

NCDD SUMMER SESSION 2016
Just Say NO to Losing Your Client's
Professional License



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Bio Virginia L. Landry



Virginia Landry is well known in Orange County for effectively representing persons accused of DUI cases relating to alcohol and drugs, as well as the DMV's Administrative Per Se actions for license suspensions. Located in Laguna Hills, California, the firm has successfully represented thousands of DUI clients during her twenty seven years of private practice. Virginia Landry has been trained through and is Board Certified in DUI Defense by the ABA and the National College for DUI Defense, is a Regent, Sustaining Member and Chairperson for the Diversity and Listserve Committees. Virginia serves on the National Association of Criminal Defense Lawyers Association DUI Committee. She currently serves on the Board of Directors for the California DUI Lawyers Association as its Secretary. Virginia Landry is a current member of the Orange County Bar Association, previously serving on the Board of Directors and in two committees. Virginia Landry is a past President and current member of the West Orange County Bar Association. Speaking engagements include the National College for DUI Defense, Mastering Scientific Evidence, California State Bar Association's annual meeting, the California DUI Lawyers Association, the California Public Defenders Association, the West, Newport Harbor and South Harbor Orange County Bar Associations and the Bridging the Gap program for new attorneys. Ms. Landry has been a guest lecturer at Chapman University of Law, Western State University and Trinity College of Law. Virginia Landry has been featured in the Orange County Register, the OC Bulletin, the Irvine World News and appeared on news channels 4 and 13.

Professional Affiliations

Virginia L. Landry



National College for DUI Defense

National Association of Criminal Defense Lawyers

California Attorneys for Criminal Justice

California DUI Lawyers Association

California Public Defenders Association

American Bar Association

Orange County Bar Association

Newport Harbor Bar Association

West Orange County Bar Association

South Orange County Bar Association

Northern Arizona University Alumni Association

Western State College of Law Alumni Association

- **Bio Steven Epstein**

- **Steven Epstein** is a founding partner at Barket, Marion, Epstein & Kearon, LLP and head of the firm's DWI/Vehicular Crimes group. Mr. Epstein has more than 23 years of experience handling DUI matters. He is a faculty member of the National College for DUI Defense, has extensive experience lecturing and teaching continuing legal education seminars on the topic of DUI defense and has been relied upon as the principal instructor for the Legal Aid Society of New York City in the area of DUI defense since 1997. He has served as adjunct professor of law at the Pace University School of Law since 1998. Mr. Epstein has successfully completed the NHTSA DWI/SFST Practitioner Course. Mr. Epstein was appointed peer reviewer by the United States Department of Justice to review grant applications to conduct research that examines criminal justice tools, protocols, and policies concerning drug impaired driving.

- **Recent Seminars taught by Steven Epstein include:**
- Cutting Edge Criminal Defense: “The Basics of Gas Chromatography” New York State Defenders Association, May 6, 2016, Binghamton, New York.
- Cross to Kill 2016: “10 Concepts You Need to Understand to do a Cross Examination of the Breath Test Operator in a DUI Case.” New York State Association of Criminal Defense Lawyers, April 15, 2016, New York, New York.
- “10 Concepts You Need to Understand to do a Cross Examination of the Breath Test Operator in a DUI Case” Lawline.com, January 29, 2016, Webcast.
- Cannabis and Cars: What you Need to Know to Defend a Marijuana DUI Case. “Where the Government is Taking Us,” National College of DUI Defense, Marina Del Ray, California, January 22, 2016.
- Fourth Annual Man vs. Machine: Blood, Sweat and Breath, St. Francis College, Brooklyn, NY November 3, 2015. Lectured on The Basics of Blood Testing and Gas Chromatography and Concepts Behind the Cross Examination of the Breath Test Operator.
- The Nuts and Bolts of Handling a DWI Case: Handling the Probable Cause Hearing, New York State Bar Association, New York and Albany, NY, October 7 & 21, 2015.
- Meeting to Review Drug Recognition and Impairment research, Department of Justice, Washington, D.C., August 24, 2015.
- Presenting Complex Scientific Evidence to Laymen, Texas Criminal Defense Lawyers Association, Dallas, Tx., October 1, 2015.
- Three Part DWI Series: Storytelling in DWI Cases (April 7, 2015); PBT-Keeping the Preliminary Breath Test Out and What To Do If It Comes In (April 8, 2015); and Man v. Machine the Intoxilyzer 5000EN (May 4, 2015). New York County Bar Association, 100 Centre Street.
- Presenting Complex Scientific Evidence in Simple Terms to a Jury: Mastering Scientific Evidence in DUI/DWI Cases, National College for DUI Defense and Texas Criminal Defense Lawyers Association. New Orleans, LA March 26-28, 2015.
- The PBT: How to Keep it Out of Evidence and What to do When it Comes in. The Assigned Counsel Plan, Appellate Division First Department. New York. N.Y. December 18, 2014
- Telling the Story in a DWI Case. New York State Association of Criminal Defense Lawyers. Hudson Valley Fall Trainer, Poughkeepsie, N.Y. November 14, 2014
- Handling the DWI Case in New York – Commercial Licenses, Underage Offenders and Out-of-State Defendants. New York State Bar Association, October 6, 2014
- Third Annual Man vs. Machine: The Breath Test Case on Trial Cadwalader, Wickersham & Taft, NY, NY. July 10, 2014
- The Intoxilyzer 5000 on trial, Nassau Academy of Law (October 10 and 15, 2013)
- **Publications:**
- Detecting Marijuana Impaired Drivers: A Lesson in History, Lawline 360, March 22, 2016.
- FYI/DWI: What You Do in the Midnight Hour Can Win Your Case! Atticus, Winter 2016, Volume 28, Number 1(New York Association of Criminal Defense Lawyers).
- The Evolution of Confrontation, Atticus, Fall 2015, Volume 27, Number 3 (New York Association of Criminal Defense Lawyers).
- The GERD Defense in a DWI Case, Public Defense Backup Center Report, Volume XXIX, Number 2, June-July 2014 (New York State Defenders Association).
- The GERD Defense in a DWI Case, Atticus, Spring 2014, Volume 26, Number 1(New York Association of Criminal Defense Lawyers).
- Strategies for Defending DWI Cases in New York, 2014 ed.: (Inside the Minds) New Edition, Aspatore, 2014
- Strategies for Defending DWI Cases in New York, 2013 ed.: (Inside the Minds) New Edition, Aspatore, 2013
- Strategies for Defending DWI Cases in New York, 2011 ed.: Leading Lawyers on Understanding Today’s DWI Environment, Constructing a Defense Strategy, and Counseling Clients (Inside the Minds), Aspatore.
- Telling the Story in a DWI Case, Atticus, Winter, 2013, Volume 24, Number 4 (New York Association of Criminal Defense Lawyers).
- DWI Proposals Cast Too Wide a Net, New York Law Journal, May 29, 2013, Letters to the Editor.
- Bill Strengthening Child Passenger Safety Law Takes Effect Nov. 1, New York Law Journal, August 22, 2013, Outside Counsel, P. 4.

7/12/2016

Professional License Checklists

- Commercial Drivers
- Lawyers
- Pilots
- Medical Professionals
- SEC, series 7 or other brokerage
- Real Estate Professionals
- Pharmaceutical Sales

OTHER PROFESSIONAL RESPONSIBILITIES

- Military Personnel
- Teachers
- Volunteers at Educational Facilities
- Students with Financial Aid
- Global Entry
- Law Enforcement and Private Investigators
- DayCare Providers

OTHER PROFESSIONAL RESPONSIBILITIES

- USCG Captain's License
- Security Clearance (Military)
- Security Clearance (Government)
- Dentists
- Pharmacist License
- Bail Bond Agents
- Accounting License
- Others?

Screening for Issues

- 1. Development of a good intake form
- 2. Relevant questions related to licensing
- 3. Current employment issues
- 4. Prospective or future employment issues

Collateral Consequences

- Who is responsible and in the best position to research collateral consequences?
- Human Resources Issues
- Development of Strategy to do so
- Permission of Client if attorney handling

Written Confirmation

- One of the key areas of working with professionals requires a clear and concise memorialization of the advisements given and the consequences of the plea/finding
- Protection for both the lawyer and the client

REPORTING REQUIREMENTS

- Required to Report Arrest
- Required to Report Conviction
- Required to Report at Renewal

Post Plea Applications

- Strategies of Post Plea Applications
- Rehabilitation
- Vacating plea based on previous attorney's lack of knowledge of consequences of the plea

Research and References

- State Statutes
- State Case Law
- Pilots
- Commercial Drivers

Professional Clients are in Need of Your Services

- Charge appropriate fees
- Help others in need
- Share thoughts and new ideas
- Keep involved in your organizations
- For a copy of these power point slides,

TEXT: JustSayNo to: 949-531-7060 and
follow the prompts