

Zealous DWI defense is moral imperative

Alan M. Dershowitz, famed Harvard Law professor and member of the O.J. Simpson "dream team," once said this about his role as a defense attorney: "Once I decide to take a case, I have only one agenda: I want to win. I will try, by every fair and legal means, to get my client off."

In his 1982 book, *The Best Defense*, Dershowitz says: "The zealous defense attorney is the last bastion of liberty — the final barrier between an overreaching government and its citizens. The job of the defense attorney is to challenge the government; to make those in power justify their conduct in relation to the powerless; to articulate and defend the right of those who lack the ability or resources to defend themselves. (Even the rich are relatively powerless — less so, of course, than the poor — when confronting the resources of a government prosecutor)."



The Law
and More

Gregory M. Marootian

I was recently being driven to the airport by a Jordanian immigrant. He told me that when he visits Jordan, he is flocked by Jordanians begging to come to the United States. Their motive — not the ability to earn more money and to acquire and be surrounded by more material resources, as I thought, but liberty and freedom.

Gregory M. Marootian, a Livingston sole practitioner, focuses on defense of DWI

I told him that I was a defense attorney, handling mostly DWI and motor vehicle-related offenses. He immediately appreciated in a profound way the benefit of the United States defense attorney — to challenge the power of the state and protect the integrity of the process.

As Dershowitz states, "Those who argue that defense attorneys should limit their representation to the innocent, or indeed, to any specific group or category, open the door to a system where the government decides who is, and who is not, entitled to a defense. Granting that power to the government, to the bar, or to any establishment, marks the beginning of the end of an independent defense bar — and the beginning of the end of liberty."

New Jersey DWI laws are perhaps the strictest in this country, causing most defendants charged with DWI to quickly capitulate to the power of the state and plead guilty without an adequate review of the state's case by defense counsel. I have reviewed files for clients who were counseled to plead guilty because defenses were thought to be hopeless; I located blatant holes in the state's case, and later gained acquittals. No defense representation or inadequate counsel is to the constitution what a cancer is to a healthy and vibrant body. Once a state charge is tantamount to guilt, innocence is no longer presumed, the constitution is meaningless, and a police state exists.

Dershowitz's book referred to here was given to me as a high school graduation gift by my parents. It inspired me then; and recently, when I became a bit disenchanted with the system, I pulled it off my shelf and read it. I was reminded why I chose this noble profession and why I view my role (and the role of all good defense attorneys) as an important one. I am a protector of the liberties and the great criminal justice system which form the soul of our great country. By passionately representing a client charged with DWI, the immense power of the state is maintained in check, and the integrity of the process is preserved. When I defend a client charged with DWI, I am committed, both ethically and morally, to do everything within the bounds of ethics to force the state to prove their allegation against my client — to win