

Questions you should ask before hiring a criminal defense lawyer

Here are some questions you should Ask Before Hiring Any Attorney to represent your San Diego Criminal or San Diego DUI case.

NOTE: We urge you to print this page and use it as a questionnaire when you are interviewing prospective law firms. There are a lot of options and it is important to be able to spot the attorney you will need for your case.

1. Will the attorney you may retain be the one going to court on your behalf?

As a former prosecutor assigned to negotiations, I can tell you that a case was better handled by the lead attorney than an associate or other attorney. Several firms are based outside of San Diego County and hire an independent contractor to come in and handle their cases. I work exclusively doing San Diego criminal cases in San Diego county. I like court and head to court myself to advocate for my clients. This is what you want.

2. Does the attorney have "behind the scenes" knowledge of San Diego DUI and San Diego Criminal cases?

Some attorneys claim to be "DUI Specialists". These attorneys obtain certificates for seminars and such to learn about DUI machines.

As a former San Diego DUI Prosecutor, I toured the labs that tested your blood and keeps the breath machine calibrations. I did presentations and received consultation from the expert who the prosecution will call to testify in San Diego DUI cases.

I know what raised flags for me in those labs as I was walking around. I will be able to bring those observations to light. Ask the attorneys if they have toured the San Diego crime labs. No seminar will substitute for **first-hand** experience here in San Diego.

3. Does the attorney offer payment plans?

I understand that people unexpectedly find themselves charged with a crime. Does the prospective attorney/firm want payment in full or at least half up front? Our office is proud to offer payment plans. It allows people to best utilize their resources that are vital when someone is facing charges.

4. Was the attorney a former prosecutor? Is the attorney EXTREMELY familiar with the judges and prosecutors that will be involved with my case? Do they have a strong and positive relationship with those individuals?

There is no doubt that my clients benefit from my experience as a prosecutor.

There is so many reasons why. These include:

It allowed me to take in a volume of cases. As a trial deputy of almost a decade I reviewed thousands of cases. I had to assess the evidence. I had to negotiate these cases. These cases ranged from a DUI to felony three-strike cases. Many private attorneys handle a limited amount of cases (especially if they are a small or solo firm). I have handled thousands of cases due to being a former prosecutor.

I know how to communicate to the prosecution when there is issues in a case. There is a chain of command in a prosecution office. You need to communicate the issues to get the results you want.

I fight. I know from being a former prosecutor that a formidable defense attorney is one that tries to resolve a case but is just as ready to head to trial if it is the best for the client. The judges and prosecutors respect this straightforward approach from an advocate.

I know how the government works. Knowledge is power. I often know their actions ahead of time. This allows me to communicate an effective strategy with my client.

These are a few of many reasons why you should look into retaining a former prosecutor for a DUI or criminal case.

5. Does the attorney utilize a **PROACTIVE** defense? What do they do in between getting the case and the initial court date? Will they drag out a case unnecessarily? Will my case be floating for several months?

There is **so much** you can do between now and the initial court date. If you have a DUI, ask the prospective attorney what percentage of their APS hearings do they do in person? What is the percentage of their cases do they use the power of the subpoena. So many attorneys wait for the prosecution to provide them evidence. We go get evidence. We evaluate the evidence and determine whether it helps our clients case. We will know this before the prosecution does.

6. Has the attorney tried over 75 jury trials? If not, how many have they tried? Have they conducted hundreds of motions and hearings? Have they handled thousands of cases?

So many attorneys talk about being aggressive. In the end...ask how many trials they have done. I have spent my entire legal career in criminal law. I am a trial attorney here in San Diego county. Advocate in court is what I do.

7. Is the attorney/firm charging a lump sum fee at the beginning of the case that **includes** jury trial?

The dollar amount is obviously higher because they include a jury trial. Very few DUI cases go to trial. You can complete a thorough examination of the facts if you are proactive. This strategy usually results in favorable resolutions without trial or we can look to trial early on in negotiations.

Those attorneys and firms take in that extra monies as a windfall. I like the analogy of "Do not pay for a five night vacation if you are there only three days".

Our firm splits up the fees. If we can get a positive resolution without moving into a phase then that is all you have to pay. There is no hidden cost....what you have is the age old "Pay what you use" method.

8. Does the attorney have a full vision of the field of criminal law?

A defense attorney should have a full grasp of the criminal justice spectrum, the same as the judges and prosecutors. Having this knowledge will allow an attorney to utilize creative negotiations used in one part of criminal law and apply it to other criminal law negotiations. It is a limitation of "DUI specialists". The law and local procedures are constantly changing. A technique used in handling a theft case may be the perfect answer in a resolution in a DUI case. The prosecutors and judges have this knowledge....so should defense.

9. Does the attorney have an office?

I can understand working from home sometimes. Today, Regus and other companies offer attorneys a "virtual" office meaning it gives the illusion that someone has an office while in actuality someone works from home. However, would you go see a doctor who worked from home? The same goes for an attorney. A lawyer's office is a place to meet and confer with clients over very important, serious, and delicate issues. It is a location where you can aggressively advocate for your case. There is no substitute in an office. I make sure my office is convenient, private, and available for my clients.

10. Does the attorney practice in other fields of law?

Some attorneys branch out into family law, personal injury, bankruptcy, etc. The law and court procedures are constantly changing it is challenging to stay on top of it all when practicing in one field of law. You want ideally to find an attorney who deals exclusively with criminal law. There is something to the old adage that being good at a lot of things makes you great at nothing. Our firm exclusively practices law in one field.

11. Does the attorney offer expungement as part of the services? Our firm offers the following:

If a client goes to trial, expungement is free (with the hope we win the trial). If the client resolves the case early we have a locked in price.

Expungement is the last phase of a DUI case. It is when you clear it from your record and have truly moved on. Make sure the attorney or firm knows how to properly handle expungement.

12. On the question as to why not use a Public Defender?

I know this is not on an attorney checklist per se, but it is a frequent question that is asked in DUI and criminal cases. It is a very good question that I can answer.

I have known several great public defenders in the course of my career. As a former prosecutor I dealt more with Public Defenders than the private defense bar. The Public Defenders here in San Diego are good, but they tend to juggle very large caseloads across a broad spectrum of crimes by the very nature of their job. A public defender handles almost double the amount of cases a private attorney carries. It can be difficult to get in touch with them because they are often in court all day. In some cases, they will not be as prepared for the scientific aspects and other technicalities complicating your DUI case. Also, if your case is a DUI or a misdemeanor, the Public Defender assigned to your case may have less than 2 years experience.

If your case is a DUI, a public defender will not represent you at a DMV hearing and defend your driver's license. The issue of a driving suspension and getting back on the road is one of the most important issues a person has when facing a DUI.

When you are facing the harsh, potentially life-altering [consequences of DUI or criminal charges](#), you should ensure your lawyer has the experience, confidence and resources to defend your case comprehensively. It is a worthwhile investment.

You also need to prove that you cannot afford a lawyer to qualify for the services of a public defender. When you are assigned one, if you can prove indigence, you will be assigned the same public defender as all of the other indigent defendants who have cases in court that day. Your case will be one of many. I will ensure that your case gets the attention, care and vigorous defense you deserve if you retain my services.

Contact the Law Office of Mark Deniz at 858-429-9982 now for a [free case evaluation](#).