

SELECTING A DUI DEFENSE LAWYER

by

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While a lot of lawyers handle DUI cases, few are experts and actually specialize in this complicated area of criminal defense.

What should you look for in selecting DUI defense counsel?

#1 First and foremost, does the lawyer specialize in DUI defense?

DUI defense is one of the most complicated and complex areas of criminal law. The lawyer must not only be a good criminal defense lawyer, but they must also have a working knowledge of all of the chemical testing devices used in the case, principles of toxicology, and well as an understanding of auto dynamics and highway design.

#2 Is the lawyer well known and well respected in the field of DUI defense?

As is any profession, some individuals always stand out, and are highly regarded and well respected. Even if the lawyer you are considering to represent you is not a national leader in DUI defense, he or she should still be highly regarded by the local defense bar as “knowing their stuff” in DUI defense. You certainly want a lawyer who is “AV” rated by [Martindale-Hubbell](#). This is a firm that has been providing rating for lawyer since the turn of the last century. They ask other lawyers to rate the lawyer in question, so you have a guide as to what other lawyers think of their abilities and ethics.

#3 Is the lawyer a member of the [National College for DUI Defense](#)?

One of the easy quick reference checks on the lawyer is to see if they are a member of the [National College for DUI Defense](http://www.ncdd.com). This is a college that is held each year on the campus of Harvard law School and is made up of some of the best and most dedicated lawyers in the United States. Anyone who is a member certainly is serious about DUI defense. The College also is the only body authorized by the American Bar Association to issue certification in the recognized legal specialty of DUI defense. Any lawyer who has been awarded and granted such specialization will be listed on the College's web site (<http://www.ncdd.com>) as such.

#4 Can the lawyer provide excellent representation at a fee you can afford?

Here is probably the hardest part of the equation for you to evaluate. There are a few lawyers, and I underscore only a few, who have a great reputation as DUI defenders. These lawyers are well regarded and respected on a national level. They are generally very expensive, but well worth it, if your case must absolutely be won. There are also other very good DUI defense lawyers who can also provide sound representation in your case; and their fees will probably be less than the first group above. Then there are lawyers who take DUI cases who handle other types of criminal case as well as DUI. Some of these lawyers are good and do a fine job; others however, may just want to supplement their practice with DUI cases and end-up treating the DUI as if it were a traffic case. These lawyers will very often tell you, "Well, it's a tuff case; and, you probably won't win, so let me try to cut you a deal."

In an excellent series of articles on the judicial system in Santa Clara County the [San Jose Mercury News](#) wrote an interesting article on lawyers. See: [THE HIGH COSTS OF A BAD DEFENSE](#), (San Jose Mercury News 1/24/06 by Fredric N. Tulsky)

“The newspaper review found a telling distinction, in that (some) private attorneys’ failings are often driven by money. The most unscrupulous behavior involved a class of private lawyers who take cases for a relatively low fee, and then boost their profits by avoiding a time consuming trial.

This pressure can become dangerous when amplified by private attorneys who also have a strong financial incentive to avoid trial. In such instances, the Mercury News found, some attorneys may give clients erroneous legal advice, deny the benefits of an investigation, demand more money – anything to get the case over with. Said one appellate lawyer Kresser: ‘There are lawyers who will do everything they can to keep from having to go into a courtroom and try a case.’ ”

#5 Who is, or better yet, how can I find the best DUI defense lawyer?

There is no such thing as “the Best.” Who is the “best,” will often be who is the “best for you.” You have to take into account: what will happen to you, and how will it affect you if you are convicted of DUI? How much money do you have that you can spend on good defense counsel? What will it cost you financially and how could a convict impact your future?

Be careful of lawyers on list servers

I have found a number of lawyer list services on the internet that if you research these list services you will find that almost all of them are business referral services which lawyers pay to be listed on.

There is nothing wrong with lawyers placing their names on list servers, especially if they are young or just beginning practice. This is a good way to get your name out there in the market place. But be very careful of self promotion. Any body with a bar card can get a web site and promote themselves. Always, always look at the lawyers experience and credentials.

There is no short cut for finding a good lawyer. You have to go to work. Check with other lawyers you may know, ask them who they might be able to refer you to who does good work in DUI cases. Most good lawyers know other good lawyers. The names of the most respected lawyers in this area of practice will soon become known. You should always conduct your own independent evaluation.

#6 Will the lawyer truly work on my case? Will the lawyer devote the proper time necessary to provide me with the best DUI defense?

There is no way to guarantee that the lawyer will do what is promised. The only real guarantee you have is the character and reputation of the lawyer. That is why it is so important to look at the lawyer's credentials and standing in both the bar and the community. Check on the lawyer's State Bar record for any disciplinary action taken against them. (www.calbar.org) Ask other lawyers if they know of the lawyer and what they think of him or her? Do everything you can to know the quality and reputation of the lawyer – it's your case and your future which is going to be affected. Do your homework. Do not rush to a quick decision.

www.DrunkDrivingDefensePro.com.