

QUESTIONS TO ASK TO CHOOSE THE

BEST DUI ATTORNEY FOR YOUR CASE

BACKGROUND, EXPERIENCE, AND PRACTICE

1. Are you an experienced DUI Attorney?

- a. **Yes.** Since 1990, I have viewed DUI cases from every possible angle. As a former police officer, prosecutor, and now as a defense attorney, I have reviewed hundreds of DUI cases. I know and understand the procedures and tactics used by law enforcement officers. I understand the weaknesses of the field sobriety tests, the blood & breath tests, and report writing skills of law enforcement and, more importantly, how to use those weaknesses to the advantage of my client.

2. Who will represent me?

- a. Attorney Morgan supervises every case in the office. With over 1000 DUI (not criminal) cases behind him, he knows everything there is to know about DUI law.
- b. You have your choice of lawyers to represent you in the courtroom. At no point will you be represented by a lawyer with less than 10 years of experience.

3. How are Fees Calculated?

- a. We offer ONLY a fixed fee service. The fee you pay us is the only fee that is required unless certain enumerated circumstances occur. We encourage communication. Therefore, we do not charge for phone calls, emails, or other factors that arise in the ordinary course of representation.

- b. Fees are calculated based upon the following factors:
 - i. My knowledge and experience
 - 1. 27 years in the Criminal Justice System
 - 2. Representation of over 1000 DUI Defendants
 - 3. Instructor of Attorneys
 - 4. Advanced knowledge of Field Sobriety Tests, etc.
 - ii. Complexity of the Case
 - iii. Accident or non-accident
 - iv. Blood Alcohol Concentration
 - v. Venue (Location)
 - vi. Number of prior DUI arrests
 - vii. Prior Criminal History
 - viii. License Status (CDL, etc)
 - ix. Professional Impact (Doctors, Nurses, Truck Driver, Mechanic)

4. Do you negotiate fees? Will you match another attorney's rate?

- a. **No.** I pride myself on setting fees based upon formula set forth above. That formula has been developed over many years of representing over 1000 people charged with DUI.
- b. If an attorneys is willing to negotiate his fees (the very thing that feeds his family) he is not going to work hard for you.
- c. There are a lot of lawyers out there who charge a minimal fee and do ZERO work. A good lawyer is not cheap. A cheap lawyer isn't good.

5. Will there be any hidden fees?

- a. Unlike some attorneys who charge only for the preliminary hearing and then hit you with a large bill afterward, I believe in transparency. Our fees for nearly every possible scenario are listed in our Fee Schedule. We also let you know if they are usual or unusual. Most importantly, YOU are in charge of the decision to obtain more services. We never charge a fee without your expressed authorization.

6. I want a specialist:

- a. In the past 8 years, I have represented over 1000 people charged with DUI in Pennsylvania.
- b. I am a Standardized Field Sobriety Test (SFST) Instructor. In addition, I also train other attorneys in the area of Advanced Roadside Driving Enforcement (ARIDE) and Drug Recognition Expert (DRE) Programs.

- c. Through my company, DUI Trainers & Consultants, LLC, I teach other attorneys how to defend DUI cases through state accredited Continuing Legal Education. I am a recognized authority in the area of pre-arrest testing.
- 7. Are you a former prosecutor? / How does this impact my case?**
- a. **Yes.** I am a former prosecutor. I have worked for:
 - i. The Las Vegas, Nevada District Attorney's Office,
 - ii. The Cumberland County Pennsylvania District Attorney's Office,
 - iii. The Lancaster County Pennsylvania District Attorney's Office.
 - b. I know and understand the prosecutor's manner of preparing cases, the goals of the prosecutor, and the best way to utilize those factors to the benefit of my client.
- 8. Are you a former police officer? / How does this impact my case?**
- a. **Yes.** I am a former law enforcement officer. I was first sworn in as a Police Officer in 1990.
 - b. I was my unit's traffic enforcement/DUI Specialist. I received advanced training in the administration of breath testing as well as Field Sobriety Testing.
 - c. I personally administered the SFST on hundreds of occasions. I know the weaknesses of these tests at a different level than most attorneys.
- 9. I want an attorney who will devote time and energy to my case: Do you limit the number of people you represent?**
- a. **Yes.** I devote my practice to helping my clients achieve the best possible outcome for their case. To do so, I must devote more time and energy to each case. As a result, I only accept clients that I know will benefit from my assistance.
- 10. I want an attorney who will communicate with me: Do you return phone calls / emails promptly?**
- a. **Yes. Communication is the key to a successful lawyer-client relationship!** Email is preferred, because my assistant and I can respond to your question immediately, even while in court, during the evening, or on the weekend. If you call and leave a message, we will contact you within minutes or hours, not days. We have a 100% client satisfaction rate for communication.
 - b. **If you do not have an email, we encourage you to get one through gmail.com, yahoo.com, or Hotmail.com.** All are free.

APPROACH TO YOUR CASE

11. I just want to apply for the ARD program: Do I need an attorney?

- a. *Need?* No.
- b. *Are you better off with an Attorney?* That depends on the quality of the attorney. If your first contact with an attorney leaves you feeling like ARD is your **only** goal, without evaluating your case fully, you must evaluate whether or not his/her services are worth your hard-earned money.
- c. *ARD is NOT your ONLY option.* It is a good program, but not a great program. You should ONLY hire a lawyer like me who will fully and fairly evaluate your case before you make any decision about ARD. **Our case results are full of cases where ARD was offered, but a better outcome was achieved.**

12. What are your goals for my case?

- a. Dismissal of Charges
- b. Avoid Jail
- c. Avoid License Suspension
- d. Keep your job

13. Can we see examples of your successful cases?

- a. **Yes!** I provide a copy of our case results. I cannot guarantee any particular result in your case. What I do guarantee is that I have the knowledge and experience necessary to ensure that every detail is examined and every defense pursued.
- b. If an Attorney cannot show you his successful cases, you should not hire him/her.

14. Is there an independent website where I can see your client reviews?

- a. Yes, you can go here: https://www.avvo.com/attorneys/17033-pa-forest-morgan-503520.html#client_reviews
- b. Relying on a lawyer's recitation of his client reviews is foolish. Insist on seeing the reviews on an independent site.
- c. We have learned of another law firm that pays clients for positive reviews. We find this practice to be unethical.

15. Do you take DUI cases to trial?

- a. An Attorney who is unwilling to go to trial is NOT your best option.
- b. **Yes. IF it is in your best interest** to take a case to trial, I will recommend trial. Trial is about achieving the best result for your case. It isn't about padding my resume.
- c. Most of my cases resolve favorably without trial because my knowledge, experience, and opinions are trusted by prosecutors and the courts.

16. Do you recommend ARD in some cases?

- a. **Yes.** Your charges may be resolved by ARD if it is in your best interest.

17. Have you had a DUI case dismissed completely at the preliminary hearing?

- a. **Yes.** Although I cannot guarantee this result. It is something I strive for in every case.

18. Are you able to negotiate a reduction in charges at a preliminary hearing?

- a. **Yes.** In most cases, I am able to obtain a reduction of charges or dismissal of some charges at your preliminary hearing.

KNOWLEDGE OF DEFENSE STRATEGIES

Medical Condition

19. I have a medical condition, does this matter?

- a. DUI involves science. An attorney who understands medicine may be an essential asset in your case.
- b. Your medical condition can affect your ability to perform field sobriety tests, your breath testing results, and/or your blood test results. Your medical condition is vitally important to your defense.
- c. **Trauma affects BAC.** If you were involved in a motor vehicle accident as part of your case, your Blood Alcohol Content result can be affected.
- d. If I recommend your case for trial, I may ask for your authorization to release your medical records.
- e. **A Legal Nurse Consultant** (A Registered Nurse with over 25 years of experience) is available to review your records.

Field Sobriety Tests & Drug Recognition Experts

20. Have you received advanced training in the area of Field Sobriety Testing?

- a. **Yes.** I have the following certifications/qualifications:
 - a. NHTSA Qualified SFST Instructor.
 - i. This means I am qualified to teach police officers how to administer field sobriety tests.
 - b. ARIDE Certified
 - i. This means I have received the same training as the officer who arrested you.
 - ii. I regularly teach other attorneys the inside information about this program through my company DUI Trainers & Consultants, LLC.
 - c. DRE Trained
 - i. I have received the same training as Drug Recognition Experts
 - ii. I regularly teach other attorneys the inside information about this program.
- b. I was first certified in the use of Field Sobriety Tests in 1990 as a police officer. I subsequently was certified in 1994 and 1998. I currently possess all manuals utilized by police officers since 2004.
- c. I also teach attorneys how to analyze SFST and ARIDE cases as part of my firm, *DUI Trainers & Consultants, LLC.* (www.DUITrainers.com)

21. I “failed” my field sobriety tests (FST) does this mean I am guilty?

- a. **No.** Field Sobriety Tests were designed to determine whether or not a person has a blood alcohol level above a .10%. Even when properly administered, they are effective less than 75% of the time. They are rarely administered properly.
- b. I am a Field Sobriety Test Instructor.

22. The officer who examined me was a Drug Recognition Expert (DRE). Does this mean I am guilty?

- a. **No.** Recognition of a police officer as an “Expert” has not been accepted in all counties in Pennsylvania. Moreover, even if the officer is certified as an “expert,” he is subject to cross-examination based upon his personal observations. Police Officers should not be performing medical examinations. I have been taught the same procedures used by Drug Recognition Experts and did complete the certification course.

Blood & Breath Testing

23. My Blood Alcohol Concentration (BAC) / Breath Alcohol Concentration (BrAC) was above the legal limit. Does this mean I am guilty?

- a. **No.** It means that law enforcement has provided an estimate of your blood alcohol concentration. The Commonwealth must prove, beyond a reasonable doubt, that your BAC/BrAC was above the legal limit.

24. Drugs were found in my blood; does this mean I am guilty?

- a. **It depends.** In some cases, the Commonwealth need only establish that you blood contained a certain level of certain Schedule I or II controlled substances. In other cases, the Commonwealth must establish that the drugs in your system impaired your ability. They must do so with the assistance of an expensive expert. Therefore, the Commonwealth may be willing to reduce your charges. Or, in the alternative, you may take the case to trial.

25. How does a Breathalyzer work?

- a. **Poorly.** In simple terms, an infrared light is produced and is shone through the particles of your breath to determine whether there is a presence of the molecules consistent with ETOH (Ethyl Alcohol). The device then calculates the amount of alcohol to determine the grams of alcohol which would be present in 210 liters of breath. If the result is 8 grams of alcohol per 210 liters (the equivalent of 105 2-liter bottles of soda) you will be subject to charges.
- b. Operator error impacts the reliability of the device.
- c. It is not accurate (Think of your two results, are they identical? In most cases no)

26. Are you able to challenge a Breathalyzer in court?

- a. **Yes.** Absolutely. This is particularly true when the consequences are high (second or third offense) or the result is close to a lower level (.110 or .170).

27. I've heard that blood testing is more accurate than breath testing. How is my blood tested?

- a. There are two primary means of testing your blood for the presence of alcohol. The blood can be tested utilizing serum or through Headspace Gas Chromatography.

28. What is the difference between Serum Testing and Laboratory (Gas Chromatography) Testing?

- a. Serum testing is less accurate than whole blood testing and is known to produce a higher result that must be converted using mathematics and a conversion rate found in a book. The medical technicians often testify that they do not know why they utilize a particular conversion rate.

29. Are you able to challenge a blood test in court?

- a. Absolutely.

30. Why should I hire you?

- a. You should hire my firm if you are committed to a successful resolution of your DUI Case.
- b. Some attorneys will tell you that you are guilty or recommend ARD but will still expect to be paid for their "services."
- c. Other attorneys will tell you that you can expect to go to trial because they "fight for you."
- d. Attorney Morgan seeks to achieve a successful result. This means that he wants you to avoid a conviction, avoid jail, and avoid a license suspension.
- e. This document explains how we do our job. Other documents tell you about our team, our case results, and our client reviews. ***Does any other lawyer or law firm provide you this much information?***

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4. Are you a former prosecutor? / How does this impact my case?
5. Are you a former police officer? / How does this impact my case?
6. I want an attorney who will devote time and energy to my case: Do you limit the number of people you represent?
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9. What are your goals for my case?
10. Can we see examples of your successful cases?
11. Is there an independent website where I can see your client reviews?
12. Do you take DUI cases to trial? How many cases have you taken to trial in the last two years?
13. Do you recommend ARD in some cases?
14. Have you had a DUI case dismissed completely at the preliminary hearing?
15. Are you able to negotiate a reduction in charges at a preliminary hearing?

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