

Civil Fines Controversy Proves Value of General Practitioner Representation

by Charles E. Adams

As we moved past the Fourth of July holiday into the dog days of summer, many new laws passed by the General Assembly quietly took effect. Their ramifications to the citizens of the commonwealth are largely unknown and rarely have been discussed outside a small group of niche practitioners.

In stark contrast to those quiet statutes stand the new civil penalties for traffic offenses. The penalties have already generated cacophonous debates between groups that include seasoned members of the bar and high school students who recently received their driving permits.

The governor and sponsors of the legislation that established these penalties argue that the fines allow Virginia to collect sufficient revenues to pay for transportation costs without raising taxes. Civil rights attorneys contend that the law violates the equal protection clause of the Constitution.

Advocates for parents who receive child support and representatives of the Virginia Division of Child Support Enforcement worry that these fines will hamper obligor parents from making their payments. Poverty law and legal aid attorneys

express concerns that the statute will disproportionately impact the poor.

On August 2, Judge Archer L. Yeatts III of Henrico General District Court, followed the next day by Judge Thomas O. Jones of Richmond General District, found the new law unconstitutional.

The maelstrom of public opinion that surrounds the civil penalties issue reinforces my belief as a general practitioner that no part of life or law operates in a vacuum. With the present statutory scheme, one cannot separate the “criminal” behavior from the “civil” penalty when considering whether all individuals driving on the roads of the commonwealth receive the same treatment for the same crime.

Furthermore, this law will most likely have an impact far beyond the realm of traffic

and criminal law, as people of limited means who receive a civil penalty often will find it extremely difficult to meet their other lawful financial obligations.

Consequently, I believe attorneys knowledgeable in many aspects of the law—the guilt or innocence of criminal law, the intricacies of a determination for child support, the concept of equal protection argued under a constitutional challenge—can definitely provide the most comprehensive representation for people charged with traffic offenses after July 1, 2007.

Although niche practitioners certainly have their places in today’s legal environment, the civil-fines controversy only reinforces the truism that a well-rounded general practice attorney often serves the client best by making judgments that consider all aspects of the legal situation. ⚖️



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