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Ex-prosecutor finds changing sides trying

By Blair Anthony Robertson - Bee Staff Writer

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You give up a lot when you give up a career as a federal prosecutor.

The job has power and purpose. The badge opens doors accessed by few others. The quest for justice can be exhilarating.

It is, if you're wired a certain way, the good fight.

For 15 years, that fight consumed 48-year-old Patrick Hanly's working life. That is, until 19 months ago when he entered a financially more lucrative private practice.

It was always in his blood to be a prosecutor, right down to his do-the-right-thing roots in Solvang, a quaint California town where his dad owned the hardware store and his best friend's father ran the burger joint.

His two brothers were Marines and he was going to be a fighter pilot until a gimpy knee derailed his dream. The next best thing was a job upholding the law as an assistant U.S. attorney in Sacramento.

"I was raised that way. I was always a rules guy," he said. "What I liked best was I didn't schmooze anybody. My job was clean. I came in, I got a case, I worked it up and that was it. I didn't shake any hands. I didn't go to bar luncheons. I played golf with FBI guys because I liked 'em. I didn't ask anybody for anything."

His first trial found him prosecuting an Internal Revenue Service employee accused of embezzlement. He recalled thinking, "This is me. I knew I had found my niche, just arguing on behalf of the government."

After dozens of trials and hundreds of conferences and cases, Hanly was a veteran in his mid-40s. His three kids were approaching college age and he had hit the ceiling as far as salary. Friends had left the office and were making a lot more money.

"We would have lunch and they would say, 'What are you still doing there?'" he said. "When you're making ends meet and not a lot more, you start to think, 'Hey, I could do that.'"

But how could someone who so looked the part of prosecutor, acted the part and seemed born into the part, make such a shift? Turns out, Hanly had plenty of role models.

"The defense bar in this town is full of former prosecutors," said Benjamin Wagner, chief of

special prosecutors who worked closely with him. "I've had a lot of friends come and go through the years."

With the idea looking better and better, Hanly left the U.S. attorney's office on good terms in June 2005 and turned to defending the kind of people he had built his career prosecuting: white collar crime defendants.

He joined a Sacramento law firm, and left a year later to start his own practice.

In his last trial as a prosecutor, Hanly helped convict Lathrop rancher and former lobbyist Monte McFall of attempted extortion, conspiracy, mail fraud and witness tampering. By the time the trial ended, Hanly had lost track of the 14-hour days and was ready for a change.

People told him he could expect to make about four times what he earned working for the government.

An entry-level assistant U.S. attorney earns \$41,500, plus a 19 percent cost of living boost in Sacramento. Pay is determined by years of experience and peaks at \$122,866. The average experienced defense attorney in the Sacramento area earns about \$156,000, according to Salary.com.

While McGregor Scott, the U.S. attorney for the Eastern District of California, called Hanly's departure "a significant loss," he said such turnover is "a very natural part of our business."

Those who know Hanly describe him as the complete package: likable, articulate and far from flashy -- he wears Brooks Brothers suits and his demeanor is low key. "He's an outstanding trial attorney," said Malcolm Segal, who left the U.S. attorney's office 20 years ago.

On his first day, he observed a case in which a young man, with a wife and two young children looking on, received a 25-year sentence for maintaining a place to manufacture drugs. Turns out, the real drug kingpin had paid him to use the barn and, when arrested, "sold" the information in exchange for almost no prison time.

"I had nightmares for months after that," he said. "It was so shocking. Twenty-five years, oh my God."

Five years later the inmate filed a petition for relief, arguing his sentence was unfair given how little the kingpin served.

"I was the guy who got the case and I remembered him," Hanly said. "I remember talking to the agents and they said that it was too bad that the young guy got whacked and the really bad guy got off, but that's the system.

"I remember standing there in court thinking, all I gotta say is, 'Your honor, there is no basis (in the law),' and the judge would have said, '20 more years.' But I said, 'The government has no objection to granting his motion.'"

The man walked out of prison that afternoon.

It was a defining moment, and the kind of power Hanly knows he will likely never again wield in court -- that ability to right a wrong in a single moment.

Former federal prosecutors interviewed for this story said they, too, miss certain aspects of being a prosecutor. Segal misses "the feeling of accomplishment in knowing that you've done something to help the country at large."

Chuck Stevens, who was Hanly's boss as U.S. attorney from 1993 to 1997, says "those were my most satisfying years by far."

Now Hanly has to compete for clients. He has to pay his rent for his 16th-floor downtown office and foot the bill when he hires investigators. He has to think about how much to charge, what a particular case will cost in time and resources.

It's no longer as clean and simple as the old job. It's still about justice, but now it's a business, too.

Those who have made the transition successfully say their belief in the adversarial legal system -- that it works only when the accused is afforded a capable defense -- made the switch to defense attorney surprisingly easy.

Hanly plans to run his operation like a federal prosecutor. "I tell my clients, when we go to court, I'm not going to have long hair. I'm not going to yell and scream. The jury ... won't be able to distinguish between the federal prosecutor and me -- and that's the way you want it."

"You can't attack the government. The jury likes the government. They want the government to protect them. You just have to point out that the government, in its well-intentioned way, has made a mistake."

There's one thing Hanly won't be able to do when he walks into court. It's something the other former prosecutors say they miss, too. And when Hanly brings it up, the smile leaves his face.

"Over time, there was this psychic benefit of saying 'Pat Hanly for the United States, your honor,' and I never lost that. I do miss that," he said. "I miss the psychic benefit of being the guy on the white horse with the white hat."

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