

# Daily Journal

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## Criminal Minds

LA-based Touchton & Weinberger LLP focuses on both state and white collar criminal matters.

By **Amanda Schallert**  
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**L**OS ANGELES — A day after the jury walked out to deliberate, Amanda Touchton and Melissa Weinberger thought they might lose their first trial as partners for reasons outside their control.

The client was a mentally ill man accused of felony threats against a security guard. After his history of past offenses was introduced and witnesses cried on the stand about their distress, the jury had gone out. Then came the terrorist bombings in Paris, and the Los Angeles criminal defense attorneys were worried that it might affect the panel.

Instead, the jury said “not guilty,” making the case one of several in which heavy discovery efforts and sticking with a client have paid off for Touchton & Weinberger LLP in its first year.

“The whole system is set up to make someone like that plead guilty. There’s supposed to be a presumption of innocence, but really you have to prove your innocence,” Weinberger said. “We feel like we believed in this person and stood by him and fought hard.”

The downtown firm launched in March 2015, specializing in general and white collar criminal defense as well as professional and regulatory law. The practice aims to fill a gap in the market for people who cannot afford a big firm’s hourly rate but still have complex cases and need experienced attorneys, Touchton said.

Their mantra — to look at the whole client and find an outcome he can succeed in — comes from a belief that criminal defense is the front line of human rights.

“There’s a person here,” Touchton said. “It’s not the bad things they’ve done that have to define

who they are... I’m here to say, ‘Who is this person? Where are they coming from? How did they get to this position they’re in?’”

Touchton’s federal criminal and health care experience comes from three years at the Office of the Federal Public Defender for the Central District of California and then time at Bird, Marella, Boxer, Wolpert, Nessim, Dooks & Lincenberg PC, among other firms.

Weinberger worked for about 10 years at the Law Offices of Mark J. Werksman until she started her own practice in September 2014.

The majority of Touchton’s clients are medical professionals, and Weinberger spends more time in state court handling a range of cases. In their first year together, they’ve had three trials, with two acquittals and one partial victory.

“They have a unique practice where they can handle state criminal matters and white collar criminal at the same time,” said Anthony Pacheco, chair of corporate defense and investigations at Jeffer Mangels Butler & Mitchell LLP. “Not many attorneys can do that.”

The women met in 2011, became friends while trying cases together at separate firms and talked about partnering.

But it wasn’t until a cold January day above the underground mall downtown that they made the leap, Weinberger said. They moved to a small office and designed the area to make it more down to earth for clients who walk in and are convinced they are going to jail. Touchton brought in a desk her husband made out of a refinished wooden door and decided not to hang up awards in her office.

In their niche practices, Touchton and Weinberger take into account the collateral damages that come with a criminal charge, especially for licensed professionals, Weinberger said.



Amanda Touchton (left) and Melissa Weinberger

Amanda Schallert/Daily Journal

The firm’s biggest success is getting charges dismissed in the first place, which makes them quick about approaching regulators and prosecutors, Pacheco said.

While they are courtroom lawyers, they’re not afraid to file paper, Touchton said, mentioning a demurrer she’s working on to challenge the constitutionality of a statute in a misdemeanor case.

The legwork has paid off in retained medical licenses and dismissed rape and narcotics charges, they said.

In February, Weinberger convinced the Los Angeles County District Attorney’s Office to dismiss all charges in a three-felony, workers’ compensation fraud and perjury case by sending a letter outlining

problems with its arguments.

“She provided not just a viewpoint on the case, but it was actually supported by the evidence,” said Deputy District Attorney Richard Gallegly. “It was clearly something she had devoted a considerable amount of time too. It wasn’t just fluff.”

And in a recent high-profile health care insurance fraud case, Touchton would not stop working until she got her client out of jail, where he was held on \$18.5 million bail, said Benjamin N. Gluck, a Bird Marella attorney who focuses on white collar criminal defense.

“Everything from the legal side to pounding on doors,” Gluck said. “She got him out by sheer force of not taking no for an answer.”

“If you can afford the big firm, they’ll spend all your money working for you, and if you go to a cheaper lawyer you might not get the same representation,” he added.

Working with the firm is refreshing, since criminal defense attorneys are so often jaded, said Stephen B. Sadowsky of Lightfoot Steingard & Sadowsky LLP, who met Weinberger about 20 years ago.

“So many people today, they have this self-esteem issue and it makes them a little bit weak and shy and tentative in the world, but somehow [Weinberger] got beyond that,” Sadowsky said.

When Weinberger left Mark Werksman’s office, she had outgrown being second fiddle, he add-

ed. “I felt like it was time for me to do my own thing,” Weinberger said.

Before they decided to become partners, Touchton said she had some insecurities about leaving a bigger firm and stepping out to something new. She also was hesitant about complicating a strong friendship by mixing it with business.

But they say it’s panning out, especially when they have to make tough calls for clients and can respect each other’s advice.

“Just to have Melissa to talk to and counsel me about a choice before I make it,” Touchton said. “I feel like I’m not in it alone in a very real sense.”

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