

CHOOSING THE RIGHT LAWYER

THE QUESTIONS TO ASK AND ANSWERS TO EXPECT

Step 1: Investigate the lawyer

Often lawyers advertise that they have XX years experience. However, what is the quality of that experience? A dump truck lawyer that has been in business for 20 years is still a dump truck lawyer. Lawyers are professionals and should be actively continuing to educate themselves and participate in national organizations designed to further their education. Leading lawyers also write and publish educational materials pertaining to their areas of practice.

Before hiring any lawyer, investigate the following:

- For DUI cases, make sure the lawyer focuses on DUI's. DUI is very complex and no lawyer should "dabble" in DUI practice.
- Does the lawyer have a website?
- Does it look amateur?
- Is the content informative?
- Are some of your questions answered?
- What is it ranked?
- Does the lawyer have to pay to have his or her website ranking elevated (i.e., is it in the shaded area on a google search as a "pay-per-click ad")?
- Can the lawyer provide testimonials from other clients?
- Can the lawyer provide you with written peer reviews?
- Has the lawyer published any articles, journals, or books pertaining to DUI?

If you are dissatisfied with any of this information, choose another lawyer. Leading lawyers will openly share this information publicly, through their websites. They are proud of their accomplishments and reputation. They want to share that information with you.

THE LAWYER INTERVIEW CHEAT SHEET

How many cases do you take a month? DUI 's?

Do you answer your own phones so that my needs may be addressed ?

May I have your cell phone number? e-mail address?

Are you available after-hours? Weekends?

When will you return my calls?

Do you handle all aspects of my case or do you rely on associate attorneys?

What is his/her qualifications?

What decisions will he/she make in my case?

Will you (or they) appear in my court proceedings? Administrative Revocation?

Will your firm independently investigate my case?

Who is your investigator?

What will he/she do?

What is his/her qualifications?

Will you force all officers to testify at Administrative Revocation Proceedings?

Will you be able to successfully subpoena them?

How long will you spend preparing my case? Trial?

Will you urge me to plead guilty?

Will you tell the judge the facts of my case before trial? Why?

What is your plan?

What motions will you file in my case?

Can I read some samples?

Explain the science behind my blood or breath test.
What issues will you raise?

Have any of your writings been published? Where?

Are you a member of NCDD? Do you participate?

The Law Office of James Butler

CHOOSING THE RIGHT LAWYER



CHOOSE WISELY Your Rights Are At Stake

Most citizens accused of DUI have rarely, if ever, hired a lawyer. Unfortunately, there are a large number of lawyers who only want to take your money, intending from the beginning to plead you guilty. Leading lawyers call these lawyers "dump truck lawyers." It is obviously in your best interests to avoid these lawyers. This brochure offers a simple plan to assist you in evaluating a lawyer. Remember that commonsense goes a long way in assisting you in selecting a lawyer. If a lawyer is quoting you a fee that is far less than other lawyers' fees, there is probably a reason.

**IF IT SOUNDS TOO GOOD TO BE
TRUE, IT PROBABLY IS!!!!**

TEL: (713) 236-8744



CHOOSING THE RIGHT LAWYER FOR YOU

Step 2: Interview the lawyer.

First and foremost, you can learn a lot from what the lawyer charges. Unfortunately, the value of legal services is more difficult to evaluate than if you were buying a car. Lawyers sell their time rather than an actual product. You will be asked to compensate the lawyer for his or her time. If a lawyer is charging much lower fees than top-tier law firms, he or she must take on more clients. This leaves less time to devote to the most important case in the lawyer's office – **your case!** You should insist on *value* for your dollar, not just the lowest possible attorney's fee. A higher fee means more time spent on your case.

Ask your lawyer the following questions:

- How many cases do you take a month?

This is perhaps the most important question you can ask. Dump truck lawyers take on high volume cases. Do the math. The author is aware of lawyers who take as many as 25 DUI cases per month. Often, they appear in court with 5 to 10 cases scheduled on that one day. Obviously, such lawyers do not intend on properly preparing for your case. This also applies to lawyers who advertise that they have handled “thousands” of cases. If the lawyer has handled 2,000 cases over the past 5 years, that means he or she has taken approximately a case each day for the past 5 years. Commonsense dictates that the lawyer has not concerned themselves with the well-being of individual clients.

- Will you rely on associate attorneys?

Many lawyers sell clients on their own experience and skills. Yet, because of the volume of cases they are willing to take, much (and sometimes all) of the work is delegated

to younger, inexperienced attorneys. This means the client did not get what she bargained for. If the attorney employs an associate attorney, you should carefully define the qualifications of that attorney and what decisions they will be permitted to make in your case.

- Will your firm investigate my case or simply rely on the police report?

Simply relying on the police report is, perhaps, the worst disservice that a lawyer could provide. Police write the report with a conviction in mind. It is your lawyer's obligation and duty to find evidence that supports your defense. Make sure the lawyer's definition of an investigation is not just interviewing you and reading the police report. Leading lawyers regularly rely on investigators to visit the scene(s), take pictures and measurements, and interview witnesses. Often, the facts uncovered will entirely change the lawyer's view of the case. Ask: who is the investigator, can I meet him/her, etc.

- What motions will you file in my case?

This is another fundamental area in which lawyers often fail their clients. Motions determine the most important legal issues — and sometimes lead to dismissal. Leading lawyers are aware of the cutting-edge issues and have motions they file in every case. Sometimes, motions must be filed or important issues will be deemed waived. Thus, by the time you realize you made a mistake (usually during the appellate phase), it may be too late for another lawyer to help. Ask to see the motions!

- What is your plan?

If a lawyer talks about a guilty plea in your initial meeting, you should probably consider another lawyer. Further, hope is not a plan of action. If your lawyer's plan is to hope that the cops don't show up to court appearances, run the other direction. These are tell-tale signs of a dump truck lawyer. A leading lawyer will be able to intelligently

discuss the issues that may be important to your case. Also, the lawyer will be able to intelligently inform you what to expect. Further, a leading lawyer will allow you to make the decisions important to your case.

- Will you take advantage of every opportunity?

All too often, lawyers do not take advantage of unique opportunities in DUI cases. Most states have some form of administrative revocation proceedings. There, the state attempts to revoke the defendant's license before trial. This is a huge advantage in DUI cases because a lawyer can force the police officer(s) to reveal their testimony before trial. If the police officer's testimony at trial differs from their prior testimony, the lawyer can use a transcript of the prior testimony to impeach (show untruthfulness) of the officer. The advantage of this procedure cannot be understated. Yet, some lawyers advise their clients not to even pursue the revocation proceedings. Or, when an officer appears, they waive that officer's testimony. Leading lawyers will fight every revocation proceeding and force the officers to testify.

- What articles, books, or other publications have you written on DUI law?

Many lawyers tout their experience. However, that experience often amounts to decades of pushing their clients through the system. Leading lawyers seek to educate themselves and others by publishing their writings. If a lawyer tells you he has been practicing for 10 years and does not have one publication to show for it, you may consider hiring another lawyer.

- Are you active in professional organizations?

All DUI lawyers should actively participate in the National College for DUI Defense. DUI cases are often determined on the basis of science. Further, DUI trials are different from other trials. The NCDD is the only national organization that educates lawyers on essential science and DUI-specific trial issues. Simply being a member is insufficient. Ask the lawyer: What is the last seminar you attended? How often do you go?, etc.