

No Refusal Policy

There is a new trend in DUI legislation: "no refusal" laws. This means that if a driver is stopped and arrested for DUI and exercises his right to refuse the implied consent test, the arresting officer can ask a magistrate to issue a search warrant for blood! Georgia hospitals will presumably draw blood, (although in other states, police officers are being trained to draw blood), and hand it over to the police.

Prosecutors then use the test obtained via that search warrant to prosecute the driver, if the test result warrants it.

"No refusal" is being considered in nine states, despite the fact that in many of those states, additional penalties exist for merely refusing to submit to a test. In Georgia, drivers refusing a breath test face a

Law Watch

potential year-long license suspension with no work permit.

This proposed legislation is yet another attempt to chip away at our precious civil rights. You and I currently have the right to refuse to take "voluntary" field sobriety tests, which are completely subjective. We have the right to refuse to submit to "the state-administered chemical test."

As you can read on our firm's website and other websites devoted to this issue, breath tests are many times inaccurate. If "no refusal" policies become Georgia law, we will only have ourselves to blame. Contact your local representative. I'd be delighted to help you find your rep if you send me a quick email.

WWW.CLARKTOWNE.COM

Volunteer Spotlight

Catholic Charities Atlanta

www.catholiccharitiesatlanta.org

Catholic Charities Atlanta partners with other local organizations to address the many needs of the people of North Georgia. Our mission, as a ministry rooted in the Gospel, is to move people facing adversity to wholeness and self-sufficiency.

Our strategy is to direct our resources at specific areas of need where we can offer accredited, professional services. Catholic Charities efforts concentrate on addressing skills and support that can bring long-term stability to those in crisis. There is a need for people to teach English as a second language in the Atlanta area.

Additional Charities...

Click "Law Links & Resources" on the DUI Information page of the clarktowne.com website for a detailed listing of charity web addresses and contact information.

Let Me Know

If you've worked with any non-profit in the area, let me know what you think of the organization and if I should continue to suggest it as a worthy place to volunteer. I'd also like suggestions of other local non-profits to add to this list.

Email: jtowne@clarktowne.com



Did you vote in the last election?

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.

Clark & Towne Believes...

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.

Pass this newsletter on to a friend or recycle



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"Progress is impossible without change, and those who cannot change their minds cannot change anything."

—George Bernard Shaw

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CLARK & TOWNE ATTORNEYS

WE'RE HERE TO GUIDE YOU THROUGH ANY UNEXPECTED LEGAL CRISIS

Second Edition Preview

As many of you know, I give my book **How to Choose a Georgia DUI Lawyer** to all who ask—potential clients, new clients, or just folks who want good information that they can use to make a decision no matter what the issue. It's proven to be so popular that I'm revising and expanding it for the second edition, available this spring.

In Part One, "How to Choose a Georgia DUI Lawyer—The 10 Questions You MUST Ask Any Lawyer," I describe the essential qualities of great DUI attorneys and give readers the direct questions they should ask to find the best lawyer possible. Then I show readers how to cut through online hype and nonsense to find the right representative. The infor-

mation in this section is a fabulous roadmap that can help someone hire any lawyer, no matter what issues they face.

In Part Two, "20 Ways Lawyers Who Are 'Asleep at the Wheel' of Your Georgia DUI Trial Can LOSE Winnable Cases," I tell



readers some of the potential defenses in a DUI case from factual, technical, and legal standpoints. The purpose of this section is not to list every possible defense

that could arise on a DUI case but rather to show the incredible number of potential defenses in a DUI case. Twenty is just the tip of the iceberg—you'll be amazed at just how many there are.

In newly added Part Three, "What You Should Know About Georgia DUI Laws," I've included a thorough overview of Georgia DUI laws so readers can better understand the most recent changes in Georgia DUI law.

To reserve your copy of the second edition of **How to Choose a Georgia DUI Lawyer**, call our offices today or email jtowne@clarktowne.com.

You Tube Launch

While the courts and the rest of Atlanta were shut down this January during the epic icy snow storm (snowpocalypse!), we launched the Clark & Towne Attorney You Tube channel! As of printing time, we have two videos that answer the most pressing questions new clients usually have:

"How can I find a great DUI lawyer?" and "What is the Administrative License Hearing?" We'll be posting several videos a month as a part of our philosophy that education is the first step in the prevention of any legal crisis. You can find our channel and videos at <http://www.youtube.com/user/ClarkTowneAttorneys>.

And make sure you follow us on Facebook or Twitter so we can keep you updated when we add a new video.



www.youtube.com/user/ClarkTowneAttorneys

Driving Safety Tip of the Month



A very snowy winter.

In the south, we're just not used to driving in snowy conditions. Even those of us who are from northern climates aren't good winter drivers in Atlanta: after all, if you moved here from Chicago five years ago, did you remember to put your snow tires on this January? I didn't think so. So, to stay safe:

- watch for snow, sleet

and ice on the roads, bridges and overpasses, especially black ice

- give yourself extra space between you and other cars, and slow down
- accelerate slowly, turn slowly, and brake slowly and gently – to do this, you have to anticipate turns and stops

Winter Driving

- don't try to pass or weave in and out of traffic

- extra patience goes a long way in this situation!

Remember, even if you maintain control of your car, not everyone else will. Drive nicely and hope that everyone else will as well.

Searching Cell Phones



Protect your privacy, people!

The California Supreme Court recently decided a case that will allow police to search someone's cell phone without a warrant, saying defendants lose their privacy rights for any items they're carrying when taken into custody.

Please stop everything you're doing right now and figure out how to lock your cell phone so that only you can "open" it and retrieve information. Next, figure out how to do a "remote swipe" of your phone. A remote swipe erases everything on your phone from any location. The staff at your local phone store can teach you how to do this if you need help.

Police are entitled to search your pockets, wallets and purses for weapons (guns, knives, brass knuckles, etc.) and for drugs. I have an iPhone 3GS. It's pretty nifty, but it

can't hold a weapon or store drugs. Apparently, the police think it can, and that's why they want to search it.

Many judges who are over 25 (and most are!) do not carry smart phones and have no idea of all these phones can do. Smart phones hold more than telephone numbers and an address book: emails, text messages, photos, etc. If the police can "search" your cell phone, who's to say they are not helping themselves to your private information, like a prescription number for medications that you text to your pharmacy for refills? Or perhaps your minor child's SSN? Maybe you have a cute name for your "significant other" that seems to have been taken over by unsavory types (back in the 70's our nickname for our sister was Crack. Really.)?

from Our Blog

I'm over 25 and I'm sure my phone could be doing more for me. I was reminded of this last Sunday when talking to a teen who was bubbling over all the things the smart phone he got from Santa could do. I haven't got a clue compared to him!

Your cell phone is your private diary. No one should be able to look inside it without a warrant. If you're arrested and the police take your cell phone, they can easily carry it to a magistrate, explain to a detached and neutral judge why it's so important for the police to "search" your phone, and then the judge can decide whether a warrant to "search" is appropriate.

I keep hearing how "you" want smaller government. Protect your privacy,

Ask Jessica

Question: My friend got his first DUI last year and once he completes community service and finishes paying off the fines he will be placed on non reporting probation. According to his sentence of probation, he does not have to submit to random drug tests/ screenings, but does he still risk getting tested by his probation officer at any of their meetings? Also if there is a chance he could be tested, what are the possibilities if he fails?

Answer: This really depends upon which court and which probation company. The first rule for probation is always "do not violate the law." If your friend tests positive for an

Probation Drug Tests

illegal drug, he could be put in jail for violating Rule #1.

If your friend takes a prescription medication that may show a positive result on a drug screen, he needs to bring his prescription container each time he reports to probation. He should not have to go to jail if he tests "positive" for a medication he's authorized to take. The judge gets to decide whether your friend goes to jail, not the probation officer.

Misdemeanor probation is now run by private, for-profit companies in Georgia. Many of them have contracts with the courts (municipal, county

and State courts) that permit the companies to test for drugs, even without this being on the court's sentence. The safest assumption is to expect a test each and every time your friend reports to probation and to put up with it for the time he's on probation.

T H E S A F E S T ASSUMPTION IS TO EXPECT A DRUG TEST EACH AND EVERY TIME YOU REPORT TO PROBATION.



Find Us Online

We're on the big three social networking sites. Check us out on:

Twitter: twitter.com/jessicatowne

Facebook: companies.to/clarktowne/

LinkedIn: www.linkedin.com/in/clarktowne.

You Tube: www.youtube.com/user/ClarkTowneAttorneys

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



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 clark-towne.com blog. Thank you and please, feel free to call the office if we can be of help.