HIGHLIGHTS

Case Evaluation and Preparation
- Chapter 42 discusses the steps involved in the initial evaluation and preparation of a drunk driving case.

Jury Selection
- Chapter 46 describes the process of jury selection and the various considerations relevant to the drunk driving case.

Opening Statement
- Chapter 47 discusses the effective use of opening argument by the defense in a drunk driving case.

Recent Case Law
- Dozens of recent drunk driving-related cases are summarized in Release 65.

Release 65 of Defense of Drunk Driving Cases includes completely revised Chapters 42, 46, and 47 and summaries of dozens of recent court decisions added to the relevant textual discussions throughout the publication. Also included in this release are an updated Table of Cases and an Index covering all four volumes.

Case Evaluation and Preparation. Perhaps the most critical stage in a client’s defense is the initial evaluation of the case. Numerous factors must be considered when evaluating a client’s drunk driving case, including the client’s driving patterns, observations made by the arresting officer and other witnesses, the client’s apparent physical condition at the time of the vehicle stop, the field sobriety and chemical tests administered to the defendant, and the conditions under which they were administered, and any statements made by the client to the police. Chapter 42 outlines the steps involved in evaluating and preparing a drunk driving case. The importance of the initial telephone contact with the prospective client and the procedures to follow during the first interview and consultation are stressed. The various factors to consider when evaluating the case and the considerations relevant to setting the legal fee are discussed. Finally, the Appendix to Chapter 42 sets forth a sample client interview sheet for use in a drunk driving case.
**Jury Selection.** When the drunk driving case will be tried before a jury, the process of jury selection plays a prominent role. Careful selection of the jury can strongly influence the prospect of a successful outcome. Chapter 46 describes the purpose of jury selection and the general principles underlying the process. The importance of considering the backgrounds and attitudes of potential jurors is stressed. Chapter 46 also points out the distinct considerations relevant to defense counsel voir dire as opposed to voir dire by the prosecutor. The use of expert assistance in jury selection is discussed. The Appendix to Chapter 46 sets forth several important resources, including sample juror questionnaires, a sample motion to submit a supplemental questionnaire to prospective jurors, and proposed voir dire questions by the defense.

**Opening Statement.** The opening statement serves a vital purpose in trial proceedings. Defense counsel’s opening statement provides the first opportunity to address the jurors to negate or counteract any adverse impact the prosecution’s opening argument may have had on the jury. It can also be used to begin to develop a general outline of the defenses to be asserted and present to the jury an overview of the defense case. Chapter 47 explains the considerations relevant to determining whether and when to present the opening statement. The recommended subject matter of the opening statement in a drunk driving case and the methods to avoid when presenting the opening statement are described. The Appendix to Chapter 47 sets forth a sample opening statement in a drunk driving case.

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