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Attorney of the Month

Mark L. Deniz,

Always Preparing for the Next Move

Law Offices of Mark L. Deniz,
APLC, San Diego

Always Preparing for the NEXT MOVE

“What is going to happen to me?” That question is one of the first and most fear-laden asked by someone arrested on a DUI charge. The attorneys and staff of the Law Offices of Mark L. Deniz, APLC are dedicated to quickly finding the right answer and to seeing that their DUI clients receive the best possible resolution.

“We use a dual-track approach of always working, fighting for a dismissal while at the same time trying to negotiate the best terms possible with the given facts for the client. The core focus of our office is ‘work hard, be proactive, and find solutions,’” says founder Mark L. Deniz.

Be Proactive and Find Solutions

Everything begins with the proven strategy that “the better the chances of winning at trial, the better the offer from the prosecution is likely to be.” The office works to find a way to favorably resolve a case. The office slogan, “Be Proactive and Find Solutions,” is the guiding principle behind the firm’s growth.

The firm uses a “two tracks made of three parts” approach. The “two tracks” run at the same time—one fighting for a dismissal and one negotiating for the best possible resolution. The “three parts” process breaks the case into segments:

First, and most importantly, the team finds legitimate points of argument that weaken the prosecution’s case. This consists of examining and scrutinizing the evidence and investigating the integrity of the investigation. The firm begins to obtain evidence even before the first court date. “The faster we get our hands on the evidence, the faster we can examine it,” says Deniz.

Second, they gather information to help the prosecution and judge see their client as an individual. That’s where their “put a face to the case” approach comes into play. The prosecution considers the character of the person and their actions to determine their stance on a case. “The better light we can place our client in, the better chance we have of getting a more favorable resolution,” Deniz says.

Third, Deniz anticipates the flow of the case and sets a plan for the client to begin to show the prosecution and judge the client wants to make an impression to earn a more favorable resolution. “Clients have so much nervous energy. They are dying to help in any way they can. Getting started in a class or some other measure goes a long way in demonstrating to the judge and court of their character. The combination of all these parts produces solid results,” says Deniz.

Deniz and his staff take this unique approach to handling DUI cases and he compares it to a triple-option offense in football due to having built-in options within the framework. Each





From Left to Right: Alyssa Buffaloe, Esq., Alicia Freeze, Esq., Mark L. Deniz, Esq., Case Manager Sydnee Cable, Case Manager Kelly Brady.

"I love that we have a crew that is dedicated to changing people's lives" –Mark Deniz

case at the firm is handled according to a carefully structured plan, but it can be changed as the case develops. One case may be built on the science of blood alcohol levels while another case may be based on other facts where the blood alcohol level is of no issue. You want to be fluid and not be a one-trick pony," Deniz says.

The staff makes a priority of helping navigate each client through the process and keeping them updated. When a case is opened, the attorneys set up dates and times to reach out to let them know where they are in the process and to answer questions.

"I really try walking in our clients' shoes to anticipate their questions and concerns. For example, it normally takes three to four weeks to obtain police reports on a DUI case. The time between retaining our firm and receiving the reports is often quite stressful for the client. Early on, we reach out to the client and let them know it is natural to feel a tad anxious. We let them know that even though there may be some radio silence in their case, it is actively being worked on," explains Deniz. "At that point, we usually begin crafting a proactive plan. Utilizing this strategy really builds trust with the client and lets them know we care and are fighting for them. That trust allows the defense case to move smoothly and with direction," says Deniz.

From Prosecutor to Private Practice

Deniz practices a philosophy he calls "embracing the blank slate," something available only in private practice. As a prosecutor, you are trained with an established process of how cases are to be handled. "After almost ten years as a prosecutor, it was time to implement my own vision of how to improve the handling of DUI cases," says Deniz. Opening the firm was a scary proposition after spending nearly a decade as a prosecutor. He got business models from other defense attorneys on how to handle cases and more importantly, the business side of his practice. He took nuggets of wisdom from colleagues, but no particular business plan was fitting with the vision he had for the firm. At the time it was quite stressful. He says, "One day it hit me. For ten years, I had bottled my ideas and opinions in how a case should be approached and how an office was to be run with efficiency. Now, I have a blank slate and can construct what I feel is the best way to get the results I want. It was the blank slate that I once feared, that I am now embracing it. I have not looked back."

He began the firm in 2013 after serving nearly a decade as a prosecutor in both the San Diego City Attorney's office and the Tulare County District Attorneys Office. Today the firm employs a half dozen people in multiple locations around San Diego County. Although the focus currently is on DUI cases, Deniz says, "I would like to expand the firm in other types of criminal defense cases. I spent years as a prosecutor handling domestic violence, auto-theft, and three strike cases before taking on high-profile DUI prosecutions," he says. "I love helping people facing DUI charges, but there is always the thought to expand into different areas of criminal law. From there, we have a plan to expand our firm to some neighboring counties. We are getting the logistics in place, and our firm blueprint for the next few years is very exciting."

Changing Paradigms

DUI penalties have gotten stiffer in the last several years. The key to working effectively for Deniz and his team is to quickly identify issues within the case and implement a plan. Deniz's nearly ten years as a prosecutor, the last two of which was handling high-profile San Diego DUI cases, provides a basis for valuable information from the prosecution and defense perspectives.

Deniz says that while working for the San Diego City Attorneys Office, he worked with some of the finest DUI prosecutors in the state. "The San Diego City Attorneys office takes pride in being tough on DUIs. They are now very

formidable counterparts, who force the defense to work that much harder to find weaknesses in their cases. It was a great experience for me because there are so many layers in DUI cases. Once you open the hood of a case you will usually be able to find issues that require examination. In the end, DUI cases are made up of humans and machines, both of which make mistakes. The blend of science and everyday human actions is fascinating. There are many issues to delve into. If you love strategy, this is a great type of case for you," Deniz says.

As a former prosecutor, Deniz works to anticipate the next move. He says, "I love strategy. I was a college football player and later a coach and teacher. I thought my career was going to be in coaching. Having been a prosecutor in multiple agencies, I gained valuable experience. First, I learned how to prove a case. Second, the arguments that the defense needed to make to get a favorable resolution for their clients. Knowing how the prosecution will respond to evidence or arguments is key in the process. That experience is second to none," he explains.

A case that stands out to Deniz: *People v Espinosa*, which occurred in 2007. Deniz was a young felony prosecutor in Tulare County. The case involved a carjacking, robbery, and auto theft in which the defendant had multiple previous strikes against him. The event was more than a year old and defense counsel was highly regarded. Before that case, Deniz had been a misdemeanor and general felony deputy and he was not looking to move up the ranks and take on the more serious cases. He says he just wanted to get his feet wet in criminal law. "My supervisor threw this case on me and challenged me. You have a choice to wiggle out of the case or take it. I jumped all in. It



From Left to Right: Chase, Mark, Dylan, and Stacey Deniz. Tom and Susan Nuveman (In-laws).

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"I always make time and find the energy to saddle up for an adventure with my family." –Mark Deniz

was an amazing case and I got the conviction. That case was paramount to me because I loved competition and challenges. However, this challenge was not out on a football field, but a courtroom. That case gave me the confidence to take on whatever case was placed on my desk. That case really changed my paradigms about how I was going to handle criminal law cases from there on out.”

A recent case illustrates the firm’s approach. Client KP was charged with DUI with a refusal. As standard practice, the DMV suspends a driver’s license for one year with no chance of obtaining a restricted license if they make a finding that there was a refusal. KP had a commercial license and a suspension would cost him his job. The firm started immediately with subpoenas for the police reports and videos, and for the officer’s testimony at the hearing.

The charges were eventually dismissed, but then the firm and the client faced several DMV hearings over the issue of refusal. There were several witnesses over the course of multiple hearings. A few weeks after the hearings they learned that their client’s license was suspended for a year. KP lost his job and he lacked the funds to continue the case. Deniz waived his legal fees and recommended appealing the decision, which the client agreed to pursue. Three weeks later, the DMV reversed itself and the suspension was set aside. “There was so much ebb and flow of emotions with this case. We had to stay true to our plan. It was so awesome to help him get past this situation,” Deniz says.

Family and Fun

Finding and maintaining the balance between business and family is challenging, but Deniz says, “my wife, Stacey Nueman Deniz, is my muse and my rock. We are the consummate teammates and I know she has my back.”

Both are former college athletes and coaches. She is a three-time Olympian and gold medalist, a former ESPN analyst, and is in the UCLA Athletics Hall of Fame. They are natural sports fans. The couple has two boys, Chase, age ten, and Dylan age three.

They enjoy exploring San Diego County, whether hiking a new trail, the tide pools or just strolling through Balboa Park. “Our life is one continuous E-ticket ride,” he says. “It seems like it is non-stop. Keeping that work-life balance is a strategy all in itself I am trying to perfect,” says Deniz. ■

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EXPERIENCE



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» EDUCATION

- BS Political Science—Northern Arizona University, 1995
- J.D.—John F. Kennedy University
- Summer Session Graduate—National College for DUI Defense – Harvard Law School
- SFST Student Course Graduate
- Certification Qualified Standardized FST Administration—La Pier National Highway Transportation and Safety Administration and International Association of Chiefs of Polices

» HONORS & AWARDS

- Better Business Bureau A-Rating
- Yelp—Top 100 Trial Lawyers—2018
- Yelp Reviews—Average Rating of 5 Stars from 73 Reviews!—12/2018
- AVVO—Top Contributor Award—2018
- AVVO Clients Choice Award - 2018
- AVVO 10.0 “Superb” Rating—Average Rating of 5 stars from 133 Reviews!—12/2018
- National Academy of Criminal Defense Attorneys - Top 10 Attorneys Award for the State of California - 2018
- Top 100 Trial Lawyers—National Trial Lawyers Association—2018
- Lawyer.com—Premium Status - 2018
- Deputy City Criminal Attorney—San Diego City Attorney-Criminal Division-Trial Unit
- Criminal Law Mock Trial Champion—County of Tulare Bar Association
- Deputy City Attorney Criminal Prosecutor of the Month—San Diego Attorney-Criminal Division-Trial Unit

» PROFESSIONAL ASSOCIATION MEMBERSHIPS

- California DUI Lawyers Association
- San Diego Bar Association
- California State Bar Association
- Criminal Law Trial California Delegate—United States Department of Justice—Criminal Trial Advocacy Center, Columbia, SC