

Book Reviews

Colorado DUI Defense: The Law and Practice

by Jay M. Tiftickjian and James Nesci
400 pp.; \$165
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by Leonard I. Frieling

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There are four books that I believe every criminal lawyer practicing DUI defense in Colorado should have in his or her library. The first is the *Colorado DUI Deskbook*,¹ published by CBA-CLE. The second and third are volumes 14 and 15 of Robert Dieter's *Colorado Criminal Practice and Procedure*,² which I consider both the old

and new testaments of criminal law in Colorado. Rounding out the "magic 4" is the subject of this review—*Colorado DUI Defense*, by Jay Tiftickjian and James Nesci.

The authors accurately describe their book as a soup-to-nuts guide to handling a DUI case. They start with straightforward topics such as advertising, client relations, law practice management, and fee agreements, and then guide the practitioner through more complex topics such as cross-examination and appeals. The authors accomplish the difficult feat of making the text useful to the "newbie" practitioner while still providing enough depth and breadth so that experienced practitioners won't feel condescended to. Illustrations are clear, legible, intuitive, and helpful. Points are clarified and not mystified.

DUI defense, including drugs, alcohol, and mixes, is an incredibly complex area of law. It requires expertise in the law and in the sciences, along with a willingness to become an expert in any number of unforeseen disciplines. The authors give adequate attention to the science and math aspect of DUI defense, but don't fall into the trap of presenting material that's too complicated for most defense attorneys to understand. The more one knows before reading the book, the more one can take from it—but a degree in organic chemistry is not required to make sense of the material.

In the world of DUI defense, there are myriad resources, including excellent books with entire chapters devoted to very specific areas of the law and science. However, if you start with the afore-

mentioned magic four, plus legal research tools such as Case-maker,³ you will arm yourself with virtually everything you need to provide a first-rate DUI defense. The highly accurate *Colorado DUI Deskbook*—which is often the first place judges look for guidance—is mandatory. Similarly, I do not believe one should attempt to practice criminal law in Colorado without Dieter's two-volume set. *Colorado DUI Defense* joins this prestigious group of must-have resources because the authors' point of view, which obviously is biased toward defense (note that "conviction" is not in the title) is based on solid science. Their approach to defense is to present accurate information in an understandable way, which results in outcomes based on fact and truth, not on emotion, dated science, or imperfect police work.

As a disclaimer, I should state that co-author Jay Tiftickjian and I espouse a similar philosophy: shared knowledge is power. He understands that if his law firm knows something useful for DUI defense, we gain more for our clients by sharing the knowledge. By keeping it secret, we are weaker and less effective on all levels. He lives this philosophy in his book, his website, his practice, and his law firm. He continues to set a high bar, and then do everything in his power to encourage the rest of us to reach or exceed the height of the bar.

So, how does one fairly review a book co-written by a person for whom one already has great respect? Perhaps randomly. First, I opened the book to a random page and spotted a paragraph dealing with a defense obligation to disclose expert witnesses. I immediately found information needed for one case—for which I was not specifically looking but had been wondering about. I also came across an idea that had not occurred to me. All of this was in one place, clearly written. Later, I had a specific question dealing with a roadside inventory search without warrant, pre-impound. Within five minutes, I found the answer (albeit not the one I was hoping for), five cases on point, and a discussion of the issue. The book had passed my tests with flying colors. Do I have criticisms of the book? Of course. The reality is they don't matter. No one book has all the answers. It simply cannot be done.

In the end, I hope this book helps others as it has already helped me. It would make a nice gift for the lawyers in your life who practice DUI defense and who are not "bleed and plead" DUI lawyers.

Notes

1. Furman and Colorado County Court Judges Assoc., eds., *Colorado DUI Benchbook* (CBA-CLE Books, 2013), available for purchase at cle.cobar.org/Books/ProductInfo/productcd/ZCDUIB13B.aspx.

2. Dieter, *Colorado Criminal Practice and Procedure*, vols. 14 and 15 (Thomson West, 2013), available for purchase at legalsolutions.thomson-

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