

# Sometimes It's Rough All Over

Why many law-abiding physicians should know good criminal defense attorneys.

By Nicole Li, with Jonathon Wilson

Growing up on Mercer Island as a surgeon's kid grants privilege. Quality public education is within walking distance for many. School levies always seem to pass. The roads and parks are well kept. In the nearly two decades that I lived in my parents' house, I don't recall any significant crime happening in our neighborhood. My recollection, of course, does not fully capture reality. Although there is a general correlation between crime and lower incomes on a neighborhood level, it would be inaccurate to assert that the denizens of wealthy enclaves like Mercer Island have less need for criminal defense counsel.

It has been posited that affluent children are among the most at-risk demographics for certain kinds of criminal activity. In particular, children from moneyed families are at high risk of developing substance abuse problems and engaging in related criminal activities.<sup>1</sup> They abuse drugs and alcohol over twice as often as youths from more moderate financial backgrounds.<sup>2</sup> They experience increased amounts of stress associated with pressure to excel in school, extracurricular activities, and social circles. This stress is the primary reason they cite for their use of intoxicants.<sup>3</sup>

This article does not consider the overuse or abuse of prescription drugs like Adderall or others that arguably improve academic performance. Such behavior can carry grave consequences and lead to other problems later in life, but in this article we focus on criminal conduct that can hamper achieving that high school diploma and acceptance letter from a renowned university.

When stressed-out teens use intoxicants, the consequences can be criminal. The chart below shows the top 10 juvenile and adult crimes by arrest, according to the King County Sheriff's Office Annual Report.

| Rank | Juvenile Crime     | Adult Crime                    |
|------|--------------------|--------------------------------|
| 1    | Simple assault     | Traffic misdemeanors           |
| 2    | Larceny            | Simple assault                 |
| 3    | Other misdemeanor  | Larceny                        |
| 4    | Vehicle theft      | Other, non-traffic misdemeanor |
| 5    | Vandalism          | DUI                            |
| 6    | Liquor violations  | Narcotics                      |
| 7    | Marijuana offenses | Other felonies                 |
| 8    | DUI                | Vandalism                      |
| 9    | Burglary           | Burglary                       |
| 10   | Disorderly conduct | Aggravated assault             |

Obviously, liquor violations, marijuana offenses, and DUIs indicate substance-specific crime. It is important to observe, however, that almost all of the offenses listed above may be significantly influenced by the presence of intoxicants in a teenager's system. For example, the top three crimes—simple assault, larceny, and other misdemeanors—are often the result of foolish decisions or altercations at parties where intoxicants are present. Such poor

choices sometimes stay with teenagers for their rest of their lives. Even if not evidenced in criminal or court records, a permanent record can exist within the colleges young people attend, many of which require

disclosure of all offenses, even ones that do not result in a criminal conviction.

Moreover, once these children turn 18 they become subject to the full force of the legal system. Young adults ages 18–21 account for roughly 13 percent of adult criminals,<sup>5</sup> yet comprise only 1 percent of the population and 7.5 percent of the voting-age population.<sup>6</sup> This indicates that many of these adult offenses are committed by young college-age kids. Given the

1. Luthar SS, Barkin SH, Crossman EJ, "I can, therefore I must: Fragility in the upper-middle classes." *Development and psychopathology*, 2013; 25(4 0 2):1529–1549.

2. <http://www.ncbi.nlm.nih.gov/pubmed/22559123>

3. <http://www.casacolumbia.org/addiction-research/reports/wasting-best-brightest-substance-abuse-americas-colleges-universities>

4. <http://www.kingcounty.gov/safety/sheriff/CrimeReports/CrimeStats.aspx>

5. <https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s./2011/crime-in-the-u.s.-2011/tables/table-38>

6. <http://www.civicyouth.org/quick-facts/youth-demographics/>

prevalence of stressors, binge drinking, and other substance abuse among wealthy teenagers and college students, it is likely that many of these crimes occurred in an intoxicated state.

If your child is charged with a crime, you should immediately retain competent counsel to provide proper advice and strong advocacy, as well as to protect the child's legal rights. In some situations, cautious parents who are aware of their child's actions may be able to seek such counsel before charges are brought. Because social media postings can both notify authorities of wrongdoing and provide evidence for prosecution, it is generally better to get ahead of a problem, rather than to wait for it to develop fully.

What charge is ultimately brought, if any, matters: The difference between a DUI and reckless driving, for example, is significant. Strong legal defense can make that difference a reality and save your child significant trouble in their future professional and personal life.

One of the main tenets of criminal law is that conviction requires the State to prove both the guilty act and the guilty mind of the actor. In some cases, impairment due to drugs and alcohol may lead to lighter sentences based on the theory that the accused did not have the capacity for full autonomy and/or didn't know what he or she was doing. Thus, not only is it helpful to have legal counsel in order to clear up any misunderstandings and ideally not even reach the courtroom but, once there, effective counsel plays a critical role in ensuring that a sentence, if one is delivered, is light.

Perhaps it would be more accurate for me to express my memory of a crime-free youth this way: I don't recall any of my classmates having difficulty getting into a good university due to a criminal record. We cannot fully prevent our children from blundering into bad situations or engaging in risky or criminal behavior. Sometimes, regardless of privilege or wealth, it is rough all over. At such times, knowing whom to

call, and when, can ensure that those rough spots do not leave a permanent stain on a child's future. Good criminal defense could be among the best "gifts" we give our children. ■

---

#### About the Authors

*Nicole Li obtained her JD and Master of Bioethics from the University of Pennsylvania. She will be presenting at the Inaugural Penn Law Women's Summit in March 2016. Nicole is the principal attorney at The Li Law Firm, which represents health care professionals before the Department of Health and other entities. She effectively defends against adverse licensure action and post-payment audit demands, and also assists with establishing and maintaining credentials with payers. She may be reached through [www.lilawseattle.com](http://www.lilawseattle.com). Although she does not practice criminal law, Nicole maintains a wide professional network and can offer appropriate referrals.*

*Jonathon Wilson is the Assistant Managing Editor of the Virginia Tax Review and a JD candidate at the University of Virginia School of Law, Class of 2017. He graduated Magna Cum Laude from the University of Washington in 2014 with degrees in accounting and political science. He is interested in both corporate law and regulation, as well as health care law. He may be reached through the University of Virginia at [jrw9be@virginia.edu](mailto:jrw9be@virginia.edu).*