

7 RULES YOU NEED TO KNOW TO SURVIVE A FLORIDA DUI

In this **FREE** report
you'll discover:

*The #1 Mistake People Make
on the Field Sobriety Tests*

*The Real Reason the
Cops are Dying to
Arrest You...*

*How to Find the
Best DUI Attorney
for You*



ROSSEN

LAW FIRM

WHEN BAD THINGS HAPPEN TO GOOD PEOPLE.

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For more information visit:

www.RossenLawFirm.com

Your #1 resource for Florida DUI law



"Bad things really do happen to good people, and when they do our firm is there to help, not judge."

- Adam Rossen

ADAM ROSSEN: FOUNDER & CEO OF THE ROSSEN LAW FIRM

AN AWARD WINNING ATTORNEY...

- Four-time winner of the National Advocacy for DUI Defense top DUI attorneys in South Florida
- Nation's Top 1% of all Attorneys from the National Association of Distinguished Counsel
- AVVO perfect 10.0 rated DUI and Criminal Defense Attorney
- AV® Preeminent Rated Attorney, as voted by local attorneys and judges



WITH LOCAL SOUTH FLORIDA TIES...

- Born and raised in South Florida, Adam is a lifelong resident.
- He practiced law in South Florida for the past 10 years, working closely with government agencies, law enforcement departments, police officers and the local Florida Courts. He's successfully conducted more than 50 jury trials and has handled hundreds of DUI cases.
- As a former assistant state prosecutor in Broward county, Adam knows how the prosecutors think and what strategies they'll use to try to convict you.



A SOLID EDUCATION...

- Adam graduated from University of Miami Law School, where he studied under famous criminal defense lawyer, Roy Black.
- His undergrad education was completed at University of Florida with honors. His degrees are in both criminology and psychology.



IS MORE THAN JUST A LAWYER

- As a high school basketball coach for more than 10 years, Adam coached his team to the state championship in 2014.
- Adam is a teacher and mentor who will guide you through the legal process & make sure you understand his strategy and the ins & outs of the court system.



INTRODUCTION: SAVE YOUR LIFE, LICENSE & REPUTATION

Getting pulled over for a DUI can be a scary and difficult time. Suddenly, a cop pulls up behind you with flashing lights and a high-pitched siren is blaring.

You pull over to the side of the road. He stops right behind you. The red and blue lights flash through your window as you sit in your car - waiting.

Finally, you see the officer approach your vehicle. You're anxious and a bit nervous.

WHAT IF I LOSE MY LICENSE?

What if I blow over the limit?

What if I get arrested?

What if I'm convicted of a DUI?

WHAT IF I LOSE MY JOB?

What if I go to jail?

WHAT IF I NEED A LAWYER?

How much is this going to cost?

You have all of these scary questions running through your mind...



Most people get so nervous they just want to make the whole situation go away as quickly as possible. **But when you act out of fear, you usually make the situation worse.** That's especially true with a DUI.

Many of our clients who have come to us with a DUI made their situation worse without knowing it. That's what happens when you don't know your rights. The cops put pressure on you and you pop like a balloon. You listen to the cops when they're not telling you the full truth. You try to cooperate and then what you say gets used against you. **You say yes when you don't want to because you didn't know you had the right to say no.**

And that's why we've put together this free report. Because you deserve to know your rights. When you know your rights, you know your power. **You have the power to prevent a DUI from ruining your life.** Use these top 7 rules for handling a DUI. They can help you save your life, your license and your reputation.

NEVER TRY TO TALK YOUR WAY OUT OF A DUI



Imagine this: It's late at night and a cop pulls you over on suspicion of DUI. Take deep breaths and try to stay calm. Get your license and registration ready. Be polite, but be quiet. The officer will start asking you questions. He may even ask you to get out of your car.

If the officer asks you to step out of the car, just get out of the car. **You're getting out one of two ways—on your feet or on your face, so you may as well step out.**

The police are not allowed to interrogate you when they pull you over. However, the law says they can ask you basic questions. The most common ones officers ask are:

- **WHERE ARE YOU HEADED?**
- **WHERE ARE YOU COMING FROM?**
- **HOW MUCH HAVE YOU HAD TO DRINK?**



This is typically when many people start thinking they can talk their way out of a DUI.

WARNING: NOT A GOOD IDEA

It may seem like a good idea, but it's NOT. Sure, we've all talked our way out of something in the past—a speeding ticket, a fight with a boyfriend or girlfriend, a bad grade, etc. But even if you're the smoothest talker on the planet, or the #1 salesperson in your company this is not the time. It doesn't matter how smooth you are.

Rule #1

PART 2

You probably have less than a 1% chance of talking your way out of a DUI in South Florida—meaning the odds are NOT in your favor. At the casino, if you knew you had less than a 1% chance of winning, would you gamble your money? I don't think so.

When it comes to a DUI, don't even try smooth talking. It will just make your situation worse. Here's how:

Let's say you only had a couple of beers in the past two hours and are positive your blood alcohol content is not over the legal limit of .08. So you decide to tell the cop you only had two beers.

You just made two very big mistakes (one per beer!)



1. **You just admitted to a police officer that you were drinking.** It does not matter if you are under the legal limit of .08. **The standard is impaired, not drunk.** You just gave him more reason to arrest you. You provided evidence against yourself that can be used by the prosecution to convict you.

2. **People lie to the cops all the time.** Cops have heard so many lies, they think they're professional lie detectors. **So when you say you had 2 beers, to them that means you had 6 beers.** Even if you are telling the truth, they won't believe you.

Rule #2

PROBABLE CAUSE: WHAT POLICE NEED TO ARREST YOU



DUI arrests are made solely based on a police officer's opinion. By law, police don't have to be all that convinced you're under the influence of alcohol or drugs in order to make an arrest.

Police are required to make an arrest based on "probable cause."

What does that mean?

It basically means: **if the cops are 40% sure you've been drinking they can, and will, arrest you.**

How do police establish probable cause? By writing down in their police report every little mistake you make or what they observed before they pulled you over.

In most cases, courts agree on the following formula:



TRAFFIC VIOLATION + THE SMELL OF ALCOHOL + RED/BLOODSHOT EYES = PROBABLE CAUSE FOR ARREST

But again, this is not a set formula. Establishing probable cause is not hard. Because the officer is likely looking and wanting to make the arrest, **anything you say or do will be used against you.**

Rule #3

PART 1

**IN TALKING TO POLICE,
THE K.I.S.S. METHOD
WILL SAVE YOUR LIFE**



(This does NOT mean
kissing the police
officer!)

Now, you know that you shouldn't try to talk your way out of a DUI. There is no sense giving the cops more evidence to arrest you. **You really want to say as little as possible to the cops. Be polite, but firm.**

So how should you handle the officer's questions? **Use the K.I.S.S. method.**

K.I.S.S. = Keep It Simple Stupid

My teacher taught us that acronym in school. He wanted to keep us from getting in over our heads. And that's exactly why you should use it here. **Start talking and you'll end up giving too much information away.** Your words will get twisted. You'll only get yourself in more trouble.

You only need to remember one line. You can repeat this line to an officer any time he asks you a question:

**"I'M SORRY OFFICER, BUT MY LAWYER TOLD
ME NOT TO ANSWER ANY QUESTIONS"**

Rule #3

PART 2

Will the officer be happy? No. Will he keep asking you questions? Probably. What should you do? **Cling to that one line like a lifeboat in a shipwreck.** It will stop you from giving away information that can hurt you later on.



Now, when the cops pull you over **you are NOT entitled to an attorney on the side of the road.** They don't have to read you your **Miranda Rights** either. So much for what we've seen on Law & Order!

For any other crime if the cops are questioning you and you aren't free to leave, they have to read you your rights. But not when they pull you over for DUI suspicion. Why? → **Because in Florida, driving is a privilege.**

But remember, even though you don't have the right to an attorney right away, **you still DO NOT have to answer any questions.**



You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney. If you cannot afford an attorney, one will be provided for you.

BOTTOM LINE KEY ROADSIDE RULES TO REMEMBER:

- 1 YOU DO NOT HAVE THE RIGHT TO AN ATTORNEY ON THE SIDE OF THE ROAD.**
- 2 YOU DO NOT HAVE TO ANSWER ANY QUESTIONS.**
- 3 YOU CAN ALWAYS SAY, "I'M SORRY OFFICER, MY LAWYER TOLD ME NOT TO ANSWER ANY QUESTIONS."**
- 4 IF YOU'RE OVER 21 YEARS OLD, THE COPS MUST ARREST YOU BEFORE ASKING FOR A BREATH TEST.**

If you refuse to answer the police's questions, they are going to tell you that they still need to figure out if you're impaired. **They'll ask you to perform a series of exercises, known as field sobriety tests.** This brings me to my next rule...

YOU DO NOT, UNDER ANY CIRCUMSTANCES, HAVE TO DO THE FIELD SOBRIETY EXERCISES

There is no legal penalty for refusing to do the field exercises. There is really no benefit to doing them.

The field exercises are designed to test your coordination, balance and ability to focus on doing more than one thing at a time. They're supposed to help police determine if your normal faculties are impaired. This is important because **100% of a cop's decision to arrest you is based on whether he believes your normal faculties are impaired.**

**Normal faculties are
your ability to:**

**see, hear, walk, talk, judge
distances, act in
emergencies, make
decisions, drive a car and
perform the mental and
physical tasks of your daily
life.**

There are two major problems with the Field Sobriety Exercises

1. THERE'S NO SUCH THING AS "NORMAL" FACULTIES.

We are all different.

Especially here in South Florida, where we have people from New York, the Midwest, Haiti, Jamaica, Cuba and many other different places of the world. We all talk differently, walk differently and are physically different. We're not the same age, gender or weight. Some of us are more balanced than others – like a ballerina or yoga instructor. There is no "normal" standard that applies to all people.

We each handle stress differently.

My sister-in-law's nickname is panic button because she freaks out at the slightest thing — and that's without any alcohol in her system.



Once, on the way back from the Bahamas, she was randomly selected for customs. She immediately started sweating and worrying she had something illegal. She didn't have any fruit, piles of cash or anything else on her that would get her in trouble. She knew that, but because she 'freaks out' easily, she was still acting like a guilty drug smuggler. Now, imagine if she got pulled over by the cops. Her stress level is already going to be through the roof even if she didn't have a drop of alcohol. The cops could and would easily mistake that behavior as impaired normal faculties.

That's part of the problem. **The cops don't know you. They don't know what "normal" is for you. They're not going to be able to figure it out in 15 minutes when they pull you over.** And -- they're not going to try. Anything you do "wrong" is going to be used against you. As far as the cops are concerned, it all goes back to alcohol.

2. THE FIELD SOBRIETY EXERCISES ARE VERY DIFFICULT

The field exercises are complicated. Each exercise has at least 10 different instructions. And the police don't just ask you to do one or two of them. They usually make you do three to five different exercises. That's following 50 different instructions you've never heard before in one shot. How many people do things perfectly the first time we try them? Not many. But to the cops, anything less than perfection is evidence that you're impaired.

When I give DUI lectures I always ask for volunteers to demonstrate the exercises. **In over 9 years of giving DUI lectures, I've never had someone pass my tests. And everyone has been completely sober.** Why? Look at the following example.

I call John up to the platform and tell him I'm going to explain how to do the one-legged stand, one of the common exercises the cops ask you to do. I tell him that I'll demonstrate, and then tell him when to do it. As I'm showing him how to do the one-legged stand John starts to copy my movements. So I stop and tell him he just failed. Then I ask the class, "Why did John fail?"



"Because he started the exercise before I told him to"

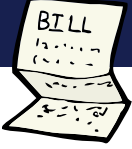


75% of people make the mistake of starting the field tests too early. John gets upset and says he was just trying to practice because he's never done that before.

But in the eyes of a police officer John still failed. He's completely sober, but he didn't follow the instructions properly.

Rule #4

PART 4

John failed in a safe space. Imagine trying to do an exercise for the first time on the side of the road where:



- THE COPS ARE WATCHING YOUR EVERY MOVE
- YOU'RE FACING ARREST
- YOU'RE FACING POSSIBLE JAIL TIME
- YOU'RE FACING POSSIBLY LOSING YOUR LICENSE AND/OR YOUR JOB
- YOU'RE FACING EXPENSIVE LAWYER'S FEES

Wouldn't you be nervous? There's a lot of pressure on you. And **if you don't do it perfectly, you're going to fail.**

Now, what if you're injured? **The cops are supposed to ask you if you have any injuries. But they don't always do it.** Or sometimes they ask the question in a confusing way. Instead of saying injuries, they'll ask you "Do you have any physical disabilities?" If you had a sprained ankle, you probably wouldn't consider it a physical disability, so you'd answer "no" to that question. But then the cops don't know you have a sprained ankle. And if you fail an exercise because of that injury, they'll still arrest you.

If you do have injuries the cops are supposed to give you seated exercises. But many times, they don't. This happens to my clients all the time. One of my clients was 50 pounds overweight and had a bad back, which he told the cops. They still didn't give him any seated exercises. They made him to do the regular ones. And he failed.

Bottom Line: No good can come from doing the field exercises. Most of the time even sober people fail them. The cops are looking for reasons to arrest you. **Doing the field exercises is volunteering evidence to be used against you.** Just say no. There is no legal penalty for refusing.

IF YOU REFUSE TO DO THE EXERCISES, YOU WILL BE ARRESTED. BUT HERE'S THE THING — 99% OF THE TIME YOU'RE GOING TO BE ARRESTED ANYWAY!

THE COPS WANT TO ARREST YOU - NO MATTER WHAT



The cops' #1 goal is to arrest you. That's what they're trained to do. They have every incentive possible to arrest you & a very low standard for making the arrest in the first place. So, when you get pulled over for a DUI you've basically already been arrested.

You may be asking yourself, what makes them want to arrest me so much? I'm going to do more than answer your question -- I'm going to take you inside the mind of a police officer.

“If you know the enemy and know yourself, you need not fear the result of 1,000 battles.” –Sun Tzu



Rule #5

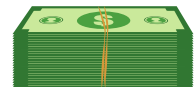
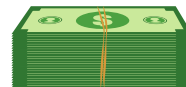
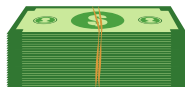
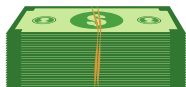
PART 2

The cops are trained to arrest you. They are taught to go from stopping you to arresting you as quickly as possible. Everything you say and do goes back to alcohol.

<u>IF YOU:</u>		<u>IN THE COP'S MIND:</u>
ARE NERVOUS	→	YOU'VE BEEN DRINKING
SAY A WORD WRONG	→	YOU'VE BEEN DRINKING
MESS UP A FIELD TEST	→	YOU'VE BEEN DRINKING
LOOK AT HIM FUNNY	→	YOU'VE BEEN DRINKING

See a pattern here? Everything you do goes back to alcohol. There are two big incentives to keep them focused on the goal of arresting you.

1. Money.



For the DUI task force, and officers that work the night shift (which is when most DUI stops happen), there is a direct financial benefit to arresting you.

Most DUI cops work the overnight shift. When they work outside of that shift they get paid overtime. Overtime means they get paid time and a half. Let's assume most DUI cops are making about a \$30 per hour base salary. That means when they work outside of their shift, their pay increases to \$45 per hour. Everything related to your DUI outside of your arrest happens in the daytime—court proceedings, DMV hearings, interviews, etc. **So when the cops show up for any of these procedures, they're getting paid overtime.**

That's not all. **Police get paid a 3-hour minimum for anything they do.** This means that if they show up for a DMV hearing that only takes 30 minutes, they still get overtime pay for 3 hours of work.

Some DUI Task Force members have retired as millionaires. They can make \$100,000 - \$150,000 per year pretty easily with their overtime pay. The more arrests they make, the more overtime they get paid. Most DUI task forces are funded by government grants to combat DUI. **If they aren't arresting people then the grants and money to fund the program will decline or completely stop.**

2. Reputation

In the cops' minds, they are protecting the public. They don't want to let you go in case you're that one rare person who will actually hit and kill someone.

They may call it protecting the public, but more so it's protecting their own self-interests. There is pressure on police to protect their reputation, their job, their pension and their precinct.

Let's say Officer Bob stops you for a DUI and then lets you go with a warning. After Officer Bob lets you go, you crash into another car and the driver of that car dies. Who's going to get blamed for that accident? Officer Bob.

The newspapers will all blame Officer Bob for letting you go. His name will be all over the Sun Sentinel, The Palm Beach Post and the Miami Herald. There'll be all sorts of pressure on the police department to fire Officer Bob. Organizations like Mothers Against Drunk Driving have a lot of political influence.

*Officer Bob is going to get
fired.
He will lose his job and his
pension.*



Arresting you is easier and less of a risk for cops. They have a very low standard to make the arrest. By making the arrest, they then eliminate the chance of you causing an accident that puts them in the above situation like Officer Bob. You going to jail means nothing to them as long as their job and pension are safe.

That's why when you get pulled over for DUI; you have basically already been arrested.

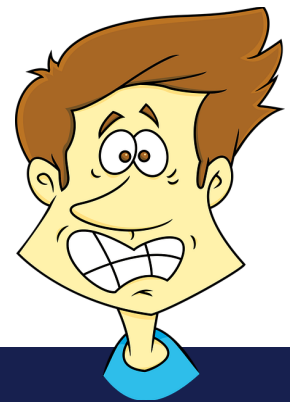
THE COPS ONLY TELL YOU 25% OF THE TRUTH WHEN THEY ARREST YOU FOR DUI

You've been arrested and taken down to the police station. **Now the police will ask you for a breath test. You still don't have the right to a lawyer.** You have to decide whether to do the breath test. You will have the right to an attorney after you blow, or after you refuse to blow.

Before you make that decision, the cops have to read you Florida's Implied Consent Law. **Unfortunately, this law gives you only about 25% of the truth.**

The cops will tell you that if you refuse the breath test, you'll lose your license for 12 months. Now, we all know you need a car in South Florida to get around.

The cops know you can't afford to lose your license for that long. They know you'll start getting nervous. You'll start thinking it's been long enough since I had a drink; I'm probably sober by now... maybe I should take the breath test...



If you take the breath test, you are probably going to blow over the limit -- 90-95% of people do

NOW, HERE'S WHAT THE POLICE DON'T TELL YOU:



- 1) When you blow over the legal limit **you're going to lose your license for 6 months.**
- 2) You've just given them physical, scientific evidence to use against you in your DUI case.
- 3) **If it's your first DUI it's very easy to get a hardship license for your entire 12-month suspension — meaning if you get a lawyer within 10 days of your arrest, you probably won't go one day without driving.** A hardship allows you to drive your car for anything necessary to maintain your livelihood. That means you can still drive to work, school, the grocery store, your attorney's office, medical appointments, church/temple/mosque, etc.
- 4) **You will still be prosecuted if you blow under the legal limit.** The police aren't going to un-arrest you. You can still be convicted of a DUI even if you blow below a .08.
- 5) **If you blow under a .08 and the cops still think you're impaired, they may suspect drugs.** In that case they'll ask for a urine sample. If you don't pee in the cup you will lose your license for 12 months. If you do pee in the cup, all of a sudden any drugs you did in the past few weeks can get you in big trouble even though they had NOTHING to do with your driving.
- 6) **If you blow a .08 or above you are presumed guilty in court.** Which is exactly why they want you to take a breath test so badly. It's a sure fire way to help ensure you get convicted of a DUI. While the best DUI lawyers have many ways to combat the breath test results, it makes your much defense harder.

Rule #7

THE BEST WAY TO BEAT A DUI IS WITH RECKLESS DRIVING

A complete dismissal of the DUI charge is obviously your ideal outcome. Everyone wants their case dismissed. We shoot for a dismissal every time. But if the prosecution isn't willing to drop the charges, then you have to go to trial.

**WE NEVER BACK DOWN FROM A TRIAL,
BUT TRIAL IS NEVER A SURE THING.
A WET RECKLESS IS.**



You never know what's going to happen during a trial. There are too many factors outside of your control. You never know what the jury will be thinking, or whether they'll decide to rule against you. That's why the best option is when the prosecution agrees to reduce the charges to Reckless Driving. With DUI it's known as a "Wet Reckless."

A Wet Reckless has way fewer consequences than a DUI conviction.

The maximum penalty for a Wet Reckless is 90 days in jail and 12 months probation. Usually the maximum penalties aren't enforced. In most cases you're probably looking at 6 months probation.

COMPARE THAT TO THE MAXIMUM PENALTIES FOR DUI CONVICTION:

FIRST DUI

- UP TO 180 DAYS IN JAIL
- UP TO 270 DAYS IN JAIL IF ENHANCED
- UP TO 364 DAYS IF CAR CRASH
- UP TO 12 MONTHS PROBATION
- \$500 - 1,000 DOLLAR FINE
- \$1,000 - 2,000 FINE IF ENHANCED
- 6-12 MONTH SUSPENSION OF YOUR DRIVER'S LICENSE
- 50 HOURS OF COMMUNITY SERVICE
- LEVEL 1 DUI SCHOOL
- YOUR CAR GETS BOOTED FOR 10 DAYS
- 6 MONTH MINIMUM INTERLOCK IF ENHANCED
- COSTS OF PROSECUTION

SECOND DUI (WITHIN 5 YEARS)

- 10-270 DAYS IN JAIL
- 10-364 DAYS IN JAIL IF ENHANCED
- 10-364 DAYS IF CAR CRASH
- UP TO 12 MONTHS PROBATION
- \$1,000 - 2,000 DOLLAR FINE
- \$2,000 - 4,000 FINE IF ENHANCED
- 5 YEAR SUSPENSION OF YOUR DRIVER'S LICENSE
- LEVEL 2 DUI SCHOOL
- ALL OF YOUR CARS GETS BOOTED FOR 30 DAYS
- 1 YEAR MINIMUM INTERLOCK
- 2 YEAR MINIMUM INTERLOCK IF ENHANCED
- COSTS OF PROSECUTION

* Enhanced = BAC > .15 or you had a minor in the car.

**Interlock = a breathalyzer installed in your vehicle.



The other lifesaver with a Wet Reckless is that it doesn't stay on your record the way a DUI does. DUI is a mandatory conviction. It's the only misdemeanor that is a mandatory conviction. Because it's a mandatory conviction, you cannot get it expunged. What's even worse, if something else happens to you in the future that will stay on your record too.

Rule #7

PART 3

Now, you may be thinking that it's better to go to trial so that you have nothing on your record. Of course getting the case dismissed and keeping your record clean is ideal. But it's never a sure thing.

I had one client, a 65-year-old woman. I managed to get her a Wet Reckless offer from the prosecution even though she had caused an accident. But she turned it down. Against my advice she decided she wanted to go to trial.

She was a nice older woman with no prior criminal record. She looked like a sweet grandmother. But the jury found her guilty. She was convicted of a DUI. The judge put her in jail.



**IF A JURY CAN CONVICT YOUR GRANDMA, THEY CAN
CONVICT YOU, TOO. TRIAL IS NEVER A SURE THING.
THAT'S WHY I RECOMMEND TAKING THE SURE THING.**

Choosing a DUI Lawyer



- Ratings
- Reviews
- Reputation

Once you've been arrested you'll want to choose the right lawyer to work with. It's always better to have a lawyer whose primary focus is on DUI law. **They have a level of expertise that will serve you well.** They know the system inside and out. They know the judges. They know the prosecutors. They know the law almost word for word. A good DUI lawyer will help get you the best results possible.

There are two key factors to focus on when looking for a good lawyer: ratings and reviews. Reading about the experiences of former clients will give you a good idea of who the attorney is, how well he treats his clients, and how he handles his cases. I recommend using AVVO.com, which is an excellent attorney directory. Google is also a great source of local reviews.

Once you've found a couple of highly rated attorneys in your area, definitely setup an initial consultation to discuss your case. **During this consultation the lawyer should be focused on educating you about the process and coming up with solid plan of attack for your defense.**

If you need immediate assistance, or have any questions at all regarding DUI law, please give us a call, send us an email, visit our website, or schedule a free consultation today.

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What Former Clients Say



Man I was terrified when I got my DUI. I came to Adam and man he saved my life!
- G.S.

Adam argued my case like a true professional and we won. He was always poised and informed in the court room. He had a good rapport with the opposing counsel and judge, which reassured me that he wasn't simply a good salesman while signing me up as a client. One thing that makes Adam a great attorney is his ability to communicate. He was just as effective with the younger prosecutor as he was with the mature judge...not to mention the mixed jury. It was a pleasure watching him work. Highly recommended!
Thanks again, Adam.
- Kevin M.

Got my DUI charged dropped down to reckless driving without any hassle and is very informative throughout the whole process. Would refer him anyone and everyone.
- Eric

I blew a .14 and needed the best. Long story short, Adam was able to get the charges reduced to reckless driving after catching the cops in their lies. He was always very responsive to me whenever I had an issue which I had plenty. I would definitely recommend Adam!
- Amanda

I cannot express how professional, aggressive, trustworthy and great Adam Rossen is and how he was able to dismiss my DUI case completely. I definitely recommend him for your legal needs.
- Roman

