the County Court Trial Bureau, the Specialized Sex Crimes Unit, and a select criminal justice task force with the New York State Division of Criminal Justice Services. A magna cum laude graduate of Hofstra University with high honors in English and a graduate of the St. John's University School of Law, Alan J. Schwartz is admitted to practice before all courts of the state of New York, the United States District Courts of the Eastern and Southern Districts of New York State, and the Supreme Court of the United States.

He serves as chairman of the board of directors of the Jewish Lawyers Association of Nassau County, Inc. He also serves as a member of the board of directors of the Nassau County Bar Association and as president of the Attorney Account Networking Group. Alan also serves as executive vice president of the Nassau County Police Reserves, Inc., as well as on the board of directors of APAL, American Academy for Professional Law Enforcement.

Serves on the board of directors of the Garden City Chamber of Commerce and as vice president of the Fraternal Order of Police Lodge 69. Alan has served on the faculties of St. John's University and the National Institute for Trial Advocacy, lectured in the trial techniques program of the Hofstra University Law School, and serves as a judge on various mock trial competitions. He also serves as a Nassau County arbitrator, arbiter, and as a New York representative of the Armed Citizens Legal Defense Network, LLC.

Alan J. Schwartz, great to have you on Business Profits in the Real World. Welcome to the show, Alan. Thank you, Michael, and it's great to be here this morning.

Yeah, great to have you. I'm glad it's going to be a great conversation. Alan, can you share a bit about how you got started in your career and what got you on this path? They're representing individuals and business owners in legal matters they may face.

Can you share with us, Alan? Michael, I'd like to say it started by watching Perry Mason, but the truth of the matter is, it goes back as far as I can remember, even to being two to three years old. All I ever wanted to do was practice law and have my own practice. Yeah, great.

Yeah, no, that's really terrific. And, you know, I was going to mention Perry Mason. I'm glad you did it first, Alan, kind of a little bit.

I love the show, actually. I started watching that a long time ago, as you know. You know, relationships, Alan, play a great role, don't they, in what you do? And, you know, as a former assistant DA, in addition to your law practice, your service as executive vice president of Nashville County Police Reserves.

And, you know, that's a credible voice for your clients, isn't it, in the community? Alan, can you share a bit about that? I think it's interesting that years ago, I had a client say to me, now that you're a defense attorney, after having been a prosecutor for quite some period of time, are we better off having somebody who's done both or somebody who's never done anything but criminal defense? And I said then, and I believe it now after 35 years of practice, my ability to see both sides of the argument, first as a prosecutor and then as a defense attorney, just makes my experience more varied and gives me a more diverse perspective at looking at all these issues. In addition, knowing how at least some district attorney's offices work, the hierarchy, what the priorities are, not what the press tells you, is a wonderful background that makes it easier for me to accomplish the results that we like to think that we do. And most importantly, the connections that I made back then in the early 80s when I was a DA, these are the people who are now the judges, the professors, and my colleagues with similar experience to mine.

So we have a network of people that we can bounce ideas off going back, again, over 35 years. Yeah, yeah, and that's really terrific. I've seen that in action.

That's really terrific, Alan. You know, Alan, how do you come upon your clients? Obviously, it's born out of extreme need. Somebody has an issue and they give you a call, but is a lot of it by referral? Do you advertise? You know, can you give us some background on that? You know, it's interesting, and maybe I'm dating myself by saying this, but when I started practicing law, attorneys were not permitted to advertise.

It was absolutely forbidden. And we're still old school enough that we do not advertise because for my type of practice, I don't find it effective. Now, in certain areas of our practice, because we do handle things other than criminal, such as personal injury, those are contingency fees, where if everybody is paying the same thing, then advertising can become very effective.

But our practice has grown for years on nothing other than referrals from existing clients, business contacts, people I know, and you've alluded to some of the boards that I'm on. I think they're currently number 10. Those type of contacts, once people get to know you and

they get to trust you, they're more comfortable referring particularly these type of matters to you.

Yeah, yeah. And, you know, I love your perspective, Alan, as a lawyer admitted to the bar and all that, not that I know that much about it, but I've seen enough of it. You know, innocent are ultimately proven guilty.

Everybody has constitutional rights, don't they? And just because an accused might take full advantage of their rights, it should not indicate guilt or innocence. Can you go a little bit into that, Alan, and your perspective on that? Well, I think, you know, it's interesting as a young lawyer, I was taught that everybody is entitled to have their constitutional, their case law and their statutory rights protected in order to keep law enforcement on their toes and to keep everything even handed. And I think that you will find particularly in an economy and a society right now where we're having all sorts of difficulty getting support for law enforcement.

Top police officers will be the first ones to tell you that they don't want rights violated. They don't want convictions that can be overturned because of certain improprieties. And part of my job as a defense attorney, well, first and foremost, is to defend the client, but also to keep the system operating and operating properly and fairly.

Right. And I don't think that anybody holds it against people when they assert their rights. They might prefer that they not do so.

It can make cases easier to prove. But one of the advantages to us is when clients come in early enough and we're able to intercede and deal with law enforcement so they realize they're dealing with somebody who has sufficient wherewithal to understand what's going on and it makes everything smoother. Yeah.

And that's really great. You know, you're an officer of the court. You raised it.

You know, you want to keep the system from both sides running properly. And that's a really great perspective, Alan. I appreciate that.

You know, Alan, just in the couple minutes we have left in the first segment, let's talk about some of the areas you specialize in. I know you practice in all areas. But a couple of areas, first being vehicle and traffic violations.

You know, can you give us a general approach in representing clients charged with these violations? You know, people don't, I think, appreciate that and there's so much more to it than meets the eye, isn't there? Well, there is. But for us at the lower level, it's traffic violations in Nassau and Suffolk, the five boroughs and throughout the state. Oftentimes in the Traffic Violations Bureau, which is anybody who's been there, whether they be there as an attorney or as a litigant, knows it's a difficult area.

But that's the lowest end of the practice. The highest end is everything from white collar crime to homicide to drug cases, et cetera, et cetera. But we use the traffic matters as a training ground for our younger attorneys to have the associates start to try traffic cases the way I would try a homicide case.

And they take it to heart and they're very zealous about the handling of it. All overseen by me or a senior attorney. But it's a great training ground.

Yeah. And they get results, too. We've talked a little bit about that.

Just the minute we have left in the first segment, give us some results that you've gotten in that with the associates. You know, it's funny because oftentimes people go into the Traffic Violation Bureau, in particular in the city, thinking there's no way you can win. And if the case is prepared the way that you would a misdemeanor or a felony, occasionally you are able to cross-examine a detective or more specifically a police officer and get that result where just coming in unprepared or coming in without the client wouldn't do it.

Coming in with the evidence and with the exhibits and prepared to really try your case, on occasion will get us exactly that result that we're looking for that everybody feels can't be obtained. Yeah. And that's really terrific.

Alan, we met at a lunch once and you told me about the pen in the glove compartment. Can you expand on that a little bit? You know, it's kind of interesting in the story and I'll give you the very quick version is that some years ago after I left the DA's office, a police officer that I had tried cases with as a district attorney, fortuitously happened to pull one of my clients over for a DWI sometime in the middle of the night in Nassau County. And basically, I got a phone call that he had him on the side of the road.

When I questioned further as to how he was able to get my number and to get to me so expeditiously, the client who didn't have a business card had one of the pens with our numbers on it, handed it over to the officer who used the number to call me and tell me the situation that my client found himself in. Yeah, that's really terrific. So back after this with Alan Schwartz on Business Profits in the Real World.

Back after this. You're listening to Business Profits in the Real World. Now, back to your host, Michael Kessler.

Back here with you today on Business Profits in the Real World with Alan J. Schwartz, the principal and managing attorney at the law offices of Alan J. Schwartz PC. And Alan and I were talking a little bit about his practice and how his approach in representing his clients. And Alan, how about criminal defense? I'm really fascinated by, in particular, white collar crime.

You know, it happens a lot. You know, all of the stories you read and so forth. Can you tell us a little bit about your approach in representing clients charged with those crimes? Alan, would you mind? Not at all.

You know, particularly in an economy that's failing or where people are experiencing financial difficulties. Today, people find themselves charged with offenses that never would have happened previously. And at any given point in time, we carry anywhere from 12 to two dozen what we call investigatory files.

And what I mean by that is when somebody comes home and they discover there's a business card of a detective, or they get a phone call that they're investigating an accident

report, or there's some question about some sort of a document that was filed. As much as I'm involved with and love dealing with law enforcement, when you get that call from the men in blue, they are no longer your friend because now they're a potential adversary. And we tell clients immediately, contact us because what we say is hypothetical.

What you say can be used against you and could very well provide the probable cause for your arrest. Our real goal in those cases is to work with law enforcement as best we can to determine whether or not they have a case that they're prepared to arrest our client and they're trying to bolster it. Whether we can cooperate by convincing them there really is no case there, or if there's going to be a case that we arrange a voluntary surrender that will be as unobtrusive as possible and try to keep the client out of custody.

And arrange a voluntary surrender. More often than not, that doesn't happen. And these cases oftentimes tend to go away because of early intervention.

It's unfortunate that people seem to have this natural tendency to confess. And going into law enforcement and explaining yourself is not always the best way to go about doing it. Right.

No, that's true. That's, wow, that's really terrific. I don't intend to get in trouble, Alan, but if I ever do, you're my first call.

So, you've gone into a little bit, Alan. You've helped so many clients. I love your stories, of course, without using names, but just a couple stories on how you successfully defended a client or achieved the best possible outcome.

Would you mind, Alan? I love this. You know, it's interesting, Michael, when you say best possible outcome, because that can mean different things to different people. Some people's priority is avoiding jail.

Some is avoiding a criminal record. Some is involving probation. We do something that's a little bit different to many of my colleagues, and it's different so it's not a criticism of other way of doing things.

But I have found over the 35 years that I've practiced law, most of my clients do not want to see their names in the paper. They do not want to see their picture. No offense to Channel 12, but I realize we're on a radio program.

We go way out of our way to keep our clients under the radar, so to speak. And you asked for specific examples without mentioning names or cases, which I'm happy to do. There were many people who were unaware of the fact that we represented people involved in the Flush the Johns case that got so much notoriety under our former District Attorney Kathleen Rice.

There were people that we represented in the Long Island Railroad disability frauds claim in the Southern District in federal court. Our clients were among some of the few whose names and cases did not appear throughout the media. And the best example was with the Long Island Railroad disability frauds claim.

When we went in for the arraignment on Pearl Street in the Southern District, and most of the attorneys came out the front door of the courthouse and were greeted with 12 reporters and as many photographers, one of my associates discovered a different way of getting out of the courthouse where he advised me ahead of time that there were about six photographers and no reporters. So we were able to take our client out the back door of the courthouse without doing anything surreptitious into a waiting car and then drove past the media frenzy that was taking place on the front pages of the courthouse. Now, admittedly, while it might have been better for me in my career to have been seen walking out the door arm in arm with my client, the last thing in the world he wanted was to see his picture on the front page of Newsday.

And even more so with one of the clients in particular who owned a large construction company and was involved in this Flush the Johns case. This could have ruined his life. It could have ruined his marriage.

It never hit the media. We eventually helped make the case go away without any negative repercussions to him. But that wasn't true of everybody.

And some of the people who were acquitted in those cases still had marriages ruined. They had reputations ruined. Because once it's published, it doesn't matter what happens oftentimes with the case in public opinion afterwards.

Absolutely. Yeah, that's something you really don't consider. And then, of course, when it happens to you, that's really great, Alan.

You're definitely my first call from now on. If anything happens, nothing's going to happen. But anyway.

So, Alan, you touched on it before about bringing along the people that are with your firm. And growing a business as rapidly as you do, there's some stress, isn't there, Alan? I know I feel it. Most of my guests feel it.

And growing a business is an important task that we do. Can you share a bit about how you personally deal with the stress of running a successful and growing business, Alan? Would you mind? It's the same thing when I'm not working that it is when I'm working to the extent that I think if I had to put one word on it, it's passion. It's passionate about what I do for a living.

And it's being passionate about what I do when I'm not working, although we're on call 24-7. That's a reality of my life as it is and the life that I've chosen. And I don't plan on ever retiring.

So it will be. But I choose hobbies that I'm also equally passionate about, whether it's motorcycling or sailing or playing golf or going skiing. All the things I could hurt myself doing.

Yeah, right. But the truth of the matter is those are hobbies. Those are the things that will keep me from retiring.

Because I was asked recently by somebody, wouldn't you rather just play golf all day or ride your motorcycle all day? And the truth of the matter is if I was doing it all day, it wouldn't be

a hobby anymore. What makes those things so interesting is my ability to do them, perhaps when other people are working. And because I do work seven days a week on occasion and I know no difference between a Sunday or a Monday if somebody gets arrested, we have to be in court.

We're out in the middle of the night. I don't feel guilty about taking a morning off to play golf because it might still be a six and a half day week. It's just not the conventional six or five day week that most people work.

Yeah, that's really terrific. I never thought of it that way. But you're absolutely right.

Boy, that's really terrific, Alan. So Alan, in the couple of minutes, this is the part of the show I really love. In the couple of minutes we have left, you know what it takes to found an operator and grow a successful business.

Can you share your best advice with business owners who are listening so they can do it too? Alan, would you mind sharing with us? I'm going to use the same word that I just used moments ago, and I think it's about passion. You and I met through networking groups, and I think certain people find an affinity to each other because they're passionate about what they do. And I think people's feeling is if you're passionate about what you do and work, you're going to be passionate about what you do in your leisure time and vice versa.

And the best advice I ever got was from somebody in your profession who was an accountant many years ago who started to tell me how to save money, and I explained that that was not my issue. The issue was how to make money. And what he said to me just, I've passed on to countless interns and younger people that I work with on a regular basis because we always have interns and externs working with us.

If you find something you're passionate about and people see that passion, they will flock to you. So he said, don't get involved just in legal groups and bar associations. At the time, he said to me, what do you like to do when you're not working? And I was very involved with Corvettes.

He said, get involved with a Corvette club, but don't do it because you're trying to make money. Do it because you love Corvettes, you want to be around people with Corvettes, and don't even discuss what you do for a living, which I did. Except when I was a member for about a year, somebody found out what I did for a living, and that particular organization had a small publication they put out every month, and they asked members who had their own businesses to take a business card ad.

And there was only room for, say, 12 of them on the back page, and I did that to support the group. All of a sudden, people said, oh, I didn't realize you were a lawyer. Could I ask you a question? I have a house closing coming up, or a friend was arrested for DWI, or somebody had a speeding ticket, and what would you recommend? And the net result was in the first year, we picked up three new clients, the second year six or seven.

And by the third year, we were representing the organization. And it wasn't that I went into a Corvette club because I was trying to build the practice that way, but it was a natural evolution. And there's nothing better as an attorney in private practice than people coming

to me because they want to retain us, as opposed to me having to try to sell myself to somebody who may or may not want to be sold.

Absolutely. Now, this has been, Alan, this has been an absolutely terrific discussion, and I really want to thank you for coming on Business Profits in the Real World. Alan, we'll have you back real soon, absolutely.

Thanks so much, Alan. My pleasure again, Michael. Thank you for having me.

Thank you, and boy, you're welcome. What a great discussion. So if you think you might need legal representation, there's a very good chance you do.

So reach out to the law offices of Alan J. Schwartz PC by calling 516-248-6311. That's 516-248-6311. Or visit their website at www.ajslaw.com. That's ajslaw.com. I'm Mike Kessler, and you can reach me directly by email at michael.kessler@cpa.com. And if you, too, want to challenge the status quo to get your business creating the results you've always dreamed for you and your family, call us directly at 516-449-2852.

That's 516-449-2852. Or visit our website at www.michaelkesslercpa.com. That's www.michaelkesslercpa.com. I'm Mike Kessler. Special thanks to our guest, Alan J. Schwartz.

And we'll be back next week right here on Business Profits in the Real World and 103.9 Ally Newsradio. Next week, another great guest, and have a profitable week, everybody.