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# ATTORNEY AT LAW

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**Cover Story:**  
**Oberman & Rice**  
— Attorneys of the Month





## ATTORNEYS *of the* MONTH

# Oberman & Rice Trial Attorneys

By Nicole Girard

### The Partners

**R**enowned Knoxville, Tennessee DUI defense lawyer, Steve Oberman doesn't believe in cutting corners. Not when it comes to his practice and not when it comes to client representation.

Nicknamed the "Godfather of DUI Defense," "Dr. Dismissal," and the "Dean of DUI" by his peers, prominent DUI defense attorney, Steven Oberman has attained superior knowledge and experience in just about every aspect of the crime known as Driving Under the Influence. Among his honors, he has been awarded the coveted Martindale-Hubbell® AV Preeminent Peer Review Rating™ for demonstrating the highest ethical standards and professional ability and the highest rating – "Superb" – by AVVO. He is currently named as a "Super-Lawyer," one of the "Best Lawyers in America," and a "Top 100 Trial Lawyer" by other publications and organizations.

Moreover, Oberman has acted as chair or co-chair of the National Association of Criminal Defense Lawyers' DUI Committee since 1995. He was a founding member of The National College for DUI Defense, Inc., served on their Board of Regents for many years, and then as Dean of the College during the 2009-10 term. He continues his service with the College by actively participating in teaching

and serving on several committees.

Oberman became the first certified DUI Defense Specialist recognized by the Tennessee Commission on Continuing Legal Education and Specialization in 2006. Oberman said, “It is something of which I am very proud. It demonstrates my proficiency of knowledge in this area of the law.”

To this day, Oberman has successfully represented over two thousand clients charged with DUI. One look at his bio and it would seem as though the attorney is a magnet for recognition and awards. To hear all that he has done in his field one might wonder when he gets his sleep.

It would seem however, that trivialities such as downtime are of small consequence to Oberman. For a goal-oriented personality such as Oberman’s, the prime objective is DUI law mastery. Throughout the years, the attorney’s gaze has remained steadfastly on the prize.

Oberman’s treatise on DUI laws in his home State of Tennessee, entitled, *DUI: The Crime & Consequences in Tennessee* (Thomson Reuters/West Publishing) is updated annually. Although it debuted in 1991, it remains at the forefront of drunk driving defense in the State of Tennessee.

In 2003, Oberman was invited by Lawrence Taylor of Long Beach, California, to co-author the established national treatise, *Drunk Driving Defense* (Aspen/Wolters Kluwer Publishing). The 1,600-page treatise is considered one of the most important texts on the topic in the country. It was even cited in a United States Supreme Court opinion.

Additionally, Oberman’s articles on trial skills and DUI defense are frequently published in legal periodicals. All of Oberman’s publications are revered for their information-rich content and, as a result, are widely relied upon by judges, prosecutors and defense lawyers. Even police officers have been known to call Steve to have their legal questions answered.

“In college I had a great interest in chemistry and physics,” Oberman explained. “So when I first started defending DUI cases, I noticed lawyers overlooking important details about the chemical tests performed on DUI suspects. When I began asking detailed questions in court, it led to more acquittals, which in turn led to more DUI clients.”

Oberman has lectured in excess of 110 times to American criminal defense lawyers in 22 states and in Mexico. He has also been a featured speaker in seminars for Cambridge, England court officials, the Canadian judiciary (National Judicial Institute) and the Canadian national criminal defense association (Criminal Defense Lawyers Association) about defending impaired drivers.

He not only educates defense lawyers and the judiciary, but also the prosecution, having lectured in training seminars for The Great Smoky Mountains National Park Rangers, several local sheriffs’ departments and for the Tennessee District Attorney Generals Conference. He has also had the honor of lecturing and critiquing at the FBI Academy in Quantico, Virginia, on the topic of courtroom testimony.

The reason behind Oberman’s seemingly relentless pursuit of perfection is simple: He cares about his clients. The dedicated lawyer maintains that DUI laws are much more complicated than one would expect; accordingly it takes a great deal of time to properly prepare a defense. These cases require intensive factual investigation and the research of complex legal issues. Oberman states that officers’ opinions are often based upon faulty field sobriety testing and/or questionable chemical analyses. These cases must be aggressively defended because the outcomes are so important to his clients whose lives would be adversely and permanently altered if a case is lost.

### **Sara Compher-Rice**

Sara Compher-Rice first began practicing with Steve in 2002 and has been defending those charged with crimes in Tennessee since then. Licensed in all Tennessee courts, Rice focuses her practice on those accused of DUI and other alcohol, drug and/or driving-related cases. “I couldn’t be more proud to have Sara working alongside me,” Oberman said.

Rice attended the University of Tennessee College of Law, where she received her Doctor of Jurisprudence, *Magna Cum Laude* (high honors). Graduating in the top ten percent of her class, Rice was elected to the Order of the Coif, the highest academic honor a law student can achieve.

Like Oberman, Rice also strives for excellence in her practice and a review of her honors confirms her success. She has been named a Mid-South Super Lawyers Rising Star each year since 2010. She has also been named a Best Lawyer in the area of DUI Defense for the 2012 edition of *The Best Lawyers in America*<sup>®</sup> and, like Steve, has earned a “Superb” 10.0 AVVO rating. Sara is also committed to serving the legal community. In 2011 she was honored when appointed by the Tennessee Supreme Court to serve as a Hearing Committee Member for the Tennessee Board of Professional Responsibility. That same year, she was elected to the Board of Directors for the Tennessee Association of Criminal Defense Lawyers.

Rice is also a member of the National College for DUI Defense and the National Association of Criminal Defense Lawyers, for

which she serves on the DUI committee. She has lectured to both local and national audiences on the topics of DUI Defense, Ethics and Courtroom Technology. She has also authored multiple articles relating to DUI Defense.

Rice recognizes the importance of staying on the cutting edge of the latest legal, legislative and scientific developments in DUI law. She takes a particular interest in the evolution of DUI laws in Tennessee. “The DUI laws are constantly changing,” Rice said. “We track bills in legislature throughout the year. We try to

intervene and work with lobbyists to avoid potential problems for the criminally accused. Then each year we compile a list of new DUI laws from the last legislative session to distribute to legal professionals.”

Rice reported that one of the biggest changes from the last legislative session involves procedures for blood testing. The law used to require that only phlebotomists or other specially trained medical professionals could extract blood from a suspect; however, the most recent amendment has now broadened the definition of who is considered to be “qualified.” This new law allows persons with minimal training to draw blood from suspects.

“They just have to be trained from a current or former employer,” Rice said. “This allows for untrained people to draw blood, and it’s often not in a sterile setting. For instance, we presently represent a client whose blood was drawn from his leg while standing against a wall at the jail intake center.”

When not in the office, Sara can be found with her family—husband Andy and sons Jake, 5, and Henry, 2. In her spare time, she also enjoys serving the international legal ethics honor society, Phi Delta Phi, where she acts as Province President of Province 14, working with law school students across Tennessee, Kentucky and southwestern Virginia. She is also committed to volunteering her time with the March of Dimes and promoting the cause of premature births—a cause close to her heart as her oldest son was born 11 weeks premature.



### **Oberman & Rice – The Genesis**

Steve worked with fellow criminal defense attorney Zane Daniel from the time Steve was licensed in 1980 until Zane’s death in 2006. At that time, Steve launched his own firm, naming it The Oberman Law Firm.

In his capacities as an award-winning adjunct professor at the University of Tennessee College of Law since 1993, Oberman has been exposed to a wide pool of legal talent. Of all of his former students, there is perhaps one that stands out in particular among the rest. Her name is Sara Compher-Rice, and she can be found daily working alongside her mentor. Steve was quick to hire her as an associate upon her graduation from law school in 2002.

“She’s an extremely effective communicator, both verbally and in her writing,” Oberman said of his partner. “I wanted her to be part of my team and upon reflection; I could not have made a better decision.”

In honor of Sara’s valuable contributions, the firm was renamed to Oberman & Rice, Trial Attorneys in 2010.



Since that time the firm is proud to make known it has been honored by the renowned U.S. News and World Report, which has named Oberman & Rice a “Tier 1 Best Law Firm” in the areas of Criminal Defense: Non-White-Collar and DUI/DWI Defense.

“Our firm’s commitment to, and actual communication with our clients is second to none,” Oberman explained. “We maintain constant availability for our clients, who are more than just a face and a name. We devote a lot of time and effort to our clients because we care about them.”

“Being a small firm, we have free reign to change our policies when necessary. We are also able to give extra attention to our clients, and to the finer details of a case,” Oberman said. “What sets us most apart from other DUI law firms is the amount of time and effort we spend on not only preparing our cases, but also educating our clients, other lawyers and the public in general about DUI laws.”

This sentiment, while not without merit, is perhaps a huge understatement. Since graduating from the University of Tennessee Law School in 1980, Oberman has established himself nationally as an authority on the intricacies of DUI law. As a result of their in-depth work, the unique level of expertise of Steve, and later Sara, they have become highly sought after lecturers in the legal community.

Over the years Steve has worked incredibly hard at transforming himself into a DUI guru. It is an expertise bordering on an obsession (albeit a healthy one) for Oberman and his team. It is one that works to the immense benefit of their clients. Both Steve and Sara are among the relatively few lawyers in the nation who have been certified by the National Highway Traffic Safety Administration (NHTSA) to administer the Standardized Field Sobriety Tests. Their devotion to educating themselves and others about potential DUI defenses is unmatched.

As part of their commitment to educating the general public, the firm also hosts a series of podcasts ([tnduicenter.com/category/knoxville-tennessee-dui-law-podcast/](http://tnduicenter.com/category/knoxville-tennessee-dui-law-podcast/)), a Tennessee blog ([tnduicenter.com](http://tnduicenter.com)), and a national blog ([duinewsblog.org](http://duinewsblog.org)) highlighting the many issues surrounding Tennessee DUI cases and other important legal issues.

“One of the factors that we believe helps set our firm apart is our constant effort to be technologically current,” Rice said. “We work to include innovative methods in our investigation, in the courtroom and

at trial,” Rice said. “We almost always use computerized presentations during our trials and when we have a videotape of an arrest, we change the format for optimal use in the courtroom.”

## The Challenges of DUI Defense

“We have come a long way since 1982 when Tennessee laws changed to require mandatory jail time and automatic loss of one’s driver’s license. Now, mandatory jail time is severe, fines and the periods of license suspension have increased – particularly for multiple offenders,” Oberman said. “Electronic monitoring devices such as transdermal alcohol detectors and ignition interlock devices are popular with prosecutors. Knox County, Tennessee even has a special division of Sessions Court devoted to DUI cases. It is staffed by two skilled prosecutors who receive special funding and training for their work.”



Oberman further explained that there has also been a worsening of the “unofficial” consequences from which people suffer in addition to court-ordered penalties. For instance, a DUI conviction affects everything from obtaining a handgun carry permit to increased health and life insurance costs. A DUI conviction also affects a person’s ability to travel outside the United States. Canada, for instance, will not allow a person convicted of DUI into the country for five years, and then only after special permission has been granted.

“It’s important to understand that DUI is one of the few, if not the only, misdemeanors mandating jail time for an offense that can be based solely on an officer’s opinion,” Oberman said. “Consider that a motorist may be arrested when their normal ability to operate a motor vehicle is reduced to the slightest degree due to an intoxicant.” It becomes more complicated when the driver has consumed over-the-counter medication such as “cold” medication or even medication prescribed by their physician. Over the years, Oberman has observed that suspects are wrongfully accused at an alarming rate. This, compounded with the fact that so many are unaware of their rights, creates the perfect legal storm.

“One of the great rewards we get from our work is defending the Constitution,” Rice added. “Without defense lawyers there would

be potential for huge abuses. So without lawyers forcing officers to abide by our constitutional rights against unreasonable searches and seizures, law enforcement agents could stop people at random – and then arrest them based upon an improperly founded subjective opinion,” she said.

“I have represented clients charged with many different crimes – from murder to drug smuggling. But I have found no area of law more interesting and challenging than DUI defense. I enjoy trying to determine the bases upon which the officer formed the opinion of intoxication, and then discrediting those bases using recognized authorities such as the National Highway Safety Administration Field Sobriety Testing Guidelines,” Oberman said.

The fortunate part, however, is that many DUI cases can be successfully defended if the lawyer is intimately familiar with the law and the crime. Oberman noted that because there is such a wide variance when it comes



to driving and other motor skills among individuals, it is often difficult to detect impairment except in extreme cases. The two lawyers attribute much of their success to structuring their practice so that they may meet with a potential client as soon as possible after the arrest. “I cannot over-emphasize the importance of hiring a lawyer immediately,” Oberman said. “The sooner a lawyer can investigate the case, the better the client’s chance of success.”

Together, Steve and Sara have made it their mission to provide their clients with the highest level of representation possible. The Oberman-Rice team prides themselves on providing a comprehensive DUI defense while maintaining the highest standards of professional responsibility and ethics. Their experienced, professional support staff strives to provide exceptional and prompt service to their clients, as well. They use open, honest, and thorough communication with their clients to ensure full understanding of the issues and all that is at stake.

Unlike lawyers who use mass mailings to contact people recently arrested, Oberman and Rice limit the number of cases they accept to ensure they can devote the necessary time and effort to provide each of their clients the personal attention they deserve.

### **Future DUI Developments**

Oberman and Rice explain that DUI laws are becoming more focused on those impaired not only by alcohol but also by drugs and medication -- both legal and illicit. Too often people don’t recognize the impairing effects of some medications prescribed by physicians.

“Detection of impairment by drugs is generally more difficult than an investigation of a person suspected of driving under the influence of alcohol,” explains Oberman. To address this issue, the government is providing officers with specialized training to help detect those driving while impaired by drugs. Oberman and Rice have both been through special training themselves—a modified version of the drug recognition evaluation (DRE) training given to law enforcement. DRE includes a number of different tests, field sobriety tests (some of which are also used to determine alcohol intoxication) as well as physiological tests, (such as those which measure the dilation of the suspect’s pupils, blood pressure,

# At a Glance

## Oberman & Rice Trial Attorneys

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### Founder/Partner

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### Practice Area

DUI/DWI Law  
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### Firm Awards

- U.S. News & World Report  
Tier 1 Best Law Firm in Tennessee for DUI Defense  
& Criminal Defense
- Perfect 5.0 Martindale-Hubbell rating for law firms

etc.). “The training for DRE is much more intense than that for field sobriety tests,” Oberman said.

Across the U.S. and in Tennessee in particular, new laws were passed this year addressing DUI by drugs, including a law that added analogues as prohibited substances. The term “controlled substance analogues” is used synonymously with “designer drugs.” Such drugs include “bath salts,” “plant food,” “China White,” and synthetic marijuana. Many believe these drugs were created or marketed to circumvent state and federal drug laws. Rice notes that, “Although the prohibition of such substances has long existed under federal law, it is only recently that many states have enacted their own laws making the use or sale of these substances illegal.”

With all of these new developments in play, officers are steadily on the lookout for any suspicious behavior regardless of whether or not they suspect alcohol is involved, so it behooves an individual to be well versed in their rights and how to proceed if and when they are stopped by an officer for questioning.

So, what should a person do if they are pulled over and arrested for DUI?

The very first thing a person should do, (before the officer has approached the car,) is use their cell phone and immediately call a lawyer. In this way, the lawyer can gauge the situation and advise the suspect of how to proceed - whether or not to answer questions, submit to field sobriety tests, chemical tests, etc. If the person is unable to make a call while at the scene, they should attempt to have a friend or loved one contact a lawyer immediately. For instance, Steve and Sara have a system in place to have a client’s blood drawn for an independent analysis even before the client may be processed and released from jail. These results are confidential and would be used only if favorable to the client.

Although the hours are long and their vocation stressful, Steve and Sara agree the work is extremely satisfying. Like a phoenix from the ashes, they regularly see clients rise from the depression and embarrassment of an arrest to become successful both professionally and personally. As Steve often states, “There is no greater remuneration than the hugs we receive from our clients and their loved ones after a victory.”

