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Attorney of the Month

Michael E. Cindrich,

Law Offices of Michael E.
Cindrich, APC, San Diego

Defending Clients Against the True Cost of Cannabis Prohibition



DEFENDING CLIENTS AGAINST THE TRUE COST OF CANNABIS PROHIBITION

In the rapidly-changing, fast-paced area of cannabis law, the Law Offices of Michael E. Cindrich, APC stays informed, up-to-date, and on the leading edge.

"I've been practicing cannabis law longer than most attorneys in California. With that experience has come the knowledge and the background in this area and the ability to understand the changes in the law. I take pride in the fact that I learned these laws while they were still being developed and in some cases actually helped develop the law. Over the course of the past ten years I have educated judges, prosecutors, and other criminal defense attorneys on cannabis laws and on the protections afforded to medical cannabis patients," Michael E. Cindrich says.

The firm was founded ten years ago and is the first firm in San Diego to focus almost exclusively on cannabis law. In 2016, Cindrich won three not guilty verdicts on felony cannabis-related cases with only 15 minutes or less of jury deliberations in each case. The firm has

been successful in having several hundred thousand dollars in cash and several hundred pounds of cannabis returned to clients by law enforcement after dismissals and not guilty verdicts.

Cindrich and his three associate attorneys are experts in all aspects of cannabis law, from criminal to regulatory. They have assisted clients with local and state cannabis licensing in a variety of jurisdictions and have drafted detailed standard operating procedures for compliance with applicable regulations.

The firm's client base is varied. Many are individual people who have been involved in the cannabis industry for decades and with the shift in regulations have decided that they would

like to become legal. Other clients have never been involved in the industry, but have had a recent positive experience with

"Cannabis law is a very specialized ever-changing legal arena, and for anyone interested in entering the industry it's extremely important to consult with someone who has vast experience working with cannabis clients. The law is changing so rapidly and so dramatically that if you're not focused on this area of the law you're going to have a very difficult time providing competent representation to your clients," says Michael E. Cindrich, of the Law Offices of Michael E. Cindrich, APC.





After a “Not Guilty” verdict at trial, Michael Cindrich successfully argued for the return of over 55 pounds of cannabis, over \$150,000 in cash, bullet proof vests, firearms, vehicles, and other personal items.

which means it has no medical use and a high potential for abuse. “We really need to shift that attitude and thought process to what we’re seeing on a state level. A change in federal regulations will open up banking and other financial services that the cannabis industry so desperately needs. I would say that this is our largest uphill battle over the course of the next ten years,” Cindrich says.

From Advocate to Attorney

Cindrich says he and his attorneys are cannabis advocates who became cannabis attorneys—unlike other attorneys who have a minimal understanding of the costs of cannabis prohibition and have never seen or been a part of the struggle for legalization. The attorneys at his firm are able to relate to their clients and to truly understand their goals. Cindrich says, “We have a different philosophy. We are active advocates in the industry; we attend business conferences and community protests; we support those who are incarcerated for cannabis offenses throughout the United States and contribute to organizations fighting for their release; we are members of cannabis patient organizations, national organizations and law enforcement organizations which seek to end prohibition; and we spend our free time reading new regulations and studying legalization movements in other states and countries. While other attorneys may have studied cannabis law and business operations, we have been a part of the development of those same laws and regulations.”

The firm helped shape the medical cannabis defense in California. Cindrich litigated several aspects of the defense from 2008-2015 while appellate cases were still shaping interpretation of these laws. During this time, judges and prosecutors in most Southern California courts had little to no exposure to the medical cannabis defense as established by the Medical Marijuana Program Act. Through consistent briefing and arguing of these issues he not only educated judges and prosecutors on these laws, but other defense attorneys as well. Some of the cases he participated in ultimately formed the basis for appellate decisions which interpreted how the medical cannabis defense could be established.

The firm’s understanding of the law combined with a deeper-than-average understanding of their clients’ needs provides an edge in working within the legal system. For example, the firm was contacted by a disabled person who used cannabis for medical purposes. The man cultivated his own medicine and experienced several raids by the police where his plants were cut down and other cannabis seized. No charges were ever filed as a result of these raids. The Cindrich attorneys took the case pro bono, contacted the District Attorney’s office and the law enforcement agency responsible for the raids, and began preparing a motion to have the property returned and a complaint to sue for damages. Because there was no probable

cannabis that made them want to enter the industry to help others. Recently the firm has seen a large increase in interest from investment firms and multi-million-dollar corporations who are looking to make money in the “green rush.” More common in the past, but still a large portion of their current clientele, are people who have been arrested for cannabis-related offenses and are seeking representation. Some have had their assets seized by law enforcement and are fighting governmental entities to have those items returned. The remaining clients are seeking state and local licenses, entering into joint venture agreements, negotiating leases, having disputes with current and former business partners, or being sued by local governments.

One of the major challenges facing the firm and those concerned with cannabis law is ending cannabis prohibition on a federal level. Cannabis is a schedule one controlled substance

Michael enjoying one of his favorite passions outside the courtroom in La Jolla, CA.

Photo by Scott Beard

cause to believe that this disabled individual was breaking the law, and the actions of law enforcement went beyond what was legal and reasonable, they secured the return of their client's medicine and prevented further raids from being conducted.

In another case, the firm's client faced a considerable amount of custody time for allegedly manufacturing concentrated cannabis. The deal offered by the prosecutors was to plead guilty and accept a seven-year prison sentence. Cindrich took the case to trial. After he presented a comprehensive defense to the manufacturing charge, the jury took less than fifteen minutes to find the client not guilty. Cindrich then filed a motion to have more than \$160,000 and 55 pounds of seized cannabis returned to the client. The case was litigated for several weeks and the firm was ultimately successful in having all items returned.

As the trend toward cannabis-related criminal cases declines, the firm's focus is shifting to licensing. The new regulations being implemented in 2018 require licensing for cannabis businesses to legally operate. A business must first obtain approval from the local jurisdiction before applying for licensing with the state. Cindrich says the problem is that only a handful of local jurisdictions allow commercial cannabis business activities and most of those jurisdictions limit the number of licenses that will be issued. With the tens of thousands of people from

"We are attorneys who are passionate and knowledgeable about cannabis law and will provide premier representation for anyone involved in the cannabis industry," says Michael E. Cindrich.

both inside and outside of California who want to be a part of the "green rush," there is intense competition to obtain these licenses. "We are constantly watching local regulations to see which city or county will be next to adopt favorable laws for cannabis businesses. When those regulations pass, there is a rush to secure viable property, submit applications, and successfully navigate the licensing process. This is the future of cannabis business activity in California," he says.

Achieving Balance to Achieve Success

Cindrich says he isn't a micro-manager. "I like to give my associates as much direction as possible while also taking a hands-off approach and allowing them to make their own decisions and come up with their own work product. I make myself available to provide guidance and answer questions, but part of becoming a great attorney is learning how to handle these issues on your own and pick up things as you go. I like to give my staff the freedom to learn as they go."

The philosophy he practices and promotes is to be an attorney who puts the client's needs and the client's goals above

everything else in relation to the practice and the work—to represent that client as aggressively and as creatively as possible without regard for external factors.

“I care a lot more about what my clients think than what my colleagues, opposing counsel or judges think and that’s done well for me in the long run. Many of our criminal-case clients have felt that they are being taken advantage of by the system, and they want someone who will stand up and fight for them. When you are able to obtain a result for a client with that mindset, it not only brings a great feeling for the relationship with the client, but it creates a great referral basis for my practice,” he says.

Cindrich believes in working hard, working smart, but also achieving a balance. “I think balance is important for all attorneys. We work hard. A lot of attorneys go down a pretty dark path with drug abuse and alcoholism and I think we as attorneys need to keep a balanced approach to the practice and to life.”

He finds his own balance in such outdoor activities as surfing, stand-up paddle boarding, and swimming. He also enjoys attending live music events. His favorite music is a mixture of jam-rock and funk-rock. He has served as the Executive Director of the San Diego County chapter of the National Organization for the Reform of Marijuana Laws (NORML) since 2011, has been a Southern California Speaker for Law Enforcement Action Partnership (LEAP) since 2011, and he also started the Gridiron Cannabis Foundation which helps current and former NFL players receive information and ultimately treatment related to natural holistic medicine for chronic pain and traumatic brain injury.

Cindrich says, “We are attorneys who are passionate and knowledgeable about cannabis law and will provide premier representation for anyone involved in the cannabis industry. I am extremely aggressive, and I generally do not care about ruffling some feathers. I enjoy a fight. I will grind out my opponents until they don’t want to fight anymore. It is the same philosophy I used as a relatively undersized Division I AA linebacker—keep hitting them hard and eventually they will give up. Once that happens, they are yours. I have butted heads with judges and prosecutors over the years, but it has always been done as part of passionate representation of my clients. You may not like me, but my clients do. Everyone needs a fierce advocate on their side, and I am that guy.” ■

Contact

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EXPERIENCE



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» **EDUCATION**

- University of San Diego School of Law, San Diego, CA Juris Doctor, December 2005
- University of San Diego School of Business Administration, San Diego, CA. Master of Business Administration, May 2006
- ESADE Business School, Barcelona, Spain, July 2005
- IDEA Graduate Business School, Buenos Aires, Argentina, August 2004
- Bucknell University, Lewisburg, PA, Bachelor of Arts in English, May 2002
- University of Stellenbosch, Stellenbosch, South Africa, January – June 2001

» **AWARDS & REVIEWS**

- Facebook – 5 Star Average Rating, March 2018
- Google Reviews – Excellent 4.7 Average Rating, March 2018
- AVVO Rating – Excellent 9.2 Average Rating, March 2018
- Yelp Reviewed – Excellent 5-Star Average Rating, March 2018

» **BAR ADMISSIONS**

- Supreme Court of California
- United States District Court, Southern District of California

» **ASSOCIATIONS**

- Gridiron Cannabis Foundation, Founder
- National Organization for the Reform of Marijuana Laws (NORML) Legal Committee, Lifetime Member
- San Diego NORML, Founder/ Director
- California NORML, Member
- Law Enforcement Action Partnership (LEAP), Member/Speaker
- Americans for Safe Access, Member
- American Bar Association, Member
- San Diego County Bar Association, Member