

Questions You Should Ask Before Hiring A Criminal Defense Lawyer

Proven Approach With Results Forged By Experience.

Here are some questions you should ask before hiring a defense attorney to represent you if you are facing allegations or charges of criminal offenses in San Diego.

NOTE: You have options. **We urge you to print this page and use it as a questionnaire when you are interviewing prospective law firms.** These questions will help you evaluate and identify the attorney best suited for your specific circumstances.

1. 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 them to other criminal defense negotiations. California's laws and local procedures are constantly changing. A technique used in mitigating harsh penalties for a theft case could be the perfect answer in the resolution of a drug-related or a DUI case. The prosecutors and judges have this knowledge ... so should the defense.

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

Some attorneys cast a wide net. They may branch out into family law, personal injury, bankruptcy, and a little bit of business law. But consider that the state's criminal justice system, laws and court procedures are subject to continual updates. It is challenging to stay on top of it all when practicing in just one field of law. You want, ideally, to find an attorney who practices nothing but 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: criminal defense.

3. Does the attorney have “behind-the-scenes” knowledge of San Diego criminal cases?

Some attorneys claim to be highly experienced. These attorneys obtain certificates for seminars; some have attended workshops to learn more specific areas of criminal defense.

Criminal defense attorneys in California can take a wide variety of specialized seminars to fulfill Mandatory Continuing Legal Education (MCLE) requirements, focusing on trial advocacy, forensic evidence and recent legal reforms. Key opportunities include capital case defense training, evidence workshops, racial justice act applications and technology-focused seminars, for example. But there is no substitute for years of hands-on experience behind the scenes. Ask the attorneys if they have toured the San Diego crime labs. No seminar will take the place of firsthand experience here in San Diego.

As a former San Diego prosecuting attorney, our founding lawyer, Mark Deniz, has toured the labs that tested your blood and keeps the breathalyzer machine calibrations. He has conducted presentations and received consultations from the expert whom the prosecution will call to testify in San Diego DUI cases. Here is what Attorney Deniz says about that experience, “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.”

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

There is no doubt that our clients benefit from Mr. Deniz’s experience as a prosecutor. There are so many reasons why. These include:

- It allowed Attorney Deniz to take in a high number of cases. As a trial deputy for almost a decade, he reviewed thousands of cases. He had to assess the evidence. He had to negotiate these cases. These cases ranged from a DUI to felony three-strikes law cases. Many private attorneys handle a limited number of cases, especially if they are a small or solo firm. Mr. Deniz notes, “I have handled thousands of cases due to being a former prosecutor.”

He continues to explain how this experience helps our clients:

- “I know how to communicate with the prosecution when there are 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 who 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 to defend your rights and future as you contend with criminal charges.

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 your case be floating for several months?

There is so much you can do between now and the initial court date. Ask the prospective attorney what percentage of their hearings they do in person.

What is the percentage of their cases where they use the power of the subpoena?

Many attorneys wait for the prosecution to provide them with the evidence. We actively gather evidence. We evaluate the evidence and determine whether it helps our client's case. We will know this before the prosecution does.

6. Has the attorney tried nearly 100 jury trials? If not, how many have they tried? Have they conducted hundreds of motions and hearings? Have they handled thousands of cases?

Many attorneys talk about being aggressive. But have they gone to trial for their clients? Ask how many trials they have done. Attorney Deniz says, "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 a jury trial?

The dollar amount is obviously higher because they include a jury trial. Not every case goes to trial. You can complete a thorough examination of the facts if you are proactive. A proactive strategy often leads to favorable pretrial resolutions. When necessary, however, the case can proceed to trial. Some attorneys and firms take in that extra money as a windfall. Attorney Deniz tells clients that he likes 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 an office?

We 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 for the professional environment of a defense attorney's law office. We make sure our office is convenient, private and available for our clients.

9. 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.

While expungement and record sealing are two distinctly different legal processes, they both represent the last phases of many types of cases. It is when you clear it from your record or seal it from most public viewing and have truly moved on. Make sure the attorney or firm knows how to properly handle the nuances of expungement or record sealing.

10. On the question of why not use a public defender?

We know this question is not on an attorney's checklist per se, but it is a frequent question that is asked in criminal defense cases. It is a very good question.

Attorney Deniz answers it directly: "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 number 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 case. Also, if your case is a misdemeanor, the

Public Defender assigned to your case may have less than two years of experience.”

Further points to consider are 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 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.

When you retain the services of The Law Office of Mark Deniz, our legal team ensures that your case gets the attention, care and vigorous defense you deserve.

11. Does the attorney offer payment plans?

We understand that people unexpectedly find themselves charged with a crime. Does the prospective attorney/firm want payment in full or at least half upfront?

Our office is proud to offer payment plans. It allows people to best utilize their resources that are vital when someone is facing charges.

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