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SEPTEMBER/OCTOBER 2010

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# ADLER BYTENSKY PRUTSCHI

*A compassionate, objective outlook enhances the expertise of this premier criminal-defence law firm*

BY SANDRA GUY

**AT A GLANCE**

**LOCATION:**  
TORONTO, ON

**FOUNDED:**  
2005

**EMPLOYEES:**  
10

**AREA OF SPECIALTY:**  
CRIMINAL LAW

THE PARTNERS AT ADLER BYTENSKY PRUTSCHI, ONE of Toronto's premier criminal-defence law firms, epitomize idealistic values in practice. These leading attorneys follow their passions and succeed with integrity, dedication, and a commitment to objective service.

"Most criminal-defence lawyers, I'm sad to say, are not good [at their jobs]. This is a business that requires a certain attitude, a certain outlook, and certain abilities," says Leo Adler, the senior partner who says he "couldn't be happier" after practicing criminal-defense law for 35 years. "[Good] criminal-defence lawyers have to be able to deal with the problems, the issues, and the charges that a client faces—no matter how horrendous—and remain non-judgmental. Most people don't have that ability."

Each case receives Adler's utmost attention and expertise, and he passionately formulates creative solutions for his clients' varied situations. With every case, he works to maintain the presumption of innocence, determine how to best argue a client's case, and obtain the least-harsh sentencing, if necessary.

Though cases range from reckless driving to murder, Adler credits his ability to suspend judgment to a lifetime of encounters with humanity's vast diversity. He is the son of Holocaust survivors and moved with his family from Israel to Montréal when he was six years old. From the age of 13, his widely varied job experiences—selling magazine subscriptions, digging ditches, bartending, delivering Chinese food, and working in a factory—have exposed him to people from many walks of life.

Through life's experiences, each of the firm's partners—Adler, Boris Bytensky, and Edward Prutschi—realized early in their careers that corporate legal work was not for them. Adler established his own criminal-defence practice in 1975. He attended trials as research to absorb techniques or greater detail to help his own clients. He recalls that his first client—a young man accused of breaking and entering—was found guilty but referred a friend to Adler nevertheless because he said he had never seen an attorney try so hard to defend his client.

"We never plead our clients if there is no real benefit," he says. "Often, we are able to get a charge reduced or get an acquittal by going to court. We don't fear the court."

Adler was instrumental in challenging and refining the use of DNA evidence when forensic technology was still in its infancy and is recognized for his expertise in challenging expert evidence.

Adler teamed with Bytensky in 1996 after the two worked together on a high-profile case involving two Russians charged with extortion who were mistakenly identified as spies. Bytensky, who had expertise in representing Toronto's growing Russian population, advises would-be entrepreneurs that establishing a firm requires twice as much work as one might expect—a single mistake could bring disaster. "It's crucial to always be thinking of developing your brand and your reputation



*Leo Adler, right, with members of Osgoode Hall Law School's mooting team in front of The Hague.*



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—Leo Adler, Senior Partner



and to work hard at it," he says. "You have to do things well—consistently."

Bytensky appreciates that a small law firm affords him a personal life. He coaches his 8- and 13-year-old sons' hockey teams and is ever present at his 4-year-old daughter's hockey games and figure-skating practices. Bytensky's wife, Anna Tenhouse, is an assistant Crown attorney in Toronto, which prompts a poignant response from their daughter: "Mommy puts people in jail, and Daddy gets them out again."

Adler and Bytensky both serve as adjunct professors at Osgoode Hall Law School. Adler has served as director of national affairs for Friends of Simon Wiesenthal Center for Holocaust Studies and as coach for Osgoode Hall's team at the annual International Criminal Court Law Moot Competition. Bytensky serves on the executive leadership team of the Ontario Criminal Lawyers Association, and Prutschi, who merged his practice with Adler's and Bytensky's in 2005, writes a monthly column, "The Crime Traveller," for a lawyers' lifestyle magazine.

Even as a teenager, Prutschi was so impressed by Adler's reputation as a lawyer that he maneuvered an invitation to a friend's home for a dinner at which Adler was a guest. "Even as an 18-year-old, I was fascinated by criminal law

and was convinced that my future lay in criminal-defence work," Prutschi says. Adler picked up on this enthusiasm and asked Prutschi to call if he ended up in law school. Three years later, in 1995, Prutschi had his BA in political science and was accepted into Osgoode Hall. He called Mr. Adler, who needed an articling student at his firms and Prutschi landed his first summer job.

Prutschi describes Adler Bytensky Prutschi's billing structure as a "bespoke," block-fee scenario for clients that takes the seriousness of a case into account, how long a trial might take, and the resources required. "We'll work out a retainer up to and including a one-day trial. When we lay that out, the client has a very clear budget," he says.

Most lawyers bill by the hour, but Prutschi says this interferes with a client's willingness to discuss his case—and doesn't take into account the injustice caused by inexperienced lawyers who take longer to put cases together.

Meshing expertise and compassion in its practice, Adler Bytensky Prutschi will continue to lead as criminal-defence lawyers, whose reputation, according to Adler, is "for quality, for caring about our clients, and for using our imaginations to think of ways of doing the best job for our clients." CEQ

# Passion for justice is the defining characteristic that drives each and every case we defend.

For over 35 years we have been providing effective and creative representation for individuals and corporations facing all manner of criminal litigation.

The lawyers at Adler Bytensky Prutschi represent adults, youths and companies caught up in the criminal justice system. We have extensive experience in the Criminal Code's most complex areas including commercial fraud, extradition, impaired driving and domestic violence.

**Adler Bytensky Prutschi is your best defence against a criminal charge.**



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