

LAW WEEK

COLORADO

Lawyers Of The Year 2011

Best Defense

WHITE-COLLAR criminal defendants know the odds are against them when they face the economic crime unit of the Denver District Attorney's office. Prosecutors have obtained convictions or guilty pleas in a wave of white-collar cases in recent years, with decades-long sentences — sometimes cracking the century mark — regularly handed down for fraud and theft cases.

Real estate developer Jack Arbess faced up to 48 years in prison on multiple theft and racketeering counts for allegedly taking \$3.8 million from a real estate project for personal use. But Arbess didn't join the DA's office's string of high-profile convictions: he hired Gary Lozow, veteran criminal defense attorney with Foster Graham Milstein & Calisher. After an eight-day trial, a Denver District Court jury took less than two hours to find Arbess not guilty.

"[Prosecutors] tried to suggest that maybe we should sit down and talk about a deal," Arbess said in May, a few hours after the verdict came out. "I was absolutely adamant that no matter what happened, I'm not going to make a deal on something I never did."

For the Denver economic crime unit, the acquittal was the biggest trial loss in recent memory. For Lozow, it was another success in a legal career spanning more than four decades.

"It was a total and swift victory for his client, and that is increasingly difficult to achieve," said criminal defense attorney Rick Kornfeld of Recht Kornfeld, a former law partner of Lozow's. "Those of us in the white-collar bar stood up and took notice — and I would suspect that is equally true of our colleagues on the prosecution side."

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Also this year, Lozow represented Margot Somerville, a California grandmother who was the victim of identity theft. The thief wrote thousands of dollars of bad checks using her account information, but the Jefferson County DA's office initially suspected Somerville herself of the crimes. The innocent Somerville spent a night in jail and faced serious prison time before the charges were dropped. The real culprit was eventually caught, convicted and sentenced



Jack Arbess, left, was acquitted in Denver District Court on 12 white-collar charges, including a racketeering charge that could have netted a 48-year prison sentence. Gary Lozow, right, was his defense attorney. FILE PHOTO

to 24 years in prison.

"To be honest, if I hadn't had the means to hire a darned good lawyer, I probably would have sat in jail for a very long time," Somerville told The Denver Post last month.

Lozow has represented plenty of high-profile clients over the years, from Silverado CEO Michael Wise, who was acquitted on charges stemming from the late 1980s savings and loan debacle, to the parents of Columbine High School shooter Dylan Klebold, who were investigated for possible criminal liability in the aftermath of that tragedy.

Karen Steinhauser of Gutterman Griffiths saw Lozow at work as opposing counsel when she was with the Denver DA's office, and then again when the two

were criminal defense partners at Isaacson Rosenbaum, where Lozow spent most of the last two decades before the firm closed.

"There is no one in a case that knows every single fact, every single detail better than he does," Steinhauser said.

Lozow's success proves that the best defense is a good offense, she said.

"He doesn't wait for charges to be filed," she said. "From the minute he gets on the case, he's doing research to see if there's a

way to prevent charges being filed in the first place."

Besides his representation of clients, Lozow has made a big mark on the criminal defense bar through his mentorship of younger lawyers, Steinhauser and Kornfeld among them.

"He doesn't only mentor people while they work with him," Kornfeld said. "He's still my mentor, he still is a resource."

Lozow is quick to credit his success to his own mentors, including "significantly older" brother Don Lozow of Lozow & Lozow and late Denver District Court Judge James C. Flanigan, for whom the new Lindsey-Flanigan Courthouse is partially named, and for whom Lozow clerked.

He and his "very tolerant" wife, Joyce, have two children, Joshua and Dana, and he dotes on his five granddaughters, Kyra, 12, Ellie, 9, Abigail, 6, Ashley, 5, and Sydney, 4. •

— Matt Masich, MMasich@CircuitMedia.com

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FGMC congratulates
GARY LOZOW
on being named one of
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