

# DUI GUIDE

This guide is intended to provide practical guidance to anyone arrested and charged with a DUI offense. It is not intended as a substitute for legal counsel which can only be obtained from a qualified DUI/DWI attorney.

*A practical guide to  
handling a DUI/DWI  
charge*

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## Introduction

Being arrested and charged with a DUI/DWI is typically an overwhelming and highly stressful situation for anyone. When people feel extremely overwhelmed, it is a natural human response to simply do nothing, bury their head in the sand, and simply hope for the best. This is the worst possible thing you can do, as the vast majority of DUI charges are fightable. Even if your attorney cannot get the charges against you dismissed or reduced to a less serious charge – which may be entirely possible depending on your case – he or she will likely be able to negotiate reduced jail time, license suspension, and fines and fees.

[myDUlattorney.org](http://myDUlattorney.org) has compiled this information-packed guide as a resource to help walk you through the DUI process at every stage, and in so doing, minimize the stress, worry, and feeling of helplessness you may experience following a DUI arrest.

Foremost, it is up to you to take action – now is not the time to procrastinate as time is an essential factor in getting the best result in your DUI case, and reducing the negative impact on your life.

## Immediately Following a DUI

- **Contact 2-3 DUI attorneys** – or complete the form on our home page and have them contact you.
- **Arrange an in person consultation** with them within the next 3 days. Time is of the essence in DUI cases, you only have a limited amount of time to request a DMV hearing in order to try to save your driving privilege. The longer an attorney has to review your case the better he or she will be able to prepare a strong defense for you.
- **Make sure the attorney is accessible to you** – you should not be driving unless the police officer has issued you a temporary license.
- **Stay sober.** While it may be tempting to drown your sorrows, this will only make things worse. You need to keep a clear head, and remove any risk of getting another DUI which will seriously compound the severity of the situation you are in.
- **Stay calm.** Panicking will not help you further your cause. If you feel you are unable to cope with the stress, contact your doctor and explain the situation. Also, confide in friends or family members that will be supportive of you.
- **Don't beat yourself up.** DUI is the single-most common crime in the United States today. Thousands of generally law-abiding citizens are arrested and charged with this crime every year. Why? Because DUIs are a political and social hot potato, and they generate a great deal of revenue for counties and states. Obviously driving at or over the legal limit was a mistake, but it is one that lots of people from all walks of life make, including lawyers, police officers, pilots, doctors and teachers.
- **Moping is a waste of time.** Be proactive about knowing your rights, and speak with qualified attorneys who will be able to give you a fair summary of possible ways to get the best result for your case.
- **Obtain medical and mental health records** from your doctor or other practitioners, including copies of any prescribed medications. You will want to show these to your prospective attorneys during your initial consultation, as this could lead to a strong defense for your case.
- **Review your finances.** Most attorneys will require a 50% retainer up front, and an experienced DUI attorney may charge between \$2,500 - \$5,000 or more depending on the complexity of the case, whether it is considered an “aggravated DUI” and so on.
- **If you do not have sufficient funds** in savings or available on your credit card, you may want to start applying for loans, cashing in part of your 401(k) – although this is subject to steep tax penalties - or selling any items of value to cover the cost of the attorney. You do not want to gamble with your future by going with a public defender, who will have 5 to 15 times the caseload of a private attorney, and so the attention to your case will not be nearly as great.
- **Make sure you know your court date.** Make arrangements to get to court well in advance, and aim to get there at least 30 minutes early, so you have time to get settled and consult with your attorney.
- **Be honest with yourself.** Do you have a drug or alcohol problem that led to the DUI? If you answered yes, find a local AA or NA meeting where you will meet other people who have gone through a similar experience. Also, ask your doctor about drug and alcohol programs in your area. The sooner you enroll in a program, the more likely the DMV will be to grant you a temporary restricted driver's license. Such classes can also help you stay sober and manage stress throughout the DUI process.

## DUI Checklist

- [ ] **Tell close friends and family members** that you have been charged with a DUI. You do not want to deal with a DUI alone but do NOT take legal advice from them – they may be trying to help, but have wrong or outdated information
- [ ] **Read attorney reviews** on Martindale.com and Avvo.com. Get matched with lawyers by completing the short form on [myDUAttorney.org](http://myDUAttorney.org)
- [ ] **Schedule initial consultations** with 2 to 3 DUI attorneys, as quickly as possible
- [ ] **Request a DMV License Suspension Hearing** – you only have a short time frame to do this. Your attorney will be able to tell you how long you have, and can request the hearing for you. Ask your attorney whether representation at the DMV hearing is included in their fee.
- [ ] **Obtain medical records** and copies of prescriptions from your physicians
- [ ] **Review your finances.** Figure out how you are going to pay for an attorney. Start applying for loans or credit cards if you need to
- [ ] **Speak to your doctor or a counselor** if you are feeling overly stressed and overwhelmed by the DUI charge. You do not need to feel like this. There are people that can help.
- [ ] **Enroll in a drug or alcohol program.** Even if you do not feel you have a problem, this will help encourage the DMV to grant you a temporary restricted driver’s license. You might want to make sure the program is one recognized by the court where you have been charged, so that you do not need to re-enroll.
- [ ] **Attend consultations with attorneys.** Use the interview questions and worksheet below to evaluate them.
- [ ] **Hire an attorney.** You should hire the attorney you feel has the best track record of success with similar cases, has been honest about the possible outcomes of your case, is within your budget, and you feel will be responsive during the entire process.
- [ ] **Attend your first court date.** Or if you have been charged with a misdemeanor DUI offense, your attorney can go for you and keep you updated on next steps.

## 10 Questions to Ask a DUI Attorney before Hiring

For the majority of people faced with a DUI/DWI charge, this will be their first time researching and hiring an attorney to represent them in a criminal case. We hope to make the task a little less daunting by providing you with ten essential questions you will want to ask when comparing and evaluating attorneys. This way you can feel confident in your final decision that you are hiring the best fit for you and your case.

### 1. **How much experience do you have in terms of number of years spent in the DUI field and number of DUI/DWI cases handled?**

While number of years or volume of cases alone does not necessarily equate to a successful lawyer – results are obviously more important – you probably do not want to hire a lawyer who does not have much DUI-related experience, or one fresh out of law school. The field of DUI/DWI law is so complex, an attorney who is used to navigating the scientific, technical and civil liberty aspects of the law will be better equipped to serve your interests than a recent grad.

### 2. **Will you be handling my case in its entirety?**

It has become a common industry practice, especially with larger law firms, to have your initial consultation with a senior lawyer who clearly knows their stuff and has been very successful throughout their career. Then when you have decided to hire the firm and pay a retainer, your case is handed off to a lower-level associate who is less experienced. As your attorney is your guide through the entire process - one of the most complicated and stressful processes you may ever have to navigate through - you will want to ensure that the lawyer you hire is actually the one doing the lion's share of the work on your case, especially when it comes to representing you in court.

### 3. **What is your hourly rate, and can I choose to pay a flat fee or by the hour?**

A typical first-time, non-aggravated DUI case takes between 10 to 14 hours to resolve without going to trial. If a lawyer is charging you a flat-rate, it is in his or her interest to resolve the case as quickly as possible. If he charges by the hour, it could be in his or her interest to prolong the resolution. Therefore, if you are paying a flat-fee, you should ask the lawyer how they came up with that amount, and what their typical hourly rate is. If the math doesn't work out, then move on to a different lawyer.

If you decide to work with a lawyer that charges by the hour, you should ask for a ballpark number of hours that the case will take and pre-agree to a minimum and maximum number. You should agree to be alerted by the lawyer as soon as possible if any circumstances do arise that could affect the number of hours that the attorney will need to work on the case.

You should also find out ahead of time what the lawyer charges to prepare and argue your case at trial as this can add to the cost of your defense considerably.

### 4. **What representation is included in your fee, and what isn't?**

Many people do not realize that when they are charged with and convicted of a DUI, there are two separate processes which you will need to navigate. One is the criminal process handled by the county court in which you were charged; the other is the administrative process, handled by the Department of Motor Vehicles

(DMV) for your state. There are potential hearings during both processes, and so you need to ensure that the lawyer you hire includes representation both in court and at the DMV in their fee. This is also a good time to ask about any additional fees or expenses that could occur.

If you and your attorney decide to take the case to trial, there will normally be an additional fee of a couple of thousand dollars for the attorney's time, and extra expenses to bring in expert witnesses.

**5. How many cases do you handle simultaneously? What is your typical caseload?**

Certain lawyers will charge discount rates for DUI representation and make up for their lower fee by handling several cases at once. The care and attention that the lawyer will be able to give to each case is therefore reduced. A lawyer should generally not be going to court for two different clients in the same day, so ask him or her to confirm that when they are in court representing you, they will only be handling your case, and not anyone else's.

**6. What are the best, worst and most likely outcomes I can expect for my case?**

While the attorney may not be able to answer this with great certainty until they have conducted a detailed case review, which will normally take place after you have agreed to hire them and paid a retainer, they should be experienced enough to have a handle on the potential merits and weakness of your case after the initial consultation.

Be very wary of attorneys that try to sugarcoat or overstate the best-case outcomes for your case. If the attorney is not being honest with you upfront that there is a chance they may not be able to do anything to help improve the outcome of your case, you should immediately walk out of their office.

**7. What is your policy on returning phone calls and emails?**

Some attorneys especially at larger law firms literally never answer the phone. Their calls are always screened by a paralegal and/or legal secretary. This is fine and understandable given their busy schedules and need to work uninterrupted. However, it can be extremely frustrating for the client if they leave a message and do not hear back from their lawyer within a timely period – say 24 hours. So make sure your attorney or a well-briefed paralegal is available to speak with regarding your case at all times (within reason), and when they are not, ensure that they adhere to a strict 24 hour call or email return policy.

**8. Do you specialize in DUI cases or do you handle a wide range of cases?**

There is some debate within the legal profession as to whether or not a specialist makes for a better lawyer when it comes to representing a particular type of case. Those that specialize and go to the trouble to get certified by the National College for DUI Defense Education would argue that this certification makes them better-equipped to handle the complexities and subtleties of DUI law. Those that handle a broader roster of cases including other criminal cases, personal injury, and bankruptcy for example, would argue that they are skilled and aggressive enough to be able to get a good result in any type of case.

**9. What Certification or Special Training do you have that makes you qualified to handle DUI cases?**

This might include certification in administering field sobriety tests, breath tests, handling scientific evidence, drug recognition evaluation, and so on. The more certifications and training a DUI lawyer has in

the field, the more knowledgeable he or she will be about the specific procedures police officers must adhere to. A skilled attorney will sniff out any improper handling or evidence or lapses in procedure like a bloodhound, and this could lead to an extremely strong defense for your case.

#### **10. What professional bodies or associations do you belong to?**

At a minimum, your attorney must be registered with the state bar association in order to practice law. An attorney may also be a member of the National College for DUI Defense, and organization recognized by the American Bar Association, and which has strict criteria for membership. At a minimum, an attorney must devote at least 50% of their practice to DUI cases, must have been practicing DUI law for at least two years, must attend at least one seminar per year on DUI law, and must provide at least two references from judges or other DUI attorneys in order to be accepted as a member.

#### **Summary**

Your decision should be based on your own assessment of the attorneys you have spoken to (see worksheet below), any reviews you have read about the attorney on sites like Avvo.com, whether the attorney's fee seems reasonable compared to what other attorneys you have spoken to are charging, the fee is affordable to you and you are confident there are no "hidden costs", and your confidence-level in terms of the attorney's skill and ability to represent your interests based on their certification, special training, and membership to professional associations.



## Worksheet for Interviewing Attorneys

Print a copy of this worksheet and bring it with you to your initial consultation with each attorney. Make notes beneath each question so that you have a record of the attorneys' answers which you can later use to make a decision about who to hire.

**1. How many DUI/DWI cases have you handled and in what time period?**

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**2. Will you be handling my case in its entirety, or will an associate be doing some or all of the work?**

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**3. What is your hourly rate, and can I choose to pay a flat fee or by the hour?**

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**4. Do you offer any payment plans and what are the terms and conditions?**

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**5. How many cases do you handle simultaneously? What is your typical caseload?**

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**6. What is your policy on returning phone calls and emails?**

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7. Do you specialize in DUI cases or do you handle a wide range of cases?

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8. What Certification or Special Training do you have that makes you qualified to handle DUI cases?

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9. What professional bodies or associations do you belong to?

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Following your consultation – give marks out of 5 for:

Seems Trustworthy: \_\_\_\_\_

Good Track Record: \_\_\_\_\_

Will be Responsive: \_\_\_\_\_

Training/Certification: \_\_\_\_\_

Affordable: \_\_\_\_\_

Overall Score: \_\_\_\_\_/25\_\_\_\_\_

## Timeline of a DUI

If you have been arrested for a DUI, the police officer will have given you a document which you have been asked to sign, telling you what penal codes you have violated and when you are due to appear in court. Beyond your initial court date, you may not know what happens next. The timeline below summarizes the different stages of the DUI process, so you can know what to expect next and be as prepared as possible.

### **Informal Arraignment Hearing**

You may be held at the station overnight and taken to county court to see the judge the next morning. The judge goes through a list of cases, makes rulings on bail and sets a court date for the Preliminary Hearing.

Depending on whether there were any aggravated circumstances about your DUI, for example, you were driving on a suspended or revoked license, you had a minor in the car, or you were involved in an accident where someone was injured or killed, you may be held in custody for up to 10 days – it will be up to a judge to decide whether to grant you bail.

If none of these circumstances apply, you will normally be free to go. Your car will likely have been impounded in which case you will need to call a taxi or get a ride home.

Once you are released, you will be given a date for a preliminary hearing normally sometime within the next two weeks. It is strongly advisable to contact an experienced DUI attorney at this point, but you can also ask the judge to assign you a public defender if you cannot afford to retain the services of a private attorney. Think carefully before making this decision however, as a good attorney can make a huge difference to your case.

### **Preliminary Hearing**

If you are not granted bail, your preliminary hearing will be scheduled within 10 days and you can be held in custody throughout that time if you were not granted bail because of an aggravated set of circumstances, as discussed above.

If you are released on bond or bail, your preliminary hearing will usually take place between 10 and 20 days from the arraignment hearing. At this time you or your lawyer will be asked to enter a plea, and the prosecution will be given a chance to outline the evidence they have against you. What plea you enter should be discussed at great length with your attorney before you enter it, and you should feel comfortable with the plea you enter as it is non-retractable.

### **Pretrial Conference**

This normally takes place a month before the formal arraignment hearing. There is conference between the prosecuting attorney, your attorney, and the judge to determine what facts of the case will be allowed into evidence and what will be left out.

This conference is especially important if you or your attorney believe it to be in your best interest to take the case to a jury trial as he or she will be pushing to have any incriminating evidence withheld on the grounds that it was obtained by the police illegally – for example, they pulled you over for a reason which was not valid and

then gave you a breath test back at the station after arresting you. Because the stop was invalid, your attorney will argue that the results of the breath test cannot be used in court. This conference usually takes between 30 and 40 days of the formal arraignment hearing.

Your lawyer will also be staying in touch with the prosecutor at the District Attorney's office to try to negotiate a possible plea-agreement. You will not need to be present for these negotiations. If your attorney feels he can get you a good deal with putting you through the stress of a jury trial, he will recommend that you plead guilty or no-contest, in return for a lesser charge or fewer punishments. This is beneficial to the DA's office because they are resource constrained and do not get additionally compensated for taking a case to trial unlike a private attorney. The vast majority of DUI cases settle before going to criminal trial – upwards of 90%.

### **Criminal Trial**

If your attorney is unable to work out a plea-deal with the DA and thinks you have a good chance of winning at trial, the next stage will be jury selection held by the prosecuting attorney and the attorney representing you. Again you do not need to be present for this.

Once this process is complete, a criminal trial will be held to determine your guilt or innocence of the charges filed against you. This process can take anywhere from 1 day to months, depending upon the circumstances of your particular case.

Unless you waive your right to speedy trial, the state must bring its case against you before the jury within 90 days of the original arraignment hearing. If you waive the right in order to build a case against the prosecuting attorney, the court may take up to a year to bring you before the jury.

The jury will be the ones to decide your guilt or innocence against the range of charges against you – normally there are other charges accompanying the DUI, and the DUI charge is itself broken into two parts: one being breaking the per se limit of .08 while driving, the other is driving while impaired.

Note that the judge can advise the jury as he or she sees fit and can be heavily influential in swaying a jury. You should always be as courteous to the judge as possible.

After the jury has deliberated, they will inform the judge of your decision and it is then up to the judge to sentence you.

Most states have mandatory minimum sentences and punishments for DUI offences, and these will depend on which county you are charged in, whether there were aggravated circumstances, and whether you have any prior convictions related to drinking or driving.

### **Going to Jail**

Normally you have a few days to a week before you have to report to jail, although if the judge feels that there is a high likelihood you will re-offend before that time, they can send you straight there to begin your sentence.

Jail is certainly no picnic, and so you will want to ensure your lawyer has requested work/student release for you so you are allowed out during the day, and only have to do your time at night and on weekends.

### **Fulfilling Court and DMV Obligations**

The court will give you a set period of time in which to pay fines and fulfill the penalties bestowed on you. Failure to meet these deadlines can result in a bench warrant being issued for your arrest, as you are not meeting the terms of your probation, so you should always talk to your lawyer or the judge if you are going to be late making a payment for example.

You will also have to satisfy certain administrative obligations with the DMV in order to get your driver's license reinstated, such as showing proof of SR-22 insurance and getting an ignition interlock device installed in your primary vehicle.

### **Getting the Conviction Expunged**

Once you have satisfied the court by paying off all fines, doing required jail time, community service, alcohol screening, probation visits, and so on, your lawyer can request that your conviction be removed from your criminal record. This is highly advisable given how common background checks are in today's society in order to gain employment, credit or a place to live.

The arrest will stay on your record however, but the conviction itself will be removed so you when you are asked on a job application if you have ever been convicted of a felony or misdemeanor, you can legitimately answer "No."

See section "Getting a DUI Record Expunged" below

## License Suspension Hearing and Obtaining a Restricted License

### What is a Driver's License Suspension Hearing?

A driver's license suspension hearing is a hearing that takes place with the state Department of Transportation or Department of Motor Vehicles in which a hearing officer presides and determines whether or not to impose the driver's license suspension or to set aside the suspension. This hearing can be vital in uncovering evidence that can be used to strengthen your case during the criminal proceedings against you, and so is a highly advisable step in the process even if your request to have the suspension removed is denied.

### What Can I do if my License is suspended as a Result of a DUI?

If your driver's license is suspended as a result of a DUI, you are entitled to have a hearing with the state department of transportation or the DMV to determine whether that suspension will stay in effect or whether you will get your license back. You have a limited number of days following a DUI arrest in which to request the hearing. This time period varies between 7 and 30 days depending on the state in which the arrest took place.

If you fail to request that hearing within the allotted time period then you will forfeit your right to a hearing and at that point there is not much you can do about the license suspension. It is therefore imperative that you act quickly to contact an experienced DUI attorney in your area as quickly as possible following your DUI arrest to ensure that you do not forfeit your right to a hearing, and try to save your driving privilege, or request a temporary restricted license at minimum.

### When Does a DUI License Suspension begin?

If your driver's license is suspended because of a DUI, you will receive notice of the suspension in writing by mail. The notice will inform you that you are about to suffer the license suspension, and the suspension will go into effect shortly thereafter – normally between 5-10 days from the date of the notice.

### How Can I get my Driver's License Reinstated after a DUI?

If your driver's license was suspended following a DUI conviction, and you have served the suspension period, you can get the license reinstated if you show proof that you have either enrolled in or completed an alcohol or drug program that was imposed upon you by the court. Also, you must show proof of auto-liability insurance and you have to pay a reinstatement fee to the Department of Motor Vehicles in your state. To find out how much this will cost you, visit your state's Department of Motor Vehicle web site or contact a local DUI attorney in your area.

### What is a Temporary Restricted License, or TRL?

A temporary restricted license, is a temporary license that you can obtain during the period of your driver's license suspension. This allows you to drive to places that you have a critical need to drive to. Typically this includes to and from work or work-related activities, driving to and from school if you are a student, and driving to and from a court-imposed alcohol or drug program.

### What are the Restrictions Associated with a Temporary Restricted License?

The restrictions associated with a TRL are that you can only drive to and from work or work-related activities if you are employed, to and from school if you are a student, or to and from a drug or alcohol program that has been ordered by the court.

If you exceed those restrictions, meaning you are caught driving to a concert or a movie or something unrelated to the above activities, then you can be charged with driving on a suspended license and you could go to jail.

### **What are the Eligibility Requirements for Obtaining a Temporary Restricted License?**

In most states, to obtain a TRL after your license has been suspended because of DUI, at a minimum you have to show that you have enrolled in or completed an alcohol class, which can last up to 18 months depending on the nature of the offence. You must also show proof of auto liability insurance - a document that you obtain from your insurance company that is commonly known as an SR-22, and you have to pay a fee in order to get the restricted license. The size of the fee depends on the state in which your license was suspended. To find out how much this will cost you, visit your state's Department of Motor Vehicle web site or contact a local DUI attorney in your area.

## How to Present Yourself in Court

- **Dress Appropriately**

Like it or not, the image we convey through our appearance is how we are perceived by others when they first meet us. This is especially true in court, and some courts may even enforce a particular dress code. Most will not allow you to wear hats, shorts, or flip-flips for example.

You want to show the judge (and especially the jury if your case goes to trial) that you are a respectable, hardworking, and demure individual who happened to make an unfortunate mistake the night you were arrested for DUI.

For women, this means a pressed skirt or trouser suit, blouse and minimal jewelry. Closed toe, leather shoes should be worn. Open toe shoes or sandals are not acceptable. Hair should be tied back in a neat pony tail or bun. Makeup should be demure, and you may consider hiding any visible tattoos with concealer.

For men, a suit and tie should be worn. Hair should be neat, and facial hair should be groomed or cleanly shaven. Do not wear excessive jewelry, hide tattoos, and polish your dress shoes. Buy a pair if you do not own any.

- **Arrive Early**

You want to allow yourself plenty of time to go through court security – most will have metal detectors at the entrance, and there can often be a long line to get through, find the room number where your case is being heard, meet with your attorney and discuss any particulars that you have not already covered, and brace yourself for what many will find to be a generally daunting experience.

- **Be Polite**

You should allow your attorney to do the majority of the talking for you. Your attorney will prompt you if an answer is required by you personally. In this case, you should address the judge as “Your honor,” “Sir” or “Ma’am”. You should speak clearly and confidently, but your tone and facial expression should relay that you understand the seriousness of the situation, and that you are certainly not taking it lightly. Smiling, banter, fidgeting, or avoiding eye-contact will certainly not help your cause.

- **Remain Cool, Calm, and Collected**

Crying, throwing a temper tantrum, disagreeing with the judge or opposing counsel is an extremely bad idea – it will not endear you to the judge, and could even leave you in contempt at court. Even if you feel like bursting into tears, or shouting “Lies!” or “That’s not what happened!” at the prosecution or their witnesses, such as the arresting police officer, this is the worst possible thing you can do for yourself. You should also refrain from talking to your attorney while evidence is being heard or while they are addressing



the judge or court. If you feel you need to relay something to them urgently, make a note on a piece of paper and pass it to them discretely.

Even glaring at the prosecution or their witnesses can be construed as intimidation by the judge, and may put you in a bad light. You may be angry and frustrated about the situation you are in, particularly if you feel you have been charged unfairly, and maybe even feel that some of the facts have been fabricated, but you must let your attorney discredit opposing counsel and their witnesses in the manner in which they have been trained.

- **Bring a Close Friend or Family Member for Support – But Leave the Kids at Home**

Courts can be intimidating places and so you may want to bring a close friend, partner or family member along for moral support. However, you should not bring more than one person along to support you, and you should also not bring any children under the age of 17. You do not want your attention to be divided by worrying about making sure your children are quiet during proceedings, and more than one person with you could also be a distraction.

You may think that showing the judge you are a responsible parent will confer sympathy from them – it will not. Your attorney will bring up the fact that you have children to support if and when this is appropriate.

## Enrolling in DUI Classes

### What are DUI Classes?

DUI classes are alcohol or drug courses designed to educate DUI offenders about the negative consequences of substance abuse, and in so doing, prevent them from reoffending. They are imposed on DUI offenders by the court following a DUI conviction as part of the terms of their parole. Your state Motor Vehicle Department will also require proof that you have enrolled or completed a drug/alcohol class before reissuing your license.

### What do the Classes Teach?

A typical alcohol/drug course aimed at DUI offenders will cover some or all of the following topics:

- Problems and Patterns of Alcohol Abuse
- Problems and Patterns of Other Drugs
- History of Alcohol: Past & Present
- The High Cost of Alcohol Abuse
- Drunken Driving – The Consequences
- Risk and Consequences of Alcohol and Drug Use
- Special Health Factors Associated With Underage Alcohol Consumption
- Understanding How Drugs and Alcohol Affect the Mind and Body
- Alcohol & Drug Abuse — Are you Affected?
- How do the Patterns and Risk Factors for Alcohol and Drugs Relate to You?
- Risks for Relapse or Reoffense
- Skills in Managing Stress and Emotions
- Stages of Change
- Communication and Relationships as a Foundation for Recovery and Prevention
- Relapse Prevention

### How much do Classes Cost?

Courses can range from \$100 - \$3000 depending on whether you have been ordered to take a first-time offender course, or a repeat offender one. If your county allows online courses, these are often a great deal cheaper because they require much less overhead than a traditional in-person class.

### Does the Class I Enroll in Have to be Court-Approved?

Yes. You should check with your State's government or Motor Vehicle Department web site or your parole officer to get a list of accepted courses in your area.

### Can I take Classes Online?

It depends on the county in which you were charged. You should check with your State's government or Motor Vehicle Department web site or your parole officer to get a list of accepted courses in your area, and whether online courses are approved.

### **What is a Drug/Alcohol Assessment?**

Typically after a DUI conviction, you will be required to attend a drug/alcohol assessment with a practitioner in this field. The court will frequently decide the duration and intensity of the course you are required to attend based on the practitioner's assessment, and may substitute psychological counseling in lieu of drug/alcohol classes if it is determined that you are suffering from mental illness or serious emotional issues, for example, and these were a leading factor in you committing a DUI.

### **How Many Classes Will I Need to Attend?**

This is largely dependent on the course you have selected to take, although the court may stipulate that you must complete at minimum a certain number of hours. How many hours' worth of classes you need to attend depends on a number of factors:

- The level of alcohol you had in your system at the time of arrest
  - Higher levels (over .15 BAC) will typically lead to a greater number of classes
- Was it a first-time or repeat offense?
  - Repeat offenders will typically have to do more classes, or more intensive classes focusing on different topics
- The county and State in which you were arrested?
  - Your county or state may will likely have a minimum mandatory sentencing range that the judge will use in order to decide how many classes you are required to take based on the above

### **How Long do Courses Take to Complete?**

Once you have determined which courses are approved by your court, you can choose a program that best meets your scheduling requirements. Some courses may be completed in one or two day sessions, where you attend for 8 hours a day. Others may be a couple of hours a week, once a week, spread over several weeks. Others may be completed online at your own pace.

### **Will I need to sit an Exam?**

Generally you will not have to sit an exam based on what you have learnt in class. However, your parole officer may give you a form to be signed off by the course instructor in which they will evaluate your participation level during the class. If your participation level was not satisfactory, you may be required to attend more hours of classes, and therefore risk having your parole and driver's license suspension period extended. Therefore, sitting at the back of the class and watching the clock is not in your best interest.

### **What Happens If I Miss a Class?**

You should find out the correct procedure for reporting an absence from your parole officer. Even if you have a good reason for not attending, you will need to make up the time missed, and this could therefore lead to

increased parole time and license suspension. If you repeatedly miss classes, you could be found to be in violation of your parole terms, in which case you will be asked to appear in court and could be sent to jail.

### **Am I Allowed to Drive to Classes with a Suspended License?**

You may be allowed to drive to court-imposed alcohol classes with a Temporary Restricted License (TRL). See [here](#) for more information on obtaining a TRL.

### **Can I Attend AA/NA Instead of Paying for a Class?**

No. If you have been ordered by the court to take a drug/alcohol class, then attending AA or NA meetings will not count toward this. You may be required by the court to attend a certain number of hours' worth of AA or NA in addition to attending a drug/class, and you will need to have the meeting convener sign a form stating that you did in fact intend the meeting.

### **What should I do if I cannot afford a Drug/Alcohol Class?**

Check with your insurance provider if they cover any drug/alcohol classes. Then check with your state DMV or Parole Officer as to whether these are acceptable. You also may be eligible to attend a state-run program if you can prove you are low-income, but you should make sure that these courses are accepted by the court before attending – just because they are state run does not mean that they are automatically approved by the state.

### **How Can I find a Drug/Alcohol Class In my Area?**

- Find court-approved classes on the county or state government web site
- Your state's Motor Vehicle Department Web site
- Ask your attorney
- Ask your parole officer

Although a class down the road from where you live or work – or an online course - may be convenient, it is pointless enrolling there if the program is not recognized by the state, so be sure to check first.

## Getting an Ignition Interlock Device Installed

People that have been arrested and convicted of a DUI will often be required to have an ignition lock device placed on their vehicle. These are sophisticated machines and there are several items to keep in mind for people that must live with these devices.

### What is the device?

Technically speaking the device is a breathalyzer connected to the ignition switch of an automobile. The machine measures blood alcohol content (BAC) in a manner similar to the field sobriety machines used by police. The devices will prevent the automobile from starting until the intended driver has passed the BAC breathing test.

### What is the acceptable BAC level?

Most machines will lock the starting device of the automobile if the BAC is higher than .02. This means that most people can indulge in a small amount of alcohol and still have the opportunity to operate a vehicle.

### Costs Associated with the Device

The ignition lock device, also referred to as an interlock, must be purchased by the DUI offender. The cost to buy the equipment, have it properly installed, as well as the monthly maintenance fees is all the responsibility of the person convicted with DUI. Typical installation costs vary from \$100 to \$200 plus any applicable tax. The monthly fees range from \$70 to \$100. If the data contained in the device is downloaded to the court or to an attorney there is usually an additional fee for this service. A list of certified device providers can be obtained by contacting the National Highway Traffic Safety Administration (NHTSA).

### Conditions that require Interlock

Each state has a different system for requiring an interlock machine. Some states will impose the device as punishment and as part of the probationary period for individuals after their first DUI arrest. Other states will not. However, the majority of states require some type of ignition lock device for all repeat offenders.

There are usually additional circumstances involved when a first time DUI offense is subject to the interlock. For example

- \* The arrested person refused to submit to a breathalyzer test.
- \* The BAC was excessively high.
- \* The person was involved in an automobile accident that caused the injury or death of another person.

### Time Period for Device

Typically, people must keep the device on their vehicle for at least one year following their DUI conviction. In addition, the person may have to keep the interlock as a condition of reinstating their license.

### Safeguard against Tampering

As expected, many people attempt to get around the use of the interlock. However, the developers of these devices have invented several safeguards to prevent motorists from bypassing the system. For instance, the device will lock the ignition if the person refuses to take the breath test and attempts to start the car. If someone tries to remove the device or disable it in some way, it will lock the ignition. A few manufacturers have introduced rolling retests to deter savvy drivers.

The rolling retest works in the following scenario. A convicted DUI offender goes to their vehicle after drinking. They know they will likely fail the breathalyzer test so they ask a friend to breathe into the machine for them. The friend passes the test and the car starts. However, at some randomly chosen time period, after the car has been running, the machine will require a new breath test. If the DUI offender fails this test the car will shut down and the ignition will lock.

### **Monitoring By the Device**

The interlock system has an onboard computer that stores the history of the tests completed by the driver. This historical record can be retrieved either by printing or downloading to a computer. Most device providers have the ability to retrieve the information at 30 day intervals to provide to attorneys and the court. If the report shows violations by the user the court may impose additional punishment.

### **Where Can I find an Ignition Interlock Company that is accepted by My Court/DMV?**

- County government web site
- State DMV/MVD web site
- Ask your parole officer

### **Compare Quotes**

It is worth contacting a few different companies as some may have slightly different pricing tariffs. You'll want to find out:

- How much the device costs to install
- What is the monthly rental fee
- Is maintenance included?
- What is the un-install fee

As this is a recurring cost, you'll want to find a licensed company that will be most affordable to you.

## SR-22 Insurance

The SR-22 is a form that is on record with the state. This form indicates that the person who committed the DUI offense currently has the proper automobile insurance as required by the state's laws. The insurance company is obligated to inform the state if the insurance policy is not kept up to date.

### Why Is SR-22 Necessary?

The SR-22 requirement is a way of imposing a penalty on the driver. Although all states do not require an SR-22 for DUI convictions, the majority of states have a similar policy. For the first offense most people will have to keep this policy current for at least three years. The lengthy time period reminds people of their poor choice and hopefully encourages them to make better choices next time. Most states require the SR-22 as a condition to having a driver's license reinstated.

### How to Obtain the Filing

The SR-22 is simply a form on record with the state department. It does not replace any existing automobile insurance. The majority of reputable insurance companies that are authorized to sell insurance in your state can complete the necessary filing.

### Costs

The actual cost associated with the SR-22 is approximately \$15 to \$25 depending on the state. Some states will also charge a license reinstatement fee of \$100 to \$250. Other than these two fees there is nothing else that has to be paid. However, the real cost comes in the form of car insurance.

All car insurance agencies have different rates based on various levels of risk. For example, a person that has been involved in three wrecks over the past two years would be considered a high risk for the company and therefore would have to pay a significantly higher rate for insurance.

A DUI, DWI, or drunk driving are all high risk activities. The arrest and subsequent prosecution merely add flame to the fire to prove that the person has exhibited high risk behavior. These extreme activities usually result in the highest rate of insurance available. Most people report that their car insurance after their DUI is at least double their previous insurance rate.

### No Loop Holes

Even though all states do not require SR-22 filings, there is a reciprocal relationship between states when it comes to high risk drivers. If a person is arrested and prosecuted for a DUI in one state and complies with the SR-22 laws, they cannot drop it from their insurance by simply moving to a state with different laws. The person must continue to keep the filing and continue to pay the insurance premiums or face the possible loss of their license. States are not too keen on having a known high risk driver come into their state in an attempt to dodge other laws.

Furthermore, people cannot just avoid driving altogether for the three year period and then try to get a new license. The SR-22 is a part of reinstating the driver's license and one cannot happen without the other. And if the insurance premiums are not paid on time and the policy lapses, then the three year period starts anew. As you can see, the courts and the states treat this very seriously in order to emphasize the seriousness of the DUI charge.

## **Non-owner Policy**

Some people find themselves in a very awkward situation after their drunk driving arrest. The judge orders the person to maintain a SR-22 filing but the person does not legally own a car. For these individuals to comply with the law they must obtain a non-owner policy. This is essentially a liability policy that will cover damages in the event of an accident. It should cover the person if they have an accident while operating the vehicle owned by someone else.

## **Compare Quotes**

As your increased insurance premiums for three years will most likely end up being the largest cost associated with your DUI, you will want to get as many quotes as possible from different insurance companies. You can use sites like to get a large number of quotes from different companies in one go:

[www.insurance.com](http://www.insurance.com)

[www.onlineautoinsurance.com](http://www.onlineautoinsurance.com)

[www.progressive.com](http://www.progressive.com)

[www.clickinsure.com](http://www.clickinsure.com)



## Paying Fines and Fees

For a first-time non-aggravated DUI you can expect to pay:-

- Between \$250 and \$2500 in court fines and fees depending on your state
- \$250 assessment to the State DUI abatement fund
- \$500 to Department of Public Safety
- Probation fee of \$20 per visit
- \$10-\$50 jail filing fee.
- \$78 Victim Assistance Fund payment.
- \$33 Victim Compensation Fund payment.
- \$90 for the Law Enforcement Assistance Fund.
- \$15 Brain Injury surcharge.
- \$25 Victim Impact Panel assessment.

The fees are generally due to be paid within 45 days after your conviction, and you will most likely have to go to county court to pay them in order to get a document signed that they have been paid, which you then show to your parole officer.

Some states will allow for a payment plan but will charge additional fees or interest for this. If you cannot afford the fees, some counties like Miami-Dade are now allowing for extra community service in lieu of a percentage of your fees. So you are essentially working off your debt, rather than paying it. Do not rely on all of your fees being converted to community service, however.

Paying fees in a timely fashion is in your interest, as you will not be able to get the conviction expunged from your record until all terms of your probation have been satisfied and that includes full payment of all fines and fees.

## Meeting the Terms of Your Probation

Probation is yet another penalty you will need to ensure following a DUI conviction. Understanding all the terms of your probation is vitally important if you want to avoid any future penalties. Being found in violation of your probation terms can lead to an extension of your probation time, increased penalties, and quite possibly jail time, in addition to any time you have already spent in jail.

### DUI probation requirements

Probation requirements vary by county. Here are the most common terms:

- \* Wearing of an electronic alcohol monitoring device
- \* Installation of ignition interlock device
- \* Limited driving privileges
- \* Attending AA meetings
- \* Submission of alcohol level evaluations
- \* Scheduled sobriety tests
- \* Periodic reporting to the assigned probation officer
- \* DUI court costs and fee payments

### Probationary period

The period of DUI probation depends on the severity of your DUI charges and also on the law of the state, county or court where you are convicted. If it's a first time offense and it's not much serious in nature you could get DUI probation of 3 months to 1 year. You can get a longer DUI probation if you are involved in drunk driving resulting in an accident or if someone gets injured, even if you are a first time offender. In other cases of second time offense or multiple DUI charges the probation may last up to 3 to 5 years.

### Types of DUI probation

There are 2 types of probation:

1. Court probation: It means that you don't have to report to a probation officer, but you have to abide by all other requirements of your probation sentence and may include absolutely no drinking and driving during that time period.
2. Formal probation: Which means reporting to a probation officer on a regular basis, this can range from periodic telephonic contacts to scheduled meetings in person which may include random sobriety and alcohol level evaluations.

The court decides taking in to consideration the circumstances of your DUI charges if a probation officer is to be assigned to you or not. The level of check exerted by a probation officer also varies from case to case.

### Role of a Probation Officer

You are normally required to meet with a probation officer (PO) once a month. During this meeting they will review your progress in terms of completing alcohol classes, community service, paying off fines and fees, and ensuring that you have not been involved in any criminal activity since your DUI conviction. While not all Probation Officers are the friendliest of people – you should treat them politely and courteously given they are

officers of the court, and will make the final recommendation to the judge on whether your probation can be lifted.

### **DUI Probation Violations**

Not complying with any of your DUI probation terms and conditions can lead to serious consequences – so be sure to know exactly what is expected of you and in what time period, so that you can avoid any further punishments as a result of being found in violation of your probation terms.

## Getting a DUI Record Expunged

When a court takes the necessary action to erase the record of an individual it is called an expungement. This means that in the future, if someone reviews a person's arrest record, the expunged item will no longer appear. In essence, it is like cleaning the slate and getting a new start. Most education based groups, public employers or landlords would not see the conviction on an ordinary background check. In addition, if a person is completing some type of form or application that asks if the person has ever been convicted of a DUI they can answer no since their record has been cleared.

### Eligible Offenders

In order to be considered by the court for expunging a record the DUI offender must have completed all requirements of their probation. Each state, and even each court, will have its own laws for handling drunken driving cases. Usually the probationary period for a DUI is at least 2 years and can last up to 5 years in some cases. Once the probation period has ended, and all of the necessary tasks have been completed by the defendant (i.e. paying any fines, appearing before a victim impact panel, obtained SR22 insurance, etc.) then the person can request the court to expunge their record.

### Effect of the Crime on Expungement

The process to clean a person's record can take some time. The nature of the crime will also have a direct impact on how the person's record is cleaned, if at all. For instance, a person that was arrested and convicted of their first DUI offense while driving erratically on a deserted rural road may have been charged with a misdemeanor charge. However, a person that was arrested for drunk driving after colliding into a federal building and causing thousands of dollars of damage may be charged with a felony. The severity of the crime and the classification of the charge will have a huge effect on the court's decision to clean a person's record.

### The Process

In order to have the record expunged properly the convicted party must contact a qualified attorney. Some DUI attorneys handle this type of case while others refer the matter to a different expert. In any case, make sure the attorney has a strong track record of accepting similar cases with a high percentage of winning these cases.

Once the attorney has accepted the case there will need to be some information that passes hands. The attorney will need documented proof that the person has completed their obligations to the court in the form of probation, any jail time, fines and court costs, proper evaluations (if ordered), proper therapy (if ordered) and any other directive specifically ordered by the court. Once the attorney has determined that the defendant has complied with all of the requests there is a motion filed with the appropriate court.

If the court approves the motion, the expungement order will begin. The attorney must then present the order to all agencies that show a record of the defendant's DUI arrest or conviction. This may include the local police station, the state police, the department of motor vehicles, and the appropriate driver's license board. The order directs each and every agency to remove the arrest and conviction from their records. At this time the agency is under order to contact the attorney to inform them that the order has been carried out and completed.