

2017 Spokane DUI Guide

8 Things That You Must Know About Your DUI Charge



Don't Be Treated Like A Common Criminal

We know that good people make mistakes. A one-time mistake should not ruin your life. That's why we made it easy and affordable to get the help that you need right now .

By Action Legal Group, PLLC
(509)868-0811

Call to Schedule Your Free DUI Consultation (It's Free).





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What's the Worst Case Scenario (Really)?

Well it really does depend, but let's suppose this is your first DUI, and there's no real complications to consider (i.e. car wrecks, injuries, punching cops...).

The most jail that you can get is 364 days. But, that's really unlikely. The vast majority of people do one to three days in jail. **In fact, many of our first offense clients don't even have to serve any time in jail. Zero!** *Lawyers love to scare potential clients with this stuff. Don't fall for it.*

It's very common to get 24 months of probation. They can give you up to five years, but that is rare for Spokane (but not in Seattle).

You could get up to a \$5,000.00 fine, but again, that would be unlikely, in Spokane. The normal fines run between \$940.50 to 1,195.50.

As far as your driver's license, it could be suspended 90 days to two-years if you refused the B.A.C. test. But, you generally can get a ignition interlock license (i.e. blow and go device) so you can still drive to work provided you have a qualifying driver's license in the first place.

The good news is that many of you may be able to avoid these consequences.

DO NOT JUST PLEAD GUILTY—that would be stupid.

What About My Driver's License Can I Drive?

Yes, your driver's license is still good, until either the court or the Department of Licensing (DOL) tells you differently. Make sure that your address is correct for the DOL.

But, know that you have only 20 days from the date of arrest to request a DUI hearing with the DOL. If you fail to make that request in a timely fashion, then the DOL will almost certainly suspend you're driving privileges.

Make sure you talk to an attorney about this issue. It's important and Public Defenders will not and cannot represent you with the DOL. Many of them won't even properly advise you.

What to Expect At Your First Court Hearing?

Your first court hearing (first appearance or arraignment) is really just to get you into the court system. Be advised that this is not a day to go argue your case. If you have something to argue, make sure you have an attorney do it for you.

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The process goes like this:

- Judge will come out and read everyone their constitutional rights.
- They will then start calling people up to the podium.
- They will likely ask you your name and verify your who you are.
- The prosecutor will then begin to read all the bad facts contained in the police report. The reason they do this is so the judge can determine if there is probable cause for your case.
- The judge will find probable cause 99.99% of the time. Do not worry, if there is an issue as to probable cause it can be dealt with later.
- The prosecutor will also make some recommendations as to pre-trial release conditions.
- **Note: some prosecutors go overboard** here and start asking for mandatory testing (i.e. random UA samples a few times a week). This is generally **overkill for a first-time offender**. That's why it's good to have an attorney with you. These tests get expensive and make it hard to keep a job.
- The judge will set some future court dates for you (a pre-trial date and a trial date).

Public Defender vs. Private DUI Attorney

My advice here is simple, and yes biased. But for good reason, which is just basic math. I'll get to that in a bit.

However, if you must get a public lawyer, then by all means it's much better than not having a lawyer. Some of the public defenders are fantastic lawyers and good people. However, they have hundreds of cases, low pay, limited time, and limited resources. When, I talk about math, this is what I mean. They just do not have the time to put into your case. Yes, there are situations where this wouldn't matter, but it usually does.

It takes time to get results. It takes time to get all the facts. You just cannot do your best after just a few minutes or hours. In private practice, we think of rushing a case as malpractice. For public defenders, I think it is unavoidable (i.e. survival).

But in all fairness, some private attorneys suck. So, make sure you choose carefully. You're going to want to see good reviews and some sort of verifiable track record.

Just note that a DUI can have future costs and consequences. So, it's generally worth the investment to protect your future. What seems alright now, may turn into a nightmare 10-years from now (i.e. when you're trying to get that promotion or new job).

What Are Some Realistic Outcomes for My DUI?

Things are tough in Spokane right now. Prosecutors are taking a hardline approach. It really will depend on your B.A.C. level and your facts. However, the two most common non-DUI resolutions are: Negligent 1st Degree Driving (hard to get these days), and Reckless Driving.

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Yes, there are other possibilities. But, now more than ever, it's vital that you get a good DUI attorney. They need to know how to negotiate well, and how to make you look like you're worth giving a break to.

You'll also need an attorney that knows how to use motions to leverage the prosecutor. In the worst case, you're going to need an attorney that is good in trial.

Don't assume that all lawyers are the same. They're not. You might be surprised that many of the needed skills to defend clients are not taught in law school. Most just wing it and build a sort of half-ass-system.

The lawyers you want, have spent money learning from experts, which means they care about you and their craft.

If you're just comparing lawyers by price, then you're making a huge mistake. Price is the last element to compare. You need to compare experience and training...first. I cannot tell you how many lawyers demand large fees, but in no way shape or form could they justify that fee (other than greed). If a lawyer is charging a high fee comparative to others, then there should be a good explanation for it.

The Court Process Explained

Arraignment- a court proceeding which usually happens within just a few days of the arrest. At that hearing 3 important things happen.

1. The judge will formally advise you of what you are begin charged with. This is followed by you entering a plea of Not Guilty.
2. Release conditions will be put in place. If you are out of custody for your first offense, these can range from the court telling you to follow the law and show up for court. In certain circumstances, the court will order you not to consume, possess or use any alcohol, non-prescribed drugs or marijuana. Sometimes random testing for drugs or alcohol can be ordered. Rarely is a person required to post a bond if they are not in custody, or ordered to install an interlock device.
3. You will get your next court date. This is called a Pre-Trial.

Pretrial- this is a hearing where the court checks the status of the case. One of 4 things may happen at this.

1. Your attorney, you or the opposing party may request a continuance, moving your next Pre-Trial out usually 30 – 45 days.
2. You may have a resolution and enter it that day.
3. You may set your case for trial.
4. You may set your case for another type of hearing such as a motion.

A case will generally take 60-90 days to resolve, so you may have 2 or 3 Pre-Trials.

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Trial- this can either be a jury trial or a bench trial where it is just the judge presiding over the matter. With DUI cases, a small percentage of them will go to trial and it will be something that you have to choose to do.

Understanding Your Department of Licensing Hearing

In addition to a criminal action, when you are arrested for DUI, an administrative action is triggered. This administrative action is by the Washington State Department of Licensing.

If you are arrested for DUI you have to act immediately. You have a very narrow window of time in which to challenge an administrative suspension. **Just 20 days. READ BELOW TO FIND OUT MORE.**

Questions:

If I am arrested for DUI will my license be suspended?

Yes. If you do nothing and do not request an administrative hearing, you WILL receive a notice in the form of a letter from the Department of Licensing indicating when your suspension would take effect. It is generally sixty (60) days after the date of your arrest. The Department of Licensing uses the mailing address they have on file to send you important, time-sensitive letters. If it is not the correct address, it is your obligation and responsibility to update it. You can do this by going on line to www.dol.wa.gov or at any local office.

Can I fight the administrative suspension?

Yes. You have a right to a hearing. That hearing must be requested within twenty (20) days from the date of your arrest. You need to make sure you count every day, including weekends and holidays. The request must be postmarked by the 20th day.

Does the hearing cost anything?

Yes. The hearing does cost \$375.00 to request and it must be included with the hearing request form. If you have a Washington State driver's license you may be able to request and pay for the DUI hearing on-line at www.dol.wa.gov.

If you meet certain financial qualifications, you may be able to have that \$375 administrative fee waived. A fee waiver form and the criteria for eligibility can be found on line at www.dol.wa.gov. Make sure you always fill out every form completely and attach all appropriate documentations. Also, make sure you are mailing each form to the correct address. The hearing request form and the fee waiver form go to DIFFERENT addresses. Any small error could result in being denied a hearing.

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Where will the hearing take place?

The administrative hearing is done by telephone. You may have a hearings officer who is located in Olympia or another city like Spokane. You do not have to go anywhere for the hearing.

What happens at the hearing?

During your hearing, the hearings officer will only consider certain issues. They DO NOT take into account someone's lack of criminal history, what a good person someone is, or their job. They do not care if you were only a 0.09 or if you were a 0.23 for your administrative hearing.

The issues they do consider are the following and only the following:

1. Whether you were under lawful arrest.
2. Whether an officer had reasonable grounds to believe you had been driving or were in actual physical control of a motor vehicle in this state while:
 - a. Under the influence of intoxicating liquor or any drug.
 - b. Having alcohol in your system of 0.02 or more and were under the age of 21.
3. Whether you were advised of your rights and warnings as required by RCW 46.20.308(2).
4. Whether you refused to submit to the test; or If the test was administered, whether the test indicated an alcohol concentration of:
 - a. 0.08 or more if you were age 21 or over.; or
 - b. 0.02 or more if you were under 21.

When do I get the results of the administrative hearing?

A ruling rarely occurs at the time of your administrative hearing. It is most common that a hearings officer will take up to thirty (30) days to issue a written ruling which will be mailed to your address they have on file with you. You may update your mailing address by going to www.dol.wa.gov.

If I lose the administrative hearing and the suspension is upheld, how long will the administrative suspension be for?

If you have no prior suspensions of your privilege to drive, and you took the breath test which came back at 0.08 or greater, the suspension would be for ninety (90) days. If you have no prior suspensions of your privilege to drive, and you refused the breath test, you would be looking at a year (1 year) suspension.

If I lose the hearing, when will that suspension take effect?

It will vary, but again, the decision will be mailed and in it, there will be a clear start date. Make sure you check your mail every day. Sometimes hearings officers will begin the suspension within a week or two of you receiving the decision.

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Can I drive during the period of suspension?

Yes, if you qualify. You have to take a few steps, but generally if you have a valid, unexpired Washington driver's license or valid out of state license and have a Washington residence you generally can. The steps include having the interlock device installed in any vehicle you choose to drive, obtaining proof of SR22 insurance or financial responsibility, and applying for the actual license.

The criteria and process for obtaining the ignition interlock license can be found at www.dol.wa.gov.

Do I have to get an interlock device, insurance, the interlock license and do I have to pay a reinstatement fee?

No. A person can choose to wait out an administrative suspension if they will not be driving. You do not have to have an interlock device based on an administrative suspension (you may for a criminal conviction).

Yes. You would need to carry SR 22 insurance or proof of financial responsibility any time your license is suspended. You generally will need this for three (3) years.

No. If you do not plan on driving, you do not need to apply for an ignition interlock license.

Yes. You will have to pay a reinstatement fee at the end of your suspension before your license will be "clear" allowing you to drive.

What happens if my license is suspended as a result of a conviction in court AND by the Department of Licensing?

There is a rule requiring that you be given credit for any additional suspension. For example, if you have a 30-day license suspension because you were convicted of Reckless Driving, and you received a 90-day administrative license suspension, you would not have a total suspension time of 120 days, you would only have a total of 90 days. You would get credit for what suspension you have already served.

If my DUI is reduced or dismissed in court, why would I still have a license suspension?

The criminal action and the administrative action are completely separate. One has no bearing on the other. Your DUI case could be completely dismissed and you could still have an administrative suspension because it is triggered by the arrest for DUI.

After my administrative license suspension is over, am I good to drive?

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No. You will need to pay a reinstatement fee before you will be valid with the Department of Licensing.

How Much Should I Pay for A DUI Attorney?

Last, I heard in Spokane the range was \$1,000.00 to \$5,000.00. As with most things, you typically want to find yourself in the middle price range. Going cheap is just never a good idea, and going top end has to be justified.

In both scenarios, you should be clear on what you are getting, and why the fee is fair.

What are the top variables to consider, when comparing attorneys?

- **Experience with DUI** and the criminal courts.
 - This is tricky, because you could get an attorney that's been practicing in personal injury for 20 years, but got a whim to be a defense attorney (just like on TV). Yikes, just be careful.
- **Ratings, Reviews, and Awards** – they should have some. Compare them on sites like (Avvo.com).
- **Extra Training** – Not just run of the mill CLEs (continuing legal education), but actual dedicated training.
- **Track Record** – you should get a real sense of an attorney's track record from reading their reviews.
- **Personality** – they should treat you with respect, and be friendly. If they come off as arrogant and disinterested you're probably in for a rough time. Arrogance and bravado are usually a cover for incompetence in my book.
- **Strategy and Likely Outcomes** – after your initial consultation is over, the attorney should have given you a range of outcomes. If you have a rare case or truly complicated issue, the it may be hard to give this, but they still should be able to give you scenarios and some idea. If they don't it could be a sign of lack of experience.
- **Bonus #1** – if money was the first issue out of the attorney's mouth – run away. You're just a pay check and he/she doesn't care.
- **Bonus #2** – if you get a promise or a “don't worry about it”, you should be very skeptical. A promise is pretty much a lie, and it's ethically questionable.

Alright, to figure out a fair price you'll need to compare the above, but also find out how many hours they think your case will take. Most attorneys are charging flat fees these days. Some may still charge hourly. In that case, be careful. A huge legal bill is not a pleasant surprise.

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It's our opinion that the average DUI case in Spokane takes anywhere from 8 to 20 hours (without a trial). Of course, you'll have to tack on extra hours for complications and necessary motions work. *In our case, we are generally handling the DOL hearing as well.*

So, after you've told the lawyer your situation, ask each them how long they think it will take to complete your case (without trial) in hours. (Also ask if the estimation includes the DOL hearing).

Once, you get a price quote, it's just a matter of division. For example, if lawyer "A" is charging \$5,000 and thinks the case will be completed in 10 hours, then you're paying about \$500 an hour. That's high, without some justification (this isn't Miami Vice right).

If lawyer "B" is charging \$3,500 and thinks he can complete the case in 15 hours, then you're paying about \$234 an hour (much more reasonable if they have experience).

If the lawyer cannot estimate the hours, then this means one or more things:

1. They do not have enough experience.
2. They know they can't justify the cost so they act ignorant.
3. They are horrible at running a practice, and believe it or not this is an issue you should avoid.

Now, remember these are the short-term costs. The real costs are the future costs. Not taking the right action with the right lawyer could cost you \$100,000s in the future. Look the past is the past, but what you're doing is protecting your future.

Don't let them reduce you to a common criminal and limit your future opportunities. Not for one simple mistake that's very easy to make.

Bonus Information

Why You Shouldn't Use Your Deferred Prosecution.

You only get one deferred prosecution in your life, in Washington.

It's rarely a good idea to use your deferred prosecution option on a first or second offense. Can it be justified yes, but it should be done very carefully. When it's your first offense, you just have too many other options that are better and less strenuous.

If your lawyer is suggesting this for a first offense, it's wise to get a second opinion.

Can I Get A DUI Off My Record?

No, sorry. Again, this is why it's worth doing everything that you can do now to protect your future.

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Where Do I Go -- Spokane Court Map



If you have a Spokane City (Municipal Case), your court should be held in the Courthouse Annex. Go past the metal detectors and up the stairs. The courtrooms should be labeled A, B, C, and D. If you see court numbers like 201, 203, then you went into the Superior Courthouse. Basically, go back, because you missed a half flight of stairs going up.

If you have a Spokane County or Spokane Valley Case (i.e. District Court), then your court will be held in the 2nd Floor of the Public Safety Building. The courtrooms are labeled as 1 through 6. If you see them labeled as A, B, C or 201, 203..., then you're in the wrong building.

Courthouse Parking

There is ample parking around the courthouse. It's all pretty much metered parking. Bring a few bucks in quarters.

Lawyer Lingo:

CONTINUANCE- This is a document signed by all parties, including yourself, which moves the court hearing to another date in the future.

SPEEDY TRIAL- When you sign a continuance, you are usually asked to waive your speedy trial. What this means is that you have a right to a speedy trial. If you are not being held in jail, this is 90 days. When you "waive" your speedy trial, you are not giving up that right, but just restarting the clock to

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zero and the 90 days will start over.

PROBATION- not to be confused with “parole”. Probation is for non-prison matters that are being monitored. In Municipal or District Court, you may have a probation officer. This is a person who will make sure you follow through with what the court has ordered you to do and make sure that you are not doing something the court told you not to do.

O/R- This means someone is released on their own recognizance or promise to appear. If a person is in custody and they are O/R'd then they are released from jail without having to post a bond.

IID OR IGNITION INTERLOCK DEVICE- This is the machine that is attached to your vehicle. You must blow into it and it will register your breath alcohol content. If there is alcohol detected, your vehicle will not start. You will be asked to blow into this device at random times while you are driving. In order to be a valid device in Washington, it must be equipped with a camera.

Comparing Action Legal Group – the ALG Method

Here's what we know. Good people make mistakes. Getting a DUI is an easy mistake to make. The limits are low, and the law is very strict.

But one understandable mistake, that all walks of life have made, should not ruin the life you've been building.

They shouldn't be labeling or treating you as a common criminal.

The truth of the matter is that you look really bad on paper. The police report contains only the bad facts of your arrest. It probably doesn't even sound like the incident you remember.

We get it. We've reviewed hundreds and hundreds of DUI reports. It's not really fair, but nonetheless that's how it's done.

It's important that your lawyer knows how to erase the perception that the prosecutor has of you and your case. Now, you'd think this is pretty obvious, but you'd be surprised at how many lawyers just argue the facts and the law.

That's not how we do it.

We want to change your image – the perception that the prosecutor has of you, before we start negotiating or leveraging legal issues. Doesn't that just make sense. If he or she sees you in a different light (different than the report), it can help your case.

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The problem you have is that lawyers are not taught these skills in law school. There they just learn to analyze the law and facts (and argue a position). Don't get me wrong, those are important skills. But there is a time and a place to use them.

In our method (The ALG Method), we want to give you every edge we can. We want you to be seen as a good person that deserves a break. And then leveraging the law and facts works better. More in your favor in our opinion.

Now, we cannot guarantee any outcomes. It just wouldn't be true or ethical. However, we have used this method time and time again. It works. You can read our reviews and see for yourself.

**If you want to see how we would approach your case,
just call us for a **FREE CONSULTATION**.**

(509)868-0811

Easy Payment Plans	YES
Fixed Fees	YES
15 Year + Experiences	YES
Great Track Record	YES
Well Reviewed	YES
Prosecutor Experience	YES
Training	YES

**We've Made It Easy and Affordable to Get the
Help That You Need Now.**



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