

# IICLE SmartBooks

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## OPENING SCREEN

The screenshot displays the IICLE SmartBooks opening screen. At the top, the IICLE logo and navigation links are visible. The main content area is titled "SmartBooks Main Search" and includes a search form with the following elements:

- Browse Title:** A dropdown menu with "Select title ---" and a "Go" button.
- Search For:** A text input field with a "Search Help" link. Below it are radio buttons for "All Words (Default)", "Any Word", and "Exact Phrase", and a checkbox for "Include forms of the word (drink returns drunk, drinking)".
- Practice Areas:** A dropdown menu with "Search All Practice Areas".
- Product Title:** A dropdown menu with "Search All Product Titles".
- Search Forms:** A checkbox for "Search only content with forms available for download".
- Search Sensitivity:** A dropdown menu with "Show ALL results".
- Buttons:** "Reset" and "Search" buttons.

On the left sidebar, there is a "Questions? Talk to Live Customer Support!" banner and a list of practice areas: Business, Civil, Family, Criminal, Estate, Real Estate, Professional Responsibility, New Attorneys, and Veterans Affairs. On the right sidebar, there is a "SmartBooks" section with links for "Search SmartBooks", "Subscribe to SmartBooks", "Free One Week Trial", "SmartBooks Demo", "SmartBooks Pricing Schedule", "User Agreement", "SmartBooks Information", and "SmartBooks FAQs". A "SHOPPING CART" icon is also present.

# BROWSE ALL TITLES

The screenshot shows the SmartBooks website interface. At the top, there are navigation links: Shop IICLE | CLE Options | SmartBooks | IICLE Press | Resources. On the left, there is a 'Questions? Talk to Live Customer Support!' banner and a sidebar with categories: Business, Civil, Family, Criminal, Estate, Real Estate, Professional Responsibility, New Attorneys, and Veterans Affairs. The main content area is titled 'SmartBooks Main Search' and features a 'Browse Title' dropdown menu. The dropdown is open, showing a list of legal titles such as 'Adoption Law (Illinois) 2006 Edition, Updated 2008', 'Advising Elderly Clients and Their Families 2008 Edition', and 'Business Law Series: Vol. I. Choice of Entity Issues & Corporations 2005 Edition'. A 'Go' button is next to the search input. On the right, there is a 'SmartBooks' sidebar with links for Search SmartBooks, Subscribe to SmartBooks, Free One Week Trial, SmartBooks Demo, SmartBooks Pricing Schedule, User Agreement, SmartBooks Information, and SmartBooks FAQs. At the bottom right, there is a 'SHOPPING CART' icon. The footer contains contact information for Springfield and Chicago offices and a navigation bar with links: ONLINE CLE, SMARTBOOKS, PUBLICATIONS, NEW ADMITTEES, VOLUNTEER INFO.

## MAIN SEARCH

[Click Here to Login](#)

Search For  [Search Help](#)

All Words (Default)  Any Word  Exact Phrase

Include forms of the word (drink returns drunk, drinking)

Practice Areas

Product Title

Search Forms

Search only content with forms available for download.

Search Sensitivity

Reset

Search

**Search results for:** drunk driving

Showing results 1 through 10 of 74 total matches, best matches first

1.221 [Multiple Convictions](#)

**Defending DUI and Related Cases 2009 Edition**

2009 Edition with Book on CD

2.1 [Introduction](#)

**Defending DUI and Related Cases 2009 Edition**

2009 Edition with Book on CD

1.45 [One Act, One Crime](#)

**Defending DUI and Related Cases 2009 Edition**

2009 Edition with Book on CD

1.1 [Introduction](#)

**Defending DUI and Related Cases 2009 Edition**

2009 Edition with Book on CD

1.141 [Prejudice due to attendance of members of activist groups](#)

**Defending DUI and Related Cases 2009 Edition**

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13.35 [Voir Dire](#)

**Defending DUI and Related Cases 2009 Edition**

2009 Edition with Book on CD

7.36 [Program Fees — Access to Services](#)

**Defending DUI and Related Cases 2009 Edition**

2009 Edition with Book on CD

12.24 [Question of Sufficient Evidence of Drinking To Justify Jury Instructions](#)

**Proving Fault in Auto Accident Cases 2007 Edition**

2007 Edition with Book on CD

4.3 [Criminal Law FlashPoints — April 2008](#)

**Flash Points Archive 2008 (January - December)**

4.26 [Tips and 911 Calls](#)

**Defending DUI and Related Cases 2009 Edition**

2009 Edition with Book on CD

### **MAIN SEARCH: limits**

- Choose *All Words, Any Word, Exact Phrase*
- Improve searching with *Include forms of the word*
  - This will retrieve any form of the word in the search box: “woman” will retrieve “woman” and “women” ; “employ” will retrieve “employ”, “employee”, “employment” etc.
- Limit to a *Practice Area*.
- Limit to a *Product Title*.
- Find forms using Search **only** content with forms available for download.
- Customize your results with *Search Sensitivity*
  - Results are relevance ranked. *Search Sensitivity* controls how many results are displayed.

## MAIN SEARCH: advanced features

- For a complete explanation, click on [Search help](#) (by the Search box).
- Phrase search is not automatic. Use quotation marks, or check the Exact Phrase box.
- Dog bite equals the Boolean search dog AND bite. You can also use dog +bite.
- OR means or.
- AND NOT bite means the same as –bite .
- The first term in the search box will receive the highest relevancy ranking.

## Select the second result:

**Defending DUI and Related Cases 2009 Edition** [hide toc] | [hide forms] | [open new book browser] | [new search]

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**Chapter 1 — Handling DUI Cases**  
James J. Ahern, Sr., Thomas M. Moran

Download this entire chapter (PDF).

Download the preliminary information to this 2009 handbook (PDF).

**I. Pretrial**

**1.1 Introduction**

According to the National Highway Traffic Safety Administration (NHTSA), alcohol continues as a major factor in highway deaths, but the number of alcohol-related fatalities is down. In 2007, alcohol-impaired **driving** crashes accounted for 31.7 percent (12,998 fatalities) of all highway fatalities in the United States, a decline of 3.7 percent from the 13,491 fatalities in 2006.

Starting in the 1980s, a crusade developed across the nation to enact laws and take other steps to deal with the problem of **drunk driving**. Illinois has taken a leadership position in the enactment of tough new laws. As a result, Illinois is given high ratings by organizations such as Mothers Against **Drunk Driving**. While some may find fault with certain laws enacted by the legislature, it is believed that the tough new laws have played a part in reducing the DUI problem.

A person charged with **driving** under the influence is well advised to engage the service of an attorney to defend the charge and to represent him or her at the rescission hearing and on his or her request for a monitoring device **driving** permit (MDDP). The consequences of a conviction are harsh. Under 66-205(a)2 of the Illinois Vehicle Code, 625 ILCS 5/1-100, *et seq.*, upon conviction, the Secretary of State must revoke the operator's license for a minimum of one year. According to 625 ILCS 5/11-501(c), conviction is a Class A misdemeanor for a first offender, which has punishment under §§5-8-3(a)(1) and 5-9-1(a)(2) of the Unified Code of Corrections, 730 ILCS 5/5-8-3(a)(1), 5/5-9-1(a)(2), of possible imprisonment up to 364 days or a fine of up to \$2,500. Automobile liability insurance companies have access, under law, to the **driving** records of Illinois motorists convicted of traffic offenses (625 ILCS 5/2-123(f-5)(6)), and when they learn of DUI conviction or summary license suspension, insurance cancellation is likely. New coverage can be obtained, but only at greatly increased rates.

A number of years ago, a prosecutor may have been willing to reduce the DUI charge to reckless **driving** or to agree to a rescission of the summary suspension in return for a guilty plea and a higher fine on the DUI charge. Prosecutors no longer will consider reduction of the DUI charge or rescission of summary suspension except in those few cases in which the facts may support this action. Supervision under 730 ILCS 5/5-6-1(c) is still possible for the first-time DUI offender, but it is no longer routinely available. In light of the serious consequences, an attorney should not accept the defense of a DUI case unless he or she knows the applicable law relating to DUI and summary suspension and properly prepares the case for trial.

In this chapter, basic preliminary considerations such as preparation for trial, applicable caselaw, and techniques to be used at the DUI trial are outlined. Consideration also is given to the constitutional issues that will arise as a result of the numerous new changes in the DUI law.

**1.2 First Contact by Client**

In most instances, police will not permit persons arrested for DUI to contact attorneys until the defendant has been read implied consent warnings pursuant to 625 ILCS 5/11-501.1(c) and the defendant has submitted to or declined chemical testing. *Miranda* warnings need not precede implied consent warnings and, instead, are required only when police interrogate the arrestee. See *Miranda v. Arizona*, 384 U.S. 436, 16 L. Ed.2d 694, 86 S.Ct. 1602 (1966), and the discussion of *Miranda* warnings in §§1.73 – 1.83 below. As a result, it is unlikely that a client will be allowed to contact an attorney before being requested to submit to field sobriety and chemical tests, but if the prospective client is allowed to call an attorney, the items in §§1.3 – 1.10 below should be considered.

**1.3 Attitude**

If an attorney is contacted by a client prior to a DUI arrest, the client should be instructed to be polite to the arresting officers. Police officers are human, and when they encounter a combative, insulting arrestee, they may fail to remain detached and may prepare their reports to increase the likelihood of a conviction. In addition, plea bargaining may be difficult if the arresting officer is antagonistic toward a client because of the client's misconduct at the time of his or her arrest and processing.

**Tests**

**1.4 Coordination Tests**

The appellate courts have held that a refusal to submit to coordination tests may be introduced into evidence at the DUI trial. *People v. Roberts*, 115 Ill.App.3d 384, 450 N.E.2d 451, 71 Ill.Dec. 16 (2d Dist. 1983); *People v. Miller*, 113 Ill.App.3d 845, 447 N.E.2d 1060, 69 Ill.Dec. 625 (4th Dist. 1983). But if this evidence is admitted at trial, the defendant will be permitted to explain his or her reason for refusal.

**Forms**

Chapter 1

- 1.12 - Client Information Questions (RTF)
- 1.224 - Jury Instruction: Charge Against Defendant — Driving with BAC of 0.08 or More (RTF)
- 1.225 - Jury Instruction: Charge Against Defendant — Driving Under the Influence of Alcohol (RTF)
- 1.226 - Jury Instruction: Charge Against Defendant — Driving Under the Influence of Any Intoxicating Compound or Combination of Intoxicating Compounds (RTF)
- 1.226 - Jury Instruction: Definition of Driving Under the Influence of an Intoxicating Compound or Intoxicating Compounds (RTF)
- 1.227 - Jury Instruction: Charge Against Defendant — Driving Under the Influence of Drugs (RTF)
- 1.228 - Jury Instruction: Charge Against Defendant — Driving Under the Combined Influence of Alcohol and Drugs or an Intoxicating Compound (RTF)
- 1.228 - Jury Instruction: Definition of Driving Under the Combined Influence of Alcohol and Drugs (RTF)
- 1.229 - Jury Instruction: Charge Against Defendant — Driving While There Is Any Amount of a Drug

**RESULTS PAGE features:**

- The author's names are links to information about them.
- The chapter may be downloaded in a PDF file.
- Note the three-part screen: Table of contents on the left, text of the first chapter in the middle and a list of available forms on the right.
- Note also the tools on the upper right:  
[\[hide toc\]](#) | [\[hide forms\]](#) | [\[open new book browser\]](#) | [\[new search\]](#)

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