

The **SHOCKING
TRUTH**



**ABOUT
RECKLESS
DRIVING
SPEEDING
IN VIRGINIA**



BOB BATTLE LAW
Going to BATTLE for Your Legal Rights



BY BOB BATTLE, ESQ.

The Shocking Truth
About Reckless Driving Speeding in Virginia
BY
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Thank you for requesting and reading this material. The fact that you have taken the time to look at this information shows that you are serious about trying to get a great result in your Reckless Driving/Speeding case. We would be more than happy to “go to battle” for you at trial.

- Bob Battle

The
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ABOUT
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RAVE REVIEWS

THE VERDICT IS IN FOR TRAFFIC LAWYER BOB BATTLE

The results of specific cases reported are not meant to be a prediction or guarantee of any other case since each case consists of factors unique to that case. However, it is an absolute certainty that you cannot prevail on an issue your lawyer fails to recognize and raise on your behalf.

Read on to hear what our Clients Say...

Caroline County DUI, Reckless Driving and Aggressive Driving Charges Dismissed

*“As a federal prosecutor and, more importantly, as a parent who always taught my children to obey the law, I was extremely upset and disappointed when my 19-year-old son who was stationed in the military in Virginia was involved in an accident in **Caroline County** and charged with **DUI, Reckless Driving, Aggressive Driving, Failure to Maintain Proper Control of his vehicle, and Underage Possession of Alcohol**. As a prosecutor who is used to being on the government side, I also have a tremendous amount of respect for the role of the defense attorney in the judicial process. I called a friend of mine who is a **federal prosecutor in Virginia** and asked for a recommendation for a lawyer to represent my son. **Without hesitation, he recommended Bob Battle.***

*I was extremely surprised to learn how little the prosecution is required to reveal to the defense attorney prior to trial under Virginia law. Bob told us that he was well aware that the system does nothing to ease one’s mind prior to trial and that, **in most cases, the only thing you can do to help yourself is to find an experienced DUI lawyer to place your trust in.** He told me that the Virginia system, in which there is virtually no time spent by the prosecutor’s office preparing for trial, is structured in such a way that he is constantly able to use that situation to his client’s advantage. Boy, did Bob prove that to be true at trial!*

First, the trooper was unable to compel his out-of-state witness to appear at trial. There were also issues as to the admissibility of the hospital blood test and even the “green bottle” found in my son’s car was not properly analyzed. The end result was that:

- *The **DUI charge was dismissed** when Bob was able to exclude the .10 blood test from evidence.*
- *The **Reckless Driving, Aggressive Driving and Failure to Maintain Proper Control charges were dismissed** because there were no witnesses who saw the accident.*
- *There was no analysis of the beer and the **Underage Possession of Alcohol charge was dismissed.***

*I was hoping for the best, but I have to admit I am still amazed that you hit a grand slam and **all charges were dismissed.** Thanks again.”*

-Client’s Parent, Assistant U.S. Attorney

*“**Bob was so relentless in grilling the officer, you would think Bob was the one on trial and not me.** The end result – not guilty. I was convinced and it was demonstrated in the course of my case that **this man means business and is “the truth!”**”*

-Client, Senior Information Security Program Manager/Engineer

GOING THE EXTRA MILE

NJ College Student Charged with Reckless Driving/ Speeding in Chesterfield County

“While driving through Chesterfield, VA, my 20-year-old son was issued a summons for driving at a speed of 89 mph in a 65 mph zone on I-64. Reckless Driving in Virginia is a criminal charge in the same classification as DWI. The consequences confronting my son were serious and included the loss of a full college semester, a permanently impaired driving record and drastically higher insurance premiums.

*With shock and utter disbelief, I searched the internet for help and hit upon Bob Battle’s website. Mr. Battle agreed to represent my son and did so at multiple court appearances without my son having to travel from New Jersey to Virginia a single time. Despite numerous examples of my son’s exemplary past behavior, the prosecutor was unwilling to offer anything other than a conviction as charged. **Mr. Battle developed an innovative legal argument objecting to the admissibility of the radar evidence that no other attorney in all of Virginia had previously considered.** The judge requested the admissibility argument be briefed, causing the trial to be postponed, and when rescheduled, the prosecutor vindictively attempted to demand my son be present in court. In response – and at no extra fee despite yet another court appearance – Bob Battle filed a separate motion to waive the presence of my son at trial which was granted by the judge.*

*Ultimately, **due to Mr. Battle’s efforts and legal acumen, and over the objection of the prosecutor, my son was***

*convicted of the minor offense of Improper Driving. Considering the potential, the result was **not only favorable, it was remarkable.** It is without hesitation I recommend Mr. Battle to anyone in need of legal services in the State of Virginia.”*

-Renny W. Hodgskin, New Jersey

Henrico County Reckless Speeding 89 in a 65 Dismissed

“Thank you very much for your time and efforts. I am very happy with the outcome. Words can not describe my feelings now. This is definitely one of the happiest days in my life. I just want to say ‘thank you.’ For sure, I will tell your name to people I know in case they need your service. Moreover, I am going to write a testimonial so you can put my story on your website. When I surfed your website, I found those testimonials are very powerful. They are vivid stories telling your prowess and experiences. That is what made me hire you at the first place. So, wait for my story.”

-Dr. D.G., Client, Immune Disease Institute,
Harvard University, Boston, MA

*“Thus, you were making strong arguments attacking every aspect of the government’s case – the proof of a prior conviction, the field tests and the breath result. **The prosecutor conceded the problem with the breath test and allowed me to plead to a first offense DUI with no jail time and an immediate restricted license!***

*You certainly charged more than my first lawyer, but I learned my lesson – you get what you paid for. **Hiring you was the***

best investment I've made in my life! Thanks again."

-Client, Richmond, VA

"I was referred to Bob Battle through a friend, and over the next few months he mounted a vigorous – and, most important to me, very honest – defense to the charge. As a result of his thorough investigation and skillful negotiation, the prosecutor was persuaded to drop the DUI charge."

-Client, D.C. Attorney

"I will never forget your cross examination of the trooper about his testimony that, on one of his 'tests,' I counted backwards from 46 to 32 instead of stopping at 34. You asked him if he was aware of any scientific studies relating counting 2 extra numbers to alcohol intoxication. He indicated that he was. From there you pummeled him with questions proving that he had lied and finally the judge said he had heard enough. While granting your motion to dismiss my DUI charge, the judge told the trooper that there were already two lawyers arguing the case and it was not the trooper's job to be the third lawyer!"

-Client, Fairfax, VA

*“Your efforts on my behalf led to the **reduction of my 2nd DUI AND a Refusal charge to Reckless Driving – a far better outcome than I could have ever hoped for.** Even when the prosecutor offered a plea of a DUI 1st, you went back to the table and negotiated the lesser Reckless Driving charge. **Because of your efforts one of the most stressful periods in my life is over and my life is back on track.** I can’t thank you enough and I will strongly recommend that anyone in a similar situation give you a call to discuss your representation.”*

-Client, Spotsylvania, VA

**THE FOLLOWING AMUSING TESTIMONIAL WAS POSTED ON
FACEBOOK.COM**

“I had a low life, overweight, ignorant, Virginia County cop try to take advantage of my friend and I. Big B took this cop’s twisted story and made him choke on it. Bob caught him up in several lies and gave the judge no choice but to find me ‘Not Guilty.’ Bob Battle, don’t let his size fool you. He has a bite to fear. He brought justice to the table. Thanks Bob!”

-Client

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PART ONE

WHY I WROTE THIS CONSUMER GUIDE

My goal in writing this book is quite simple. I am hoping that anyone charged with Reckless Driving/Speeding in Virginia will take the time to find out just how serious an offense this is and what a huge and devastating impact it can have on you in the future.

A SAD STORY OF SOMEONE WHO FOUND OUT THE CONSEQUENCES OF RECKLESS DRIVING/SPEEDING CONVICTIONS THE HARD WAY

My firm has shown in thousands of cases that we can be a tremendous help to someone charged with the criminal traffic offense of Reckless Driving/Speeding. However, I regularly get phone calls from people who don't discover how serious a Reckless Driving/Speeding charge is until **after** they have already been convicted. The law in Virginia is clear. Once ten days have passed since you have been convicted, you no longer have the ability to appeal your case. Once 21 days have passed from the judge's final decision, the judge cannot change his or her ruling. Last December I got a phone call and the person left a voice mail message for me essentially stating the following (this was not the first time I had received such a message):

*"Mr. Battle can you please help me. I had a speeding ticket in Virginia a year ago. It was charged as Reckless Driving Speeding and I did not realize the significance. I was convicted in my absence and later paid a fine. They also suspended my driver's privileges in Virginia, but that was not a big deal since I don't live in Virginia. However, I am now a finalist for a very high paying job. Well, let me put it this way, I **was** a finalist." (At this point the man's voice choked up and he was obviously starting to cry). "Yesterday, a couple private investigators hired*

by this company sat me down and told me that I was no longer under consideration for this job for lying on my application. I asked them what they were talking about. They told me that I had marked 'no' in the box for criminal record, when in fact I had been convicted of the Class 1 misdemeanor "Reckless Driving" in Virginia. I tried to explain that I had no idea – I was just speeding. Not only was I told I was no longer under consideration for this job that would pay me an excess of \$100,000 a year, but I was escorted out of the building by these investigators like some sort of criminal! Can you please do anything for me to get this off my record?"

Sadly, the answer was no, it was too late!

The fact of the matter is that there is absolutely nothing I can do to change this conviction. This person now has a permanent criminal record. This is huge Lesson # 1 and the reason I titled this book "The Shocking Truth About Reckless Driving/Speeding in Virginia." Although the **points** that you may get from a Reckless Driving/Speeding conviction should come off your driving record after a certain period of years, **the criminal conviction is permanent.** Unlike driving records, criminal convictions are not limited to the state where you are convicted. Thus, this criminal record will follow this person and anyone convicted of Reckless Driving/Speeding for life.

Bob Battle has been perhaps the harshest critic of Virginia's attempt to make up for the legislature's inability to balance

a budget by turning the state's highways into one big speed trap. **Virginia has been voted the most expensive state for a speeding ticket in the country.** Just last year, Bob was interviewed by CBS Evening News, CNN and The Washington Post about Virginia's policy of being harsh on people charged with Reckless Driving/Speeding.

VIRGINIA'S RECKLESS DRIVING/SPEEDING LAW

In Virginia you do not need to be driving in the least bit recklessly nor do you need to be driving very high above the speed limit to be deemed guilty of "Reckless Driving/Speeding." Anyone charged above 80 can and usually will be charged with Reckless Driving. Thus, someone doing 81 in a 70 mph zone or 81 in a 65 mph zone will be charged with Reckless Driving/Speeding. Also, anyone doing 20 or more miles above the speed limit will be charged with Reckless Driving/Speeding. Thus, someone doing 75 in a 55 will find themselves faced with Reckless Driving/Speeding.

The Virginia Code Section for Reckless Driving/Speeding is Virginia Code § 46.2-862:

- § 46.2-862. Exceeding speed limit.

A person shall be guilty of reckless driving who drives a motor vehicle on the highways in the Commonwealth (i) at a speed of twenty miles per hour or more in excess of the applicable maximum speed limit or (ii) in excess of eighty miles per hour regardless of the applicable maximum speed limit.

THE SHOCKING CONSEQUENCES OF RECKLESS DRIVING/SPEEDING

- **Fact:** The average amount of jail time for someone convicted of speeding over 90 mph in Virginia is greater than the average amount of jail time given to someone convicted of a first offense felony drug possession, felony shoplifting, felony embezzlement, felony grand theft auto or DUI with a BAC that is less than twice the legal amount! That's right, the speeder is treated more harshly in Virginia than drug addicts, thieves, and drunks!
- **Fact:** If you are caught doing above 80 mph on the highways of Virginia, you can and will be charged with Reckless Driving. As has been stated, this is not merely a traffic infraction. It is a criminal offense – a Class 1 Misdemeanor – the most serious class of misdemeanor in Virginia! Once convicted, there is no provision under Virginia law for expungement of this charge and you will have a permanent criminal record.

Several times a day, **Virginia Reckless Driving Lawyer Bob Battle** receives phone calls from individuals charged with Reckless Driving/Speeding in Virginia who are shocked to find that what they had initially perceived to be a “glorified speeding ticket” carries with it potentially **devastating collateral consequences**:

- **Go to Jail** – People routinely go to jail and lose their license for speeds above 90 mph. Those doing over 100 mph are looking at a potentially lengthy jail sentence. To

give you an example of the specific amount of jail time that people who get convicted receive, some judges in Virginia use a mathematical formula: 2 days in jail for every mph over 90 mph, and, if over 100 mph, add an additional 30 days in jail to that total. Thus, someone convicted of doing 94 mph will get 8 days in jail, and someone doing 101 mph gets 52 days in jail! (101 is 11 mph above 90 X 2 days in jail = 22 + additional 30 days in jail for being over 100 mph.)

NOTE: There is no such thing as a “speeder’s jail.” Those convicted of Reckless Speeding and sentenced to jail go to the same jail as every other criminal sentenced to jail time or who is awaiting trial for any crime they committed.

- **Permanent Criminal Record** – As I have explained above, unlike the points for a traffic offense conviction on your driving record, the criminal conviction on your criminal record is permanent!
- **Lose your Job, Security Clearance, CDL and/or Get Kicked Out of School** – Even those who are convicted of Reckless Driving/Speeding who were only traveling in the 80 mph range are looking at a possible loss of a job, their license (including Commercial Driver’s License) and their security clearance. Many colleges and graduate schools have “Zero Tolerance” policies for any criminal record. Bob Battle spoke to one Ivy League graduate who had their medical school acceptance rescinded because they had a criminal record after being convicted in Virginia.

- **Insurance Nightmare** – In fact, a colleague in Roanoke, VA informed me that insurance companies are raising rates more for a conviction of Reckless Driving/Speeding than for a first DUI!
- **License Suspension** – A conviction of Reckless Driving Speeding carries up to a 6 month license suspension. At first, to the “Out of State” driver who has no plans to be driving in Virginia during the period of suspension, this may seem like it is not a big deal. However, I know that every car insurance application I have ever filled out asks whether you have “ever” had your license suspended. Thus, this license suspension could raise your insurance rates for a very long time. I facetiously refer to these suspensions as “the ‘gift’ that keeps on giving!”
- **Increased Sentence for Other Crimes** – A conviction of Reckless Driving/Speeding will be treated just like any other Class 1 Misdemeanor conviction in computing someone’s “prior record” for Virginia’s Sentencing Guidelines. This was dramatically illustrated in a case I had in Northern Virginia. I represented an individual charged with felony Embezzlement. When I met with the client he indicated he had no prior record. In court, the investigator said the client had no prior record. However, after the client plead guilty and a Presentence Report was ordered, the Probation Officer noticed 2 convictions of Reckless Driving/Speeding. These 2 convictions changed the Sentencing Guideline penalty range from Probation with no jail time to a jail sentence of 6 to 12 months!

- **Points on Your Driving Record** - When you are convicted of a traffic violation, the court notifies the Virginia Department of Motor Vehicles (DMV). The DMV assigns demerit points for the offense of conviction. Many people show up at court and indicate to the judge that they are willing to pay a fine but do not want the points on their license, only to be informed by the judge that the judge has no ability to suspend the points given to the offense of conviction. Virginia has three categories of point offenses: 3, 4 and 6 point offenses.

There are no 1, 2 or 5 point traffic offenses. For example, speeding 0 to 9 mph above the speed limit is a 3-point offense, speeding 10 to 19 mph above the speed limit is a 4 point offense. **A conviction of Reckless Driving/Speeding is assessed the maximum 6 points.**

OUR LAW FIRM'S FOCUS ON OUT OF STATE AND OUT OF AREA MOTORISTS

The individuals who face the biggest hardship because of Virginia's Reckless Driving/Speeding enforcement policy are Out of State motorists - those who are just traveling through the state on their way to or from another state. For those individuals to travel back to Virginia to be present for their trial would require using "planes, trains, and automobiles" to get to court. Often, it would be a two-day process, requiring the loss of 2 days of vacation and staying in a hotel, to make it to a morning traffic court date in places like Chesterfield or Dinwiddie, Virginia. Thus, my firm has chosen to concentrate

on serving those out of state residents or at least people from remote areas of Virginia who are at the biggest disadvantage.

A Here is the “Battle Plan” to Help Out of Area/Out of State Clients:

The good news for those motorists who live out of the area and out of state is that we have set up our law firm to handle everything automatically. My firm uses the latest in technology to make it convenient, at least as convenient as possible, for someone to be able to get a lawyer for their case. Thus, we are able to first deliver this book electronically to those who visit our web site. Second, we are able to conduct all meetings and consultations by phone. You can send us any information by email attachment or fax. Also, if necessary, we have the ability for you to remotely access our computer from your computer. The biggest advantage that we are able to offer is that, in the vast majority of our cases, we are able to get a great result for you at trial, without your ever having to return to Virginia for a legal consultation or for trial.

Fact: Virginia Reckless Driving Lawyer Bob Battle Helps Hundreds of Virginia and Out of State Motorists Get their Reckless/Speeding Tickets Reduced or Dismissed - Usually Without Their Having to Come to Court

B Primary Practice Areas and Jurisdictions for Bob Battle

Anyone who has driven on the interstate highways in Virginia recently may feel that Virginia should change its state motto from “Virginia is for lovers” to “Virginia

is for speed traps!” Law enforcement officials in Virginia are making no bones about their crackdown on speeding, aggressive driving and drunk driving on the highways of Virginia. The interstate highways around Richmond (I-95, I-64 & I-85) are notorious for their speed traps, which are manned by law enforcement officers 24/7. The traffic courts are always overflowing in the **CITY OF RICHMOND, HENRICO, CHESTERFIELD, HANOVER, CAROLINE** and **NEW KENT COUNTIES**. Bob Battle appears almost daily in one of these courts.

C Sussex, Greensville/Emporia, Dinwiddie, Mecklenburg, and Brunswick reckless driving/speeding charges.

If you read below about the 10 questions you must ask of any potential lawyer, visit my firm’s web site, www.BobBattleLaw.com, or read my consumer guide about DUI Defense in Virginia, *How to Choose a DUI Lawyer in Virginia*, it is quite apparent that I do not believe in hiring inexperienced associates to gain their experience on your case, to your detriment.

However, because of the tremendous amount of people charged with Reckless Driving Speeding in Virginia, there was absolutely no way I could represent all the people who asked me to represent them. Luckily, I was able to come up with a “win/win” situation so that those charged in those areas could get the top-notch representation they deserve. The law allows law firms to create a special relationship called an “of counsel” relationship. Basically, this means that lawyers may act as one firm for certain purposes, even though they don’t share office space and are separate corporate identities.



Former Prosecutor
Claude Whitehead
Joins Forces with
BobBattleLaw

Using this of counsel relationship, I was able to persuade **Claude Whitehead**, a former prosecutor with over twenty years as a trial lawyer and thousands of traffic cases under his belt, to join me to help with cases, especially those people charged in the areas listed above. Claude used to be a prosecutor in **Petersburg, Virginia**, was a **special prosecutor in Dinwiddie and Chesterfield** and is extremely familiar with those jurisdictions listed above along **south Interstate 95 and all of Interstate 85 – Sussex, Greensville, Emporia, Dinwiddie, Mecklenburg and Brunswick**. Certainly clients want to know not only how many Reckless Speeding cases a lawyer has handled but also how many they have handled in the jurisdiction where they are charged. I even suggest that when you are talking to a lawyer ask them how many judges there are in the jurisdiction where you were charged and, next, what are the judges' names. These are easy answers for lawyers who actually appear in these courts on a regular basis.

D Statewide Referral Network

If you have been charged somewhere along the western end of the state, specifically anywhere along **Interstate 81 or on Interstate 64 west of Charlottesville**, my firm does not handle Reckless Driving/Speeding cases in those areas. Also, if you have been charged on Interstate 64 east of Williamsburg, my firm does not handle cases in those jurisdictions. Again, because my website attracts people charged from all over the

state, I have set up a statewide referral network of extremely experienced traffic lawyers in those areas. If you contact my firm and mention that you are charged in one of those areas, I will not return the phone call personally. It is a waste of time for both of us. What I will do is much more valuable for you. I will put you in contact with the attorney that I would recommend for those areas. When the attorney calls you back they will tell you that they were referred from me. Trust me, my reputation is not only on the line in how I perform in court, but in whether I am referring you to someone who I feel will do an outstanding job. If someone calls you back and says they were recommended by me, then that person is an attorney whom I feel will do an outstanding job for you.

DO THE MATH – SAYING YOU CAN'T AFFORD TO HIRE A LAWYER FOR YOUR VIRGINIA RECKLESS DRIVING/SPEEDING CHARGE MAY COST BIG BUCKS

(The following article is re-printed with permission from the "Virginia DUI Lawyer" blog. The "civil remedial fees" mentioned in this post have been repealed.)

Virginia Reckless Driving/Speeding lawyer Bob Battle, who has helped thousands of motorists charged with this serious criminal misdemeanor offense to have their charges reduced or dismissed, usually without the accused even having to go to court, often speaks to people who conclude that they cannot afford to hire a lawyer for their Reckless Driving/Speeding charge. A recent example demonstrates what Battle was already well aware of – those people who choose to represent themselves often wind up costing themselves an additional \$3,000 to potentially hundreds of thousands of dollars when compared to similar motorists who

were smart enough to hire an experienced Reckless Driving/Speeding lawyer.

A recent example dramatically illustrates this point. Recently, Bob Battle spoke to a woman who had a Reckless Driving/Speeding case in Hanover County, Virginia. Battle had already been retained to represent another motorist charged with Reckless Driving/Speeding on the same date. Battle's client was actually doing faster than the other woman, who told Battle that she could not afford to hire a lawyer and represented herself.

Battle's client did not have to miss work and take vacation days to appear in court on his trial date. Battle negotiated a plea agreement with the prosecutor to reduce the speed and the judge continued the case to be **dismissed**. The cost to Battle's client for court costs and traffic school was approximately \$100.

Now let's take a look at the costs of the woman who chose to represent herself. Hanover County traffic court prosecutors, like most counties in Virginia, will not plea bargain with individuals who are not represented by lawyers. The judge in Hanover County General District Court, like most judges in Virginia, view their mandate from the Virginia General Assembly to be similar to that of an umpire in baseball. If the evidence shows that the driver was doing 85 mph or above, they will be convicted as charged. This woman was found guilty of Reckless Driving/Speeding, asked the judge for a traffic school disposition, and her request was denied. Let's look at her costs:

- Fines and court costs: \$400
- Mandatory civil remedial fees: \$1050

- Increased insurance: approximately \$3000 over three years (If the judge also suspends the person's license, the increase is much higher.)
- Lost days from work: 1 or 2
- Criminal record: permanent class one misdemeanor criminal record
- Points on Virginia driving record: 6 (Virginia only has 3, 4 & 6 point offenses)
- Loss of a job or potential job due to criminal record: possibly hundreds of thousands of dollars!

This woman's decision to "save" some money on legal fees wound up costing her a ton of money, her clean criminal record, 6 points on her driving record, huge increases in insurance premiums, and, potentially, the loss of current or future jobs.

PART TWO

HOW TO CHOOSE A RECKLESS DRIVING/ SPEEDING LAWYER IN VIRGINIA

All right, so I have convinced you that **A** Reckless Driving/Speeding in Virginia is a big deal and that it is too serious to try to represent yourself. Your next and last decision is how do you go about choosing a Reckless Driving/Speeding lawyer in Virginia.

“Why the heck am I getting so many letters from Virginia lawyers? How can I cut through the internet hype and the clutter from solicitation letters from lawyers in your mailbox?”

If you are not already aware, you will soon find out that you are about to be bombarded with solicitation letters from lawyers asking you to hire them.

The overriding theme in most of these letters is that your only concern should be which lawyer is the cheapest. Really? Is this ever the smart strategy when dealing with professional services? If you need surgery, do you choose the cheapest surgeon, who uses the cheapest instruments? After decades of handling Reckless Driving/Speeding cases with thousands of cases handled, we are NOT the cheapest lawyers. We feel strongly that, like in most areas of life, you get what you pay for, but also know that if you are convicted, your record is permanent - THERE ARE NO EXPUNGEMENTS IN VIRGINIA FOR FINAL CRIMINAL CONVICTIONS, PERIOD.

One thing that you may not be aware of is that the internet and a lot of the mail you have received is littered with glowing “success stories” in Reckless Driving/Speeding cases. The fact of the matter is that most of these cases NEVER WENT TO TRIAL. The prosecutor or police officer AGREED to reduce the charge. Not exactly the stuff of a Perry Mason episode!

Here are the questions that you must ask and have answered by any Reckless Driving/Speeding lawyer before you hire someone.

THE 10 QUESTIONS YOU MUST ASK OF ANY LAWYER

The most important thing to remember when speaking with a potential lawyer is not to be afraid to ask questions. The best and most qualified lawyers will welcome your questions and they will take it as a sign that you have done your homework. Remember that when you are interviewing an attorney, the attorney is also interviewing you to see if he or she wants to take your case. A good lawyer would rather represent a truly prepared client, a client who is committed to getting the best legal representation available.

Here are the **10 questions** you should ask and demand straight answers to in order to make an informed choice of who will represent you.

There is No Substitute for Experience!

1 “How many years have you been in practice?”

This will tell you much about the attorney’s potential experience. But, also ask what they have done all those years. Lawyers can get listed on Traffic and DUI lawyer directories, lawyer referral services, or in online or phone directories as “Traffic or Speeding Ticket lawyers” with no experience whatsoever. Also, I see more and more attorneys who have had their particular niche slow down or dry up completely who are trying to develop a traffic practice to increase their firm’s income.

Bob Battle has been practicing law for over 30 years and

has been exclusively a trial lawyer for that entire time. He has handled thousands of cases in his career. 99% of his practice is devoted to the defense of two types of cases: DUI & Reckless Driving/Speeding. Similarly, Claude Whitehead has been practicing for over two decades; since 1993 he has been exclusively a Virginia trial lawyer.

2 “How much experience do you have representing persons who are charged with Reckless Driving/Speeding?”

You should leave the attorney’s office confident that you have spoken to someone who has real expertise and experience in Reckless Driving law. **Your case is too important to be trusted to someone who “dabbles in Reckless Driving defense.”** Ask them to explain to you potential technical legal and scientific defenses to a Reckless Driving charge.

3 “Who in the office will actually be handling the case and what are their qualifications?”

This is the **most important question** that you must ask. The lawyer that you might be speaking with might not actually be the person who does the work on your case or who will be your lawyer at trial.

When you demand to know who is going to be your lawyer, the lawyer may respond that their firm uses a “team approach.” They may tell you that all their lawyers discuss your case. This is just another way of giving you the runaround. You should ask them why the attorney who is

going to court feels inexperienced on specific issues dealing with your case and requires the assistance of other lawyers from the firm.

These firms who talk about their “team approach” will try to convince you to believe that anyone on the team is as good as the “hotshot partner.” To use a sports analogy, you should respond by saying, “Well, **Stacey King** and **Jack Haley** were both teammates of **Michael Jordan**. If you were a coach, would you be just as comfortable in centering your team around Stacey King and Jack Haley or would you rather have Michael Jordan?”

Better yet, when you start getting these evasive, slick types of answers, you should hang up the phone or walk out of the office of this law firm. You may look at their website and see phrases like, “All our lawyers usually have some involvement in your case,” this means that their hotshot partner has no intention of going to court unless the TV cameras are there and he can walk in and get his grill on TV representing the celebrity client. The reality in these firms is that the hotshot partner is rarely if ever going to court anymore. The response of these firms when potential clients ask who will be representing them in court at trial is that the hotshot partner trains these younger lawyers so that they are just as good as Mr. Hotshot. Oh really?! To use another sports analogy, you should respond to these firms by saying, “If you were a baseball coach, who would you rather have pitching for you in the World Series – **Roger Clemens** or someone who attended Roger Clemens’

baseball camp?” If this other lawyer is so good, why isn’t he working for himself?

The issue is quite simple – do you want a lawyer who will treat you as a valued client or who treats you as a commodity? Bob Battle **GUARANTEES** that either he or Claude Whitehead will do **ALL** of the work on your case, and will be the lawyer in court with you at trial. If you are charged in an area of Virginia where we do not practice, we will refer you to a lawyer with top credentials and a tremendous amount of experience representing these kinds of Reckless/Speeding cases.

4 What is the lawyer’s rating for legal ability and ethics?

A Martindale-Hubbell AV Rating – You may notice that Bob Battle mentions on his website that he is “AV Rated.” This is the highest rating a lawyer can achieve for legal ability and ethical standards. These ratings are based on confidential peer reviews of judges and fellow lawyers.

(NOTE: These ratings are not some poll from a random magazine of the “best/supercalifragilisticexpialidocious lawyers” that happen to subscribe to the magazine and send out emails to other law firms telling them if they vote for their lawyers, their lawyers will vote for them. Sounds like a junior high school election, not an unbiased selection of the top lawyers. The truth is that most of the votes cast in a magazine poll are by people who have not only never seen the other lawyer in action in court, but have never even met the lawyer and wouldn’t recognize him if he was sitting next to him!)

MARTINDALE-HUBBELL LEGAL ABILITY RATINGS

Legal Ability Ratings take into consideration the standard of

professional ability in the area where the lawyer practices, the lawyer's expertise, and other professional qualifications. If a lawyer's practice is limited or specialized, Peer Review Ratings are based on performance in those specific fields of law.

■ Legal Ability Ratings are:

C Good to High

B High to Very High

A Very High to Preeminent – a lawyer may be rated as high as 5.0 for legal ability. Bob Battle has a “Preeminent 5.0 out of 5 rating.”

According to Martindale-Hubbell, an “AV Peer Review Rating” — *“shows that a lawyer has reached the height of professional excellence. He or she has usually practiced law for many years, and is recognized for the highest levels of skill and integrity.”*

If a lawyer does not mention prominently in their advertising that they are “AV Rated” it is probably because they are not!

B Avvo Rating – The newer of the national lawyer review websites is Avvo.com. Avvo rates lawyer on a scale of 1 to 10.0. In 2009, Bob Battle was the first DUI lawyer in the Richmond, VA area to be rated “Superb 10.0 out of 10” by Avvo.

If a lawyer does not mention prominently in their advertising that they are a 10.0 on Avvo it is probably because they are not!

5 “Are you a former prosecutor and, if so, where were you a prosecutor?”

If a lawyer does not mention prominently in their advertising that they are a former prosecutor it is probably because they are not!

Watch out for the phrasing used in the ads!

If a law firm advertises that they have “former prosecutors” or “former prosecutor help available” the obvious and important question that you need to ask is, “Is this former prosecutor going to be representing me in court?” The firm may be sending their newest and lowest paid associate to represent you while all the “former prosecutor” does is walk to the bank and deposit your check for a huge legal fee!

It is also important to ask your potential lawyer **where** they were a prosecutor. **All former prosecutor jobs are not created equal.** For example, some prosecutor’s jobs are not even full-time jobs and they do not handle any felony matters at all. Some prosecutor’s offices are not as busy as other offices. **Bob Battle is a former Fairfax County Assistant Commonwealth’s Attorney.** (Since Virginia is a “Commonwealth,” the prosecutors are referred to as Commonwealth’s Attorneys and not “district attorneys.” The district attorneys or “D.A.’s” that you see on TV are doing the exact same job as a Virginia Commonwealth’s Attorney.)

Fairfax County is **one of the busiest prosecutor’s offices in the country.** When Bob Battle was considering a job offer to join the Fairfax County Commonwealth’s Attorney’s office, he spoke with Jim Clark, a former Alexandria Commonwealth’s Attorney, who pointed out that, **“A year in Fairfax is equivalent to three years in Alexandria in terms of experience.”** Clark also pointed out the incredible advantage of working for and being mentored

by **Bob Horan**, the legendary chief prosecutor in **Fairfax County**. The award for the Outstanding Prosecutor of the Year in Virginia is named after Bob Horan, an incredible and well deserved honor for an active prosecutor.

In four years under Horan's tutelage, Bob Battle had over 50 jury trials and thousands of non-jury trials; much more trial experience than most lawyers have in their entire careers.

Claude Whitehead is a former Petersburg prosecutor who also served as a multi-jurisdictional prosecutor for several jurisdictions in the Richmond area.

6 "Do you offer any GUARANTEES?"

You don't hear a lot of lawyers making guarantees. We offer two guarantees: Free Representation on Appeal – If you are convicted at the lower court level and are unhappy in any way with the judge's ruling or sentence, Virginia allows you to appeal and get a new trial in the Circuit Court. Our Two trials for the Price of One Guarantee is that if you wish to appeal for a new trial in Circuit Court, we will represent you for free.

As stated above, we also guarantee that a former prosecutor with over two decades experience (not two weeks of experience like some firms) will represent you in court. You should ask if the lawyer representing you in court has a significant amount of jury trials (if any!). This is a crucial question and one which "separates the men from

the boys” in DUI and Reckless Driving defense. Your case might need to go to trial in order to get the outcome you deserve and it is imperative that your attorney have a significant amount of jury trial experience.

The fact of the matter is that, **in Virginia, the prosecutor has as much right to demand a jury trial on an appeal to Circuit Court on a Reckless Driving appeal as the defendant does.** In some jurisdictions, such as Arlington, Virginia, the prosecutor demands a jury trial on all DUI appeals. Also, certain defenses may have a better shot of winning in front of a jury as opposed to a judge.

Experience before juries and success in jury trials is a benchmark separating the best trial lawyers from the rest of the pack of lawyers. **Bob Battle has had over 100 jury trials in his career. Battle has even secured jury acquittals for clients in cases as serious as felony alcohol-related manslaughters and 4th DUI charges. Claude Whitehead also has distinguished himself trying cases before a jury, even winning over a dozen straight jury trials as a prosecutor.**

7 “Have you ever been disciplined by the State Bar?”

You do not want a lawyer with a long disciplinary rap sheet and you deserve to know if your lawyer has been disciplined in the past.

8 “What are all the potential legal costs, including investigators, experts and the like?”

The lawyer should be honest with you about what your case might cost. You want to be secure that the lawyer is not luring you in with promises of unrealistically low fees and costs.

- Bob Battle charges a **flat fee** for his legal representation
- Bob Battle is the only lawyer in Virginia to offer a **GUARANTEE** of FREE representation on appeal from the General District Court to Circuit Court

As Virginia Personal Injury lawyer Ben Glass stated in an unsolicited post on his law blog detailing **why he feels Bob Battle is Virginia's premier DUI and Reckless Driving defense attorney**, *"A word of warning: if you are looking for the cheapest traffic attorney in Virginia, and are shopping on price – don't waste your time. Frankly, hiring a DUI or traffic lawyer based on price is only one step more stupid than representing yourself in these cases."*

9 "What challenges do you see in my case?"

The lawyer should be able to explain to you what he or she sees as the challenges you face and what they could mean for the ultimate result.

10 "What will be the final outcome of my case?"

A good attorney will not promise you a specific result, because it is always impossible to be certain how a case will turn out. *Any other answer is dishonest and unethical.* A

good attorney can only promise to do his or her best job in defending you. No lawyer wins all their cases but it is a certainty that **you can't win an issue your lawyer fails to recognize and raise at trial.**

When you look for a potential defense attorney, tell him or her everything that you think is relevant, and then some. Something that you dismissed as a minor detail might make all the difference in your case. Most importantly, be honest. You have nothing to fear. Except in rare cases, if you are talking to an attorney face to face, even before he or she has decided to take your case, you already enjoy attorney-client privilege. This means that nothing you say could ever be used against you. If you ever have any doubt that your communication with the attorney is “privileged,” you should simply ask.

Call Bob Battle today at (804) 673-5600
or email him at Bob@BobBattleLaw.com.

THE SHOCKING TRUTH About Reckless Driving Speeding in Virginia

The first edition of this very book has been the feature of a Baltimore Sun article (“Battle is a lawyer who specializes in getting out-of-staters off the hook for reckless driving.”) and in a report by Mark Holmberg of CBS 6 in Richmond (“Battle wrote the book on Reckless Driving in Virginia.”). Bob is a vocal and outspoken critic of Virginia’s Reckless Driving/Speeding laws and penalties. Bob has been interviewed by CNN and CBS Evening News and quoted in The Washington Post about Virginia’s harsh speeding laws.

ABOUT BOB BATTLE



Richmond, Virginia DUI & Reckless Driving/Speeding Lawyer Bob Battle has received national attention for his DUI and traffic defense. He is the author of a book on Virginia DUI’s titled Virginia DUI Defense: The Law and Practice and is a highly sought out seminar lecturer, teaching other lawyers all facets of DUI and Reckless Speeding defense.

He is well known for his innovative technical defenses to radar, laser and VASCAR speeding results and lectured to other lawyers statewide on “The Defense of Serious Traffic Cases.”

A former Fairfax prosecutor and federal law clerk with over 30 years of experience, Bob Battle has achieved the highest rating a lawyer can receive for Legal Ability and Ethics.

Call Bob today at (804) 673-5600 or email him at Bob@BobBattleLaw.com

A 30-YEAR TRACK RECORD OF SUCCESS AND RESULTS

“Ultimately, due to Mr. Battle’s efforts and legal acumen, and over the objection of the prosecutor, my son was convicted of the minor offense of Improper Driving. Considering the potential, the result was not only favorable, it was remarkable.” – Renny Hodgskin, New Jersey

“I was hoping for the best, but I have to admit I am still amazed that you hit a grand slam and all charges (DUI, Reckless Driving, Aggressive Driving, Fail to Maintain Proper Control and Underage Possession of Alcohol) were dismissed.”

– Client’s Parent, Assistant U.S. Attorney

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