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and join a group of clients who learn about the latest Georgia legal news.

CLARKTOWNE.COM

We strongly believe that education is the first step in the prevention of any type of legal crisis. We've proudly worked to resolve our clients' dilemmas since 1990. We are in your community, have the experience and resources required to work toward your goals, and we're here to help. We also accept a limited number of injury cases each year resulting from serious auto, truck or motorcycle accidents.

Do you need a referral?

Chances are we can refer you to an excellent local attorney outside our area of practice: call us at 770.338.2338 or email jtowne@clarktowne.com.

VOLUNTEER SPOTLIGHT: H.E.R.O. FOR CHILDREN

H.E.R.O. for Children is a non-profit dedicated to improving the quality of life for children infected with and affected by HIV/AIDS. H.E.R.O. runs the state of Georgia's mentoring program for children with HIV/AIDS.

www.heroforchildren.org

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Professor for a Day

Last month I was a guest lecturer at the Georgia State University College of Law. A professor asked me to speak to her Forensic Evidence class about breath testing in DUI cases. (We all like to watch the "real-crime" TV shows about forensic evidence, but few of us realize the only difference between "regular" science and "forensic" science is the *purpose* of the science. Science collected for forensic purposes is anticipated for court so the science behind the collection, preservation, and experiments must hold up in court.)

One way scientists prove the theory behind their work is by duplication. In duplication, another scientist ought to get the same result by duplicating the experiment using similar equipment under similar circumstances. When results are duplicated, we can rely on the result. We can trust the result.

Think of it this way: if you give your friend a recipe for chocolate chip cookies, your friend's cookies should look and taste the same as yours, even though you use separate kitchens, ingredients, and ovens — assuming your friend follows the recipe.

We can agree the cookies will not taste the same if your friend makes changes to the recipe. For instance, if your friend adds pecans instead of walnuts, they are different.



In the area of DUI breath testing, I explained to the law students that this duplication is lacking, even though two test results are produced.

The "duplication" of a DUI breath test is done moments after the first experiment (breath sample). This "duplication" involves the same personnel: the same driver, the same breath-machine operator.

The "duplication" is done using the same breath machine.

To go back to the cookies, if you give your friend the recipe, but then insist that he come to your house to make the cookies, and you push him to the side, mix the batch and use your own oven, they are your cookies, not your friend's cookies. Your friend has not duplicated the recipe.

Yet Georgia law says this breath-test science is duplication because the legislature passed a bill saying so. From a scientific definition, this type of breath test "duplication" is not duplication at all.

Forensic? This is why I argue that Georgia breath tests don't hold up in court.

Like Us on Facebook? Follow Us Twitter!

We're pretty hip here at Clark & Towne. Ever heard of a little thing called Facebook? We have. We're so on it. And you can "like" us there. That way, you can kill two birds with one stone: upload lots of pictures for your friends, and check out

all the new content going up on clarktowne.com. And Twitter? No problem. We tweet too. Follow us. Or maybe even send us a direct message. The addresses are on the back of this flyer, or you can just click on the links on clarktowne.com.

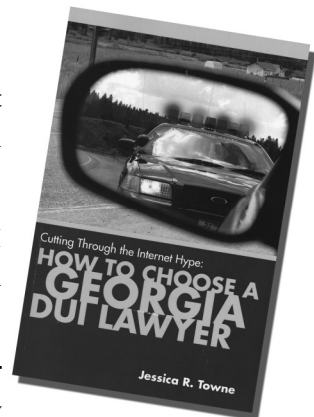
"THE DIFFERENCE
BETWEEN THE
IMPOSSIBLE AND
THE POSSIBLE LIES
IN A PERSON'S
DETERMINATION."
— TOMMY LASORDA

Free Book Reserve your copy now

I guarantee by reading my book you will learn at least **SIX NEW THINGS** that you didn't already know about Georgia DUI laws. **GET INFORMED!** Learn all you can.

Choose your attorney **CAREFULLY**. Only by learning about DUI laws in Georgia can you make the right choice to help you and your family.

All you have to do is ask - send an email, call my office, or comment via Facebook - and I'll send you a **FREE COPY** of my book **HOW TO CHOOSE A GEORGIA DUI LAWYER**.



From Our Blog Traffic Points

The Georgia Department of Driver Services uses a point system to determine who keeps driving privileges. Points are assigned for traffic violations and once you accumulate enough points, your license can be suspended. The number of points needed to suspend someone's license depends on the driver's age.

Under 18 years of age

License suspension for at least 6 months for accumulating 4 or more points within a twelve month period.

Between 18 and 21

License suspension for at least 6 months for receiving a single violation of 4 or more points.

21 or older

License suspension for one year for accumulating 15 or more points in any consecutive 24 month period. Early reinstatement is possible if certain conditions are met.

Certain arrests, such as DUI and for refusing to take a chemical breath test (i.e. breathalyzer), may result in immediate license suspension.

How many points do you get for a traffic violation? It depends on what kind of violation. Here is a list of just a few:

2 points

- Possessing an open container of an alcoholic beverage while driving
- Exceeding the speed limit by 14 - 19 mph
- Failure to adequately secure a load which results in an accident

3 points

- Disobedience of any traffic-control device or traffic officer
- Exceeding speed limit by 19 - 24 mph
- All other moving traffic violations which are not speed limit violations

4 points

- Improper passing on a hill or a curve
- Exceeding the speed limit by 24 - 34 mph
- Reckless driving

6 points

- Aggressive driving
- Exceeding the speed limit by 34+ mph

A DUI has no points. It is an automatic license suspension violation.

A DUI HAS NO POINTS. IT IS AN AUTOMATIC LICENSE SUSPENSION VIOLATION.

Ask Jessica

Changing Attorneys

Question: We're unhappy with our current lawyer and feel we need to hire a different one— how should we proceed?

Answer: It can be difficult for a client to know whether a lawyer is performing well or not. Sometimes even the best lawyer does not achieve the desired result due to a difficult set of facts, a bad judge, or unrealistic expectations. In all cases, communication is the key to ensuring you are happy with your lawyer. If you suspect you've made a hiring mistake, let your lawyer know you have a problem. Give him or her a chance to clear the matter.

Unfortunately, there are poor lawyers. If you find you have hired someone who shows obvious signs of poor lawyering, like the ones listed below, it's time to read my guide on how to choose a good lawyer (see page 2), and start interviewing again.

Signs of a poor lawyer:

1. Poor communication—lawyer doesn't return phone calls or emails on 1-2 day turnaround without good reason, or doesn't copy client on important correspondence. Note: your idea of speedy communication may be unrealistic.

2. Neglect—lawyer simply doesn't work on case in a reasonably timely manner.

3. Misses important deadlines.

Considerations before firing your attorney:

Sometimes it is better to keep a problematic lawyer if you are close to a trial, hearing, or other event and there is not enough time for a replacement lawyer to prepare. A judge may not allow the attorney to withdraw from representation; the lawyer ought to be able to tell you if your case is before such a judge.

You should inform your current lawyer that you are going to pay for a consultation with another lawyer to get a second opinion. Ask the current lawyer to make sure you have all documents related to your case for the second opinion lawyer to see. Don't mislead either attorney about your intentions.

When and if you do terminate your lawyer, you have the right to receive a copy of your file in a timely manner. You cannot be billed for the copying of your file unless stated in the Fee Agreement.



SOMETIMES IT IS BETTER TO KEEP A PROBLEMATIC LAWYER IF YOU ARE CLOSE TO A TRIAL, HEARING, OR OTHER EVENT AND THERE IS NOT ENOUGH TIME FOR A REPLACEMENT LAWYER TO PREPARE.

Great Gift for a Teen Driver

Give the teen in your life a certificate to attend TVOC, Police Training For Teen Drivers. This advanced driving course teaches accident avoidance skills to new drivers facing Atlanta-area traffic and conditions. I've known the retired police officer who teaches this course for years and highly recommend this program.

Teens and their parents receive classroom training and practical instruction in car maintenance in addition to behind the wheel driving instruction. For more information see FearThis4Life.org or call Woodrow Gaines at 770-823-7823.

Thank You!

My Staff and I welcome the new clients who've joined the Clark & Towne family this past month, and we send our personal thanks to all those who referred friends and family and went out of their way to send notes of appreciation. Thanks also to all of you who took the time to request topics they would like to see addressed in this newsletter and on the clarktownte.com blog. Thank you and please, feel free to call the Office if we can be of help.