

What are the top 10 mistakes clients make in DUI cases?

by Thomas Wallin

If you have been arrested on charges of driving under the influence, don't make the same mistakes that so many others have:

- 1. Not taking the matter seriously.** This is a charge that will follow you for the rest of your life, if you are convicted. The Department of Motor Vehicles will keep track of it on your driving record until you are dead. It has to make sure to take your license away from you for two years, if you have three lifetime convictions. The additional insurance charges alone could cost you thousands of dollars. If your license is taken away, you have to prepay for an SR-22 endorsement to your policy. Your insurance company must notify the Division in advance, if you do not maintain your insurance. It will also raise your rates based on your conviction.
- 2. Not hiring an attorney.** The law is complex and you need competent representation. You must raise the right defenses at the right time or you will lose them. Facts will disappear, memories fade and witnesses vanish. A winnable case can quickly become a loser. What should you do? You need legal advice and fast. You want an attorney who knows how to handle your case.
- 3. Hiring an attorney based on the amount of the fee alone.** The State has almost unlimited resources when it comes to your case. You need to hire an attorney and pay a fee which will allow him to put time and effort into your case to counter the prosecution. Attorneys must earn enough in the time they spend on your case in order to keep their doors open and make a living wage. If you go too low, your attorney will not be able to put in the time necessary to protect you, and may want to charge you, and then attempt to get rid of you as quickly as possible - they even may dump your case if you do not plead guilty immediately. Look for a reasonable, predictable fee, not the lowest.
- 4. Not obtaining a temporary license and requesting a hearing at the Motor Vehicle Department within 10 days, if your license was taken when you failed or refused to take an alcohol test.** If you do not request a hearing, you will not be able to drive until after a hearing or for 90 days to a year. Driving during this time is a serious traffic offense, a misdemeanor and has mandatory jail time, regardless of whether you need to drive for work or personal reasons.
- 5. Driving after your license has been revoked.** You have no right to drive after revocation and driving then is more serious an offense than your original charge. There are no provisions for you to drive for work or personal reasons. After a period of time, you may qualify for an interlock device. If arrested for driving during this time, you may have to post a \$10,000 bond just to get out of jail. If convicted, you face significant time in jail.
- 6. Not requesting that the officer be present at your motor vehicle hearing.** If you do not request the officer's presence, you will have to subpoena him or waive her presence. The hearing will be based on the officer's report only and you will not hear how the officer will testify. Many things can be learned at this hearing by your attorney, if the officer is present. If the officer fails to appear or justify what was done, you get your license back.

7. **Taking the District Attorney's first offer.** The first offer is not a bargain, it's just to get rid of your case with the least amount of work. Very few cases are dismissed or reduced to a non-alcohol charge at this stage. You do not give the judge an opportunity to rule on constitutional challenges. You give up your right to raise these issues and make the State prove its case.
8. **Failing to appear in Court.** The Court will issue a bench warrant for your arrest and revoke any bond. The next time you are stopped for a traffic infraction, you will be spending some time in jail and posting a bond for your future appearances.
9. **Talking to anyone but an attorney about your case.** You will get advice, some of it good, some of it bad, some of it based upon personal experience in other jurisdictions, or years ago, that may not apply in your case at all, from your family and friends, even co-workers. Don't listen to anyone except an attorney experienced in DUI law. You may choose a lawyer or risk the consequences of representing yourself. By hiring an attorney immediately following your citation, you won't miss any deadlines. Judges won't know if they should protect your rights unless someone defends you. For example, overworked prosecutors may use reports from inexperienced or over-zealous police officers to over-prosecute a case. Defense attorneys are aware of these tendencies and are trained to handle such situations. If you ask the judge to let you be your own attorney, he or she must allow this in most cases. But do not do this. In all DUI/DWIs, get a lawyer quickly. You should interview immediately after arrest if you can. Remember, you must request the DMV hearing within tens days of your arrest.
10. **Thinking that you can handle it on your own .** You need to have an attorney go to Court with you.

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The Law Offices of Thomas Wallin can defend you in your **Driving Under the Influence (DUI) case in Southern California**. As an experienced, aggressive DUI trial lawyer, Mr. Wallin handles DUI cases in Riverside, San Bernardino, Los Angeles and Orange County. As a DUI criminal defense attorney, Mr. Wallin will represent you at both the [DUI criminal proceeding](#) as well as the [DUI DMV hearing](#). In most cases, your DUI lawyer **can appear on your behalf in court**, saving you time and embarrassment.

As a former [Riverside County Public Defender](#) attorney, Mr. Wallin is familiar with the DUI courts in **Riverside, San Bernardino, Los Angeles and Orange County**. Mr. Wallin is also an active member of the [National College for DUI Defense](#) and [National Association of Criminal Defense Lawyers](#).