



CALIFORNIA DUI LAWYERS ASSOCIATION

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CALIFORNIA DUI LAWYERS ASSOCIATION WINS DMV LAWSUIT

California Governor Newsom recently approved a \$3 million payment for the payment of claims, settlements, or judgments against the state arising from a lawsuit brought by the California DUI Lawyers Association (CDLA) against the California Department of Motor Vehicles that was filed 9 years ago.

CDLA filed a complaint on August 1, 2014, alleging that the DMV's "administrative per se" or "APS" system used to suspend a driver's license following an arrest for driving under the influence was unfair and unconstitutional.

CDLA alleged that, because the continued possession of a driver's license is a vital property right, it cannot be suspended without due process of law. CDLA argued that DMV's APS system unlawfully required Hearing Officers to act both as advocate for the DMV and the decision maker in the case. This created an obvious and inherent conflict of interest and bias favoring one party over the other.

In April 2022, the California Court of Appeal's decision agreed with CDLA's position that the DMV's APS hearing system violated driver's procedural due process rights. The Court of Appeal determined that a single DMV hearing officer acting as both an advocate for the DMV and the DMV's trier of fact at the APS hearing is a violation of due process. It also found that Vehicle Code section 14112(b) is unconstitutional to the extent it permits the DMV to combine the advocacy and adjudicatory roles in a single APS hearing officer.

"After nine-years the court has finally determined what most people already knew...that if the person prosecuting you also decides whether they did a good job, it is impossible to get a fair hearing," states CDLA President Manny Daskal.

"This ruling is monumental because it establishes that for decades, the DMV has been using an unconstitutional process to take people's licenses," adds CDLA Board of Director Phillip Crawford. "Hundreds of thousands of licenses were taken by a process that is, and always has been, unfair, one-sided, and inequitable with the deck always inordinately and illegally slanted towards the government. That ends now," CDLA Board Member Richard O. Middlebrook chimes in.



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Governor Newsom approved the sum \$3,073,000 for the payment of claims, settlements, or judgments against the state arising from CDLA's lawsuit (California DUI Lawyers Association, et. al v. Department of Motor Vehicles, et. Al; Los Angeles County Superior Court, April 15, 2022, No. BC553552).

ABOUT CDLA

California DUI Lawyers Association (www.californiaduilawyers.org) is a 34-year old, non-profit organization with over 350 members founded by Edward "Fast Eddy" Kuwatch. CDLA is believed to be one of the oldest impaired driving defense bar associations in the United States. Collectively, our members represent tens of thousands of citizens accused of driving under the influence and related offenses each year and are committed to zealously defending their clients. CDLA is dedicated to assisting its members to ensure that those accused of driving under the influence crimes are justly treated. CDLA regularly sponsors continuing legal education seminars pertaining to DUI related matters throughout California.

CDLA has been an Amicus Curiae in the Court of Appeal, in the California Supreme Court, and in the United States Supreme Court in cases involving significant issues in DUI matters. CDLA has also pioneered efforts in the courts in the pursuit of fairness in DMV hearings for California drivers, primarily through the efforts of former CDLA Board member Donald Bartell.

For additional information about CDLA visit our website, or contact Dr. Roger C. Andersen, Executive Director, at ed@californiaduilawyers.org

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