

How To Handle the Emergency Phone Call When Your Client Is Arrested for DUI

By Jim Yeargan

The holiday season is here, and DUI arrests will soon be at a yearly high. Inevitably, many attorneys who do not specialize in DUI law will receive emergency phone calls from their clients who have been arrested for DUI. The most important step in handling a DUI case is hiring an attorney who specializes in DUI defense. However, this article is geared toward the non-DUI practitioner so they may properly advise their client until he can retain a DUI specialist.

Step 1: Protect the Driver's License

Drivers arrested for DUI in Georgia have 10 business days from the date of their arrest to file an appeal with the Georgia Department of Driver Services (DDS) to keep their license from being administratively suspended. If this appeal is not filed within 10 business days the driver's license will be administratively suspended 31 days after the date of arrest. This also applies to drivers licensed in other states.

When calculating the 10 business days do not count the date of arrest, weekends or federal holidays. The appeal letter does not have to be received by DDS within 10 business days; it only has to be postmarked within 10 business days. I highly recommend mailing the letter via certified mail with return receipt requested.

The appeal letter needs to include your client's name, date of birth, date of arrest, license number, mailing address, phone number, whether the client submitted to the state administered chemical test, and grounds for appeal. You must include a check for \$150 made payable to the "State of Georgia Department of Driver Services" or the appeal will be rejected. Once the initial appeal has been filed a DUI specialist may file an amended appeal laying out the specific grounds for appeal.

Step 2: Have the Client Write a Report

Your client needs to write down everything he remembers while the events are fresh in his mind. Have your client write down everything he did the day of his arrest from the moment he woke up until he got home from jail. The client should include the time he woke up, what he did at work, when and what he ate, any medications he took, who he was with prior to his arrest, their contact information, all interactions he recalls with the police, and what happened while he was at the jail. Have your client hand write his report. A handwritten report has more credibility than a typed report. Have your client sign, and date each page. Make sure your client puts the original in a safe place, and makes a digital copy.

Step 3: Preserve Evidence

Your client needs to preserve any evidence that proves his innocence. Such evidence may include a bar receipt showing he only had 2 drinks, or the names and contact information of people who will testify he was not drinking. This type of evidence disappears quickly; therefore, it is important to preserve this evidence immediately. Be sure to save any original documents, and make digital copies.

Step 4: Prepare the Client for a Background Check

Inform your client the instant he was fingerprinted the DUI charge went on his criminal history. Additionally, many jurisdictions place the charges, mugshots, and contact information of people arrested for DUI online. Your client needs to be aware that an online search may reveal this information. Also, many extortion websites will duplicate this information, and charge a fee (usually \$500) to remove it. If your client is looking for a job, or is about to receive

a promotion, you need to inform him his arrest information may be readily available to potential employers and human resources personnel.

Step 5: Block Social Media

Make sure your client sets all of his social media profiles to "private" so they cannot be viewed by the public. Prosecutors are beginning to check defendant's social media profiles to find additional evidence they can use against them. Additionally, your client needs to check his social media accounts from the night of his arrest, and remove any photos, tags or check-ins that reference him drinking.

Step 6: Hire a DUI Specialist

DUI cases are some of the most difficult cases to handle in Georgia. People arrested for DUI need the expertise, and knowledge, of a DUI specialist. When you receive the emergency DUI phone call you will serve your client well by sharing these tips with him, and impressing upon him the importance of hiring a DUI specialist.

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