

How to Protect Your Rights in a Criminal Investigation: Insights from Joseph A. Hayden, Jr.

Q&A with *Lawyer Monthly*

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When you or your business suddenly comes under investigation, every decision matters — what you say, what you do, and who you turn to for help. Few attorneys understand that pressure better than Joseph A. Hayden, Jr., Co-Chair of Criminal Defense and Investigations at Pashman Stein Walder Hayden, P.C.

For more than five decades, Hayden has been one of New Jersey's most respected criminal defense lawyers, known for his ability to navigate high-profile cases with integrity and strategic precision. He began his career as a deputy attorney general in the Organized Crime and Special Prosecution Section before becoming the founder and first president of the Association of Criminal Defense Lawyers of New Jersey (ACDLNJ).

Today, he represents individuals, public figures, and corporations in complex criminal and civil matters — from healthcare and securities fraud to political corruption and internal investigations. A recipient of the Daniel J. O'Hern Award for Professionalism and the Justice William J. Brennan Award, Hayden has devoted his career to protecting the rights of the accused and ensuring fairness in the justice system.

As part of Lawyer Monthly's "Understand Your Rights. Solve Your Legal Problems." series, Hayden offers clear, practical guidance for anyone who might one day face a criminal investigation — and explains why experience, ethics, and early legal advice can make all the difference.

Q&A with Joseph A. Hayden, Jr.

1. You've led New Jersey's defense community for decades — from founding the ACDLNJ to serving as a Fellow of the American College of Trial Lawyers. How has the state's criminal justice system evolved during your career, and what reforms are still urgently needed to protect defendants' rights?

Joseph A. Hayden, Jr.: The biggest change is that there are more lawyers — but far fewer trials. In the 1970s, defense attorneys tried major cases every few weeks, and those trials often made headlines. Public trials exposed weak evidence and police misconduct.

Today, most cases are resolved through plea deals, meaning fewer opportunities to challenge police practices in open court. That makes the system less transparent and sometimes less fair. We urgently need more jury trials for serious cases, more diversionary programs like drug courts, and the complete abolition of mandatory minimum sentences. These changes would restore balance and accountability.

2. Many people don't realize how early they should seek legal advice. From your experience, what are the biggest mistakes individuals or companies make when first contacted by law enforcement or served with a subpoena?

Clients often panic and try to handle things themselves. They might delete emails, shred documents, or talk to colleagues — not realizing those actions can make things much worse. With modern technology, nothing is truly erasable, and premature conversations often become part of the investigation. The safest move is to stay calm and contact a lawyer immediately before taking any action.

3. Your firm handles both individual and corporate investigations. How do you approach these complex, high-stakes situations before charges are filed, and how can proactive strategy prevent indictments altogether?

We focus on resolving the issue before it becomes public or criminal. That means investigating the facts early, controlling the narrative, and persuading prosecutors that there isn't a provable case. Some of our most important victories are the ones nobody hears about — where no charges are ever filed and reputations remain intact.

4. For clients facing serious allegations in New Jersey or federal court, what should they expect from a seasoned trial lawyer? How does courtroom experience affect the outcome?

When your freedom or career is on the line, you need a lawyer who treats your case as the priority — not just another file. A seasoned trial lawyer brings credibility, confidence, and the ability to go to war if necessary. Prosecutors respect that. The willingness to take a case to trial often results in better plea offers or even full dismissals because the other side knows they're up against someone with the experience and stamina to fight every inch of the way.

5. You've received many awards for professionalism and ethics. Why are those qualities especially vital in criminal defense, where public perception can sometimes be skeptical?

In this field, your reputation is everything. Judges, juries, and even adversaries evaluate you based on your integrity. It can take decades to build a reputation for honesty and professionalism — and only hours to lose it. That trust is what allows a lawyer to advocate effectively and negotiate credibly on a client's behalf.

6. Finally, for readers who might find themselves under investigation or facing charges, what practical advice would you give to protect their rights and make smart choices early on?

First, don't panic or take matters into your own hands. Self-help often makes the situation worse. If I had a serious medical condition, I wouldn't treat it myself — I'd call a doctor. The same principle applies to criminal law: call an experienced attorney before acting. Fear and confusion can lead people to make rash decisions that deepen their problems. It's like quicksand — the more you struggle without guidance, the deeper you sink.

Closing Thoughts

When someone is suddenly under investigation, it's easy to feel isolated or powerless. But as Joseph A. Hayden, Jr. reminds us, understanding your rights — and acting wisely from the start — can make all the difference.

A veteran of New Jersey's toughest courtrooms, Hayden's message is simple: seek help early, stay calm, and never underestimate the power of experience and integrity in navigating the justice system.

In his words and his work, he offers something every client needs most — not just legal defense, but peace of mind.

This Q&A was published in full by Lawyer Monthly. To read the Q&A on their website, [click here](#).