



30 YEARS OF LAW PRACTICE IN ATLANTA



2010 starts my 30th year of practicing law in Atlanta. They say that time flies when you're having fun, and I can honestly say that for the past 30 years I have enjoyed the profession of practicing law.

I passed the bar in June 1980 at age 23, and actually took in my first case (an uncontested divorce) on the same day that I found out I had passed. I was very fortunate because while I was in law school, I was able to clerk for a local lawyer, and as soon as I passed the bar, he allowed me to share office space with him, and he not only mentored me and helped me become a trial lawyer, but he also gave me some of his overflow business. So unlike many lawyers, I never practiced at a large firm, and have always owned my own firm.

My first office was in my hometown of Lilburn. Gwinnett County was radically different then from now; I believe there were no more than 50 lawyers in Gwinnett at the time; now there are over 2,000! There were 3 Superior Court judges, one part time State Court judge, and one Recorders Court judge. Now there are 10 Superior Court judges, 6 State Court judges, and 3 Recorders Court judges.

In 1980, I handled any case that walked in the door. I handled divorces, criminal cases, contract cases, real estate, immigration, and wills. I would go down to Fulton and take appointed criminal cases for \$25! My first jury trial was an armed robbery where client had broken a coke bottle over someone and had stolen about \$15. I lost that first jury trial, mainly because my client (who was a real scoundrel) talked me into letting him testify; one of the jurors was an engineer, and figured out that my client was lying (client contended he had been in front of victim and had hit the victim in self defense) because the way the victim's scar ran on his head meant my client had to be behind the victim when he hit him with the coke bottle. I learned 2 things from that trial: Try not to let your client testify in a criminal case if possible, and never allow engineers on the jury!

In the mid 1980s I became a part time City judge for Lilburn and then for Suwanee. Most lawyers in Gwinnett still had a general practice. Because the Falcons trained in Suwanee, I began representing some pro football players.

I had some interesting cases as City judge; For instance, I learned a lot more about pot bellied pigs than I ever thought I would; Lilburn had a resident who owned a pot bellied pig, and Lilburn wanted to evict the pig as a violation of "having livestock" in the City. The pig's owner claimed that a pot bellied pig was a pet, like a dog or cat. Many people showed for the pig's trial, including members of the Pot Bellied Pig Association.

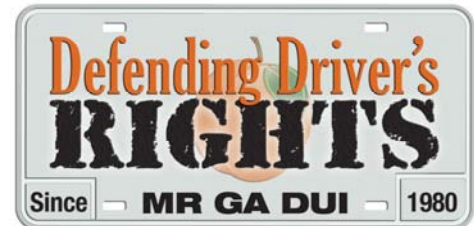
Based on the information provided to me by the Association's lawyer, I ruled that the pig was indeed a pet, not livestock and should remain in Lilburn.

In 1996 I handled my last divorce case and began to concentrate my practice on traffic cases. The rest, as they say, is history.

The legal "profession" has obviously changed in the past 30 years; in 1980, my secretary used carbon paper when she typed pleadings; I actually used a Dictaphone to dictate letters and pleadings; all of the case law was of course in book form (now on CD); Case law updates were sent in little booklets every month; in some counties courts were always closed on Wednesday, and there were never jury trials in July or in December (now jury trials are year round); many old lawyers used the term "colonel" when addressing fellow attorneys (leftover from the Civil War, where every attorney was automatically a colonel in the Confederate Army).

As I said earlier, at least when I began in 1980, the law was considered a "profession", such as medicine. In the late 1980s, the US Supreme Court ruled that attorneys could directly solicit business by sending letters to possible clients. Before that, an attorney could advertise in the yellow pages, but could NOT directly solicit business. In my opinion, for better or worse, that is when law became a business just like any other.

The best part about practicing traffic law in Atlanta (especially my type of law practice) is still trying to help people as much as possible with their problems. The purpose of the law is to protect society from individuals, and individuals from society and each other. That is why we have laws dictating what is and is not a crime, redress of civil wrongs, and redress of wrongs committed by the State. It's been a great ride these past 30 years, and hopefully will continue for a few more years.



Don't forget to check out my blog!
defendingdriversrights.com

WATCH OUT FOR US SUPREME COURT



I know that most of us are more concerned with the economy and with perhaps health insurance, but you might also want to keep an eye on the US Supreme Court this year.

Justice David Souter, considered one of the liberal justices, retired last year and was replaced by Justice Sotomayor. While Justice Sotomayor was appointed by President Obama, we really still don't know whether she will mostly side with other liberal judges, or will side with the mostly conservative judges.

Before he retired, Justice Souter was involved in the case of *Melendez-Diaz v. Massachusetts*. In that case the Court said that the State could not use the written lab report from a crime lab analyst to prove that, say, a substance was cocaine. The appearance of the analyst was necessary because of the right in our Constitution to confront and to cross examine the State's witnesses.

Just a couple of weeks ago, the same issue was raised again in *Briscoe v. Virginia*. Virginia argued that since, under their law, the Defendant could always subpoena the lab tech to come to court, the Defendant's right to confrontation was not violated by allowing State to simply use the lab report. Of course that would mean that the lab tech would then be the Defendant's witness, and would unlawfully shift the burden of proof to the Defendant, but the importance of this case is that the US Supreme Court agreed to hear arguments only months after deciding the issue in *Melendez*. Many SCOTUS pundits surmised that the conservatives were hopeful that Sotomayor, a former prosecutor, would side with the State and not the defendant, and wanted to get the issue in front of her as quickly as possible. As of today the Court has not issued a ruling.

And of course on January 22 the Court overturned a 60 year old law that restricted corporate donations to political campaigns.

Atlanta Law Practice dedicated exclusively to aggressive defense of those accused of DUI and serious traffic offenses since 1980.

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CONSUMER ALERT: BEWARE DUI PLEA DOGS



I wanted to warn you of a troubling trend. Because of our poor economy, many lawyers who were previously handling, say, real estate or small business matters are delving into the DUI defense world.

There are apparently some of these lawyers who obtain their clients from direct solicitation obtained from the jail dockets. I have heard from some clients that these lawyers are telling people up front that they will NOT go to trial; that their services are for guilty pleas only.

I have also heard from local prosecutors that some of these "plea dogs" come into court with no knowledge of even basic DUI laws; many do not know that a no contest plea still results in a license suspension; many have no idea of minimum sentencing requirements; many have no idea what an interlock ignition device is; Don't get me wrong: I believe everyone is entitled to make a living; I just don't think a criminal defense lawyer does his job if he does not at least look for a way to win his client's DUI; I don't fight all of my cases; but I do fight and win enough to get the types of deals on some borderline cases that plea dogs NEVER get, because prosecutors know that plea dogs never fight cases. I guess it's the old adage of BUYER BEWARE.

**2009 RECORD:
WINS 42
GUILTY VERDICTS 0
PLEAS 44**

2010 PINK IN THE RINK WEEKEND

The Gwinnett Gladiators, partnering with The Sport of Giving, will host the 3rd annual PINK IN THE RINK weekend, February 12, 7:35 p.m., February 13, 7:05 p.m., and February 14, 4:05 p.m. at the Gwinnett Arena. The Glads are dedicating these three games for raising funds for cancer awareness and the Gladiators Foundation for Kids.

The ice is dyed pink and the players wear one-of-a-kind commemorative jerseys that are then auctioned off.

The tickets are \$15.00 each, and may be purchased by going to: Jill Harris at jharris@mptlawfirm.com

