

EVERETT LAW FIRM, P.A.
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Waiver of Appearance

The undersigned states that he/she has retained Everett Law Firm, P. A., (hereinafter "ELFPA") to represent him/her regarding a charge of _____, with initial court date on the _____ day of _____, 20__ (or as indicated on the enclosed ticket). The undersigned authorizes ELFPA to waive my appearance and to either continue the case, plead me as charged or plead to any lesser offense that in my attorney's discretion would be in my interest. ELFPA may employ associate counsel or "Of Counsel" attorneys at their own discretion and expense, and any attorney so employed may be designated to appear on my behalf or undertake my representation in this matter. Generally, Johnston, Richmond, Stanly, and Anson County violations will be handled by "Of Counsel" attorneys. This agreement, in its entirety, may be provided to the State as evidence of authority of representation.

PJC Notification

The undersigned understands that for drivers licensed in North Carolina, there are limitations on the use of Prayer for Judgment Continued (PJC). For insurance purposes, a driver can only obtain one (1) PJC per HOUSEHOLD every three (3) years. Thus, if members of a household (combined) receive more than one (1) PJC every three (3) years, the insurance premiums will likely rise. ELFPA only has access to the client's North Carolina driving record. Accordingly, the client agrees to inform ELFPA., in writing, if other members of his/her household have received PJCs within the last three (3) years. Absent such a written notification, the attorney should rely on the client's driving record and assume that no other members of the client's household have received PJCs within the last three (3) years. PJCs may or may not be honored in out-of-state jurisdictions.

Those who currently have a commercial driver's license (CDL) or were driving a commercial vehicle at the time of the incident need to inform ELFPA of such, in writing, because the North Carolina Division of Motor Vehicles (DMV) does not recognize PJCs for these licensees. Unless ELFPA receives written notification regarding the CDL or commercial vehicle status, ELFPA shall assume that the driver neither had a CDL nor was driving a commercial vehicle at the time of the incident.

Out of State Drivers (Present and Former)

The attorney(s) at ELFPA are licensed in North Carolina only (Wesley Everett is also licensed in South Carolina). Accordingly, ELFPA cannot provide guidance as to how North Carolina Traffic Offenses will affect out-of-state licensees. Unless otherwise directed in writing, the attorney will assume that the undersigned has not received other traffic citations in North Carolina during the last three years and will use his/her best judgment in obtaining a plea arrangement based on North Carolina General Statutes, North Carolina insurance guidelines and the Nonresident Violator Compact. ELFPA hereby advises all out-of-state licensees to consult with authority in their home state regarding how various offenses may affect their driving record and insurance rates.

Disclosures and Fees

Actual cost of legal fees to be determined based upon specific violation and shall be deemed earned upon retention of the firm. There will be a \$25 charge for returned checks. Client is responsible for any "Stop Payment" charges imposed by the firm's bank. It is agreed upon that ELFPA can disclose the driver's license and telephone number to check guarantors in an effort to recover for returned checks.

If the fine is less than the received funds, the difference will be refunded to the client. If adequate funds are received, the firm will pay the court cost and fine on behalf of the client. In those circumstances where ELFPA has not received sufficient funds to cover the court cost and fine, a letter will be mailed to the client notifying them of the amount due and address where the payment is to be made. The client is responsible for paying all fines and court costs and notifying ELFPA if they do not receive the aforementioned letter of notification within a timely manner after their court date. If the court cost and fine are not paid within twenty (20) days after the court date, additional fines will be assessed by the court, and the DMV will begin the process of revoking the driver's license or driving privilege. All refund checks must be cashed by Client within one hundred eighty (180) days of the court date, or Client consents, and it is hereby agreed upon that ELFPA shall be entitled to these funds. It is further agreed upon that at the time ELFPA transfers said funds a final accounting shall be mailed to Client (at the last known address) to notify Client of the disbursement of these funds to ELFPA. Client hereby agrees that this notification process is satisfactory and sufficient.

The client agrees to assume full responsibility for obtaining and forwarding to ELFPA all pertinent documentation and information, including but not limited to, out-of-state driving records, proof of insurance, "insurance letters," notification of prior accidents, changes of address, and verification of registration and inspection. If ELFPA does not receive the applicable documentation, the attorney is to assume that it is not available or will not assist in the defense. Generally, the client's driving record will be obtained upon receipt of payment and the client shall be responsible for informing, in writing, ELFPA of any pending cases or citations received prior to the final disposition of this matter. Upon written notification, ELFPA is authorized to withdraw from representation at any time, with or without cause. ELFPA makes no guarantees as to the outcome of this case, nor any representation as to whether the client's insurance company will follow the policies established by the North Carolina Department of Insurance. This document constitutes the entire agreement between ELFPA and the undersigned client.

SIGNATURE

DATE

DRIVER'S LICENSE # / STATE

PRINT NAME

PHONE NUMBER

EMAIL ADDRESS