NEW YORK STATE BAR ASSOCIATION

NYSBA CLE

Thursday, May 6, 2010

and

Friday, May 7, 2010
New York City

10.5 MCLE Credits

INCLUDES 1.5 ethics credits

See inside for more details.

DWI on Trial— The Big Apple X

Register Now!

Save Money, and Guarantee Your Seat at the Program!!!

Sponsored by the Committee on Continuing Legal Education of the New York State Bar Association

This seminar has been approved by the National College for DUI Defense, Inc. for required membership CLE hours.

NYSBA

Program Description

The New York State Bar Association is pleased to present the Tenth Annual "DWI on Trial" seminar in New York City.

Featuring national and highly renowned lecturers, this seminar is designed to assist attorneys in representing clients charged with DWI.

Don't miss this opportunity to learn from nationally recognized speakers. Registration for the program is limited and early registration is essential.

Reasons to Attend

- Learn how to represent clients charged with DWI.
- Get insights on field sobriety tests and blood tests.
- Includes a segment on test refusals and ethical considerations

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Agenda

Day One—Thursday, May 6, 2010

8:30-9:00 a.m.
REGISTRATION (outside meeting room)

9:00-9:10
WELCOME AND INTRODUCTION

9:10-10:25
I. DWAI-DRUGS
(a) DWAI Drugs defined
(b) The Drug Recognition Expert protocol
(c) The Drug recognition categories and how they work
Speaker: **Peter Gerstenzang, Esq.**, Gerstenzang, O'Hern, Hickey, Sills & Gerstenzang, Albany, New York

10:25-10:40 **BREAK**

10:40-11:55
II. JUST BECAUSE YOU ARE AN ATTORNEY DOESN'T MAKE YOU INTERESTING
(a) Inspiring people to act on your ideas
(b) Getting and keeping their attention
(c) The keys to presenting your case effectively
Speaker: **Dr. Paul Homoly**, Homoly Communications Institute, Inc., Charlotte, North Carolina

11:55-1:00 p.m. **LUNCH** (on your own)

1:00-2:15
III. FROM VOIR DIRE THROUGH OPENING: FIRST IMPRESSIONS, LASTING EFFECTS
(a) How to talk to jurors and get them to talk to you
(b) What to cover in voir dire
(c) Opening statements: The dos and don'ts that make the difference
Speaker: **Denis M. deVlaming, Esq.**, Law Offices of Denis M. deVlaming, P.A., Clearwater, Florida

2:15-3:30
IV. HANDLING TEST REFUSALS
(a) Advising the client
(b) Conducting the DMV refusal hearing
(c) Challenging the refusal in Court
Speaker: **Eric H. Sills, Esq.**, Gerstenzang, O'Hern, Hickey, Sills & Gerstenzang, Albany, New York

3:30-3:45 **BREAK**

3:45-5:00
V. YA' GOT TROUBLE, ETHICAL CONSIDERATIONS IN DEALING WITH TOUGH CASES
(a) Where "it" starts
(b) Setting the fee
(c) The Retainer Agreement
(d) NEVER!
Speaker: **Edward Fiandach, Esq.**, Fiandach & Fiandach, Rochester, New York

5:00 p.m.
ADJOURNMENT

Day Two—Friday, May 7, 2010

8:30-9:00 a.m.
REGISTRATION (outside meeting room)

9:00-10:15
I. BLOOD TESTS
(a) Pre-analytical errors in blood testing
(b) Analytical errors in blood testing
(c) Post analytical and record keeping errors
(d) Discovery about lab methods and practices
Speaker: **Ronald L. Moore, Esq.**, The Law Office of Barry T. Simons, Laguna Beach, California

10:15-10:30 **BREAK**

10:30-11:45
II. IMPEACHING THE COMMON LAW CASE
(a) What they didn't see can help you
(b) Signs of sobriety
(c) Winning your case through their witnesses
Speaker: **Stephen L. Jones, Esq.**, Jones, Milligan & Geraghty, Massachusetts OUI Lawyers, Norwell, Massachusetts

11:45 a.m.
ADJOURNMENT

10.5 TOTAL CREDITS

3.0 credit hours of professional practice; 6.0 of skills; 1.5 of ethics.

This **basic-level** course has been approved for MCLE credit in **New York** for all attorneys, including newly admitted (less than 24 months).

This program has also been approved for MCLE credit by the **State Bar of California** and the **Pennsylvania Continuing Legal Education Board** for **7.5** credit hours of substantive law and **1.0** credit hours of ethics. All inquiries regarding MCLE credits may be directed to **(518) 487-5606**.

The New York State Bar Association's Committee on Continuing Legal Education has been certified by the New York State Continuing Legal Education Board as an accredited provider of continuing legal education in the State of New York.

IMPORTANT NOTICE: PARTIAL CREDIT FOR PROGRAM SEGMENTS NOT ALLOWED. Under the New York State Continuing Legal Education Board Regulations and Guidelines, attendees at CLE programs cannot receive MCLE credit for a program segment unless they are present for the entire segment. Persons who arrive late, depart early, or are absent for any portion of the segment will not receive credit for that segment.

Program Faculty

Overall Planning Chair

Peter Gerstenzang, Esq.
Gerstenzang, O'Hern, Hickey, Sills & Gerstenzang
Albany, New York

Speakers

Denis M. deVlaming, Esq., Law Offices of Denis M. deVlaming, P.A., Clearwater, Florida

Edward L. Fiandach, Esq., Fiandach & Fiandach, Rochester, New York

Peter Gerstenzang, Esq., Gerstenzang, O'Hern, Hickey, Sills & Gerstenzang, Albany, New York

Dr. Paul Homoly, CSP, Homoly Communications Institute, Inc., Charlotte, North Carolina

Stephen L. Jones, Esq., Jones, Milligan & Geraghty, Massachusetts OUI Lawyers, Norwell, Massachusetts

Ronald L. Moore, Esq., The Law Office of Barry T. Simons, Laguna Beach, California

Eric H. Sills, Esq., Gerstenzang, O'Hern, Hickey, Sills & Gerstenzang, Albany, New York

Information and Policies

Pre-registration Strongly Advised: You can save money and guarantee your seat and course materials by registering early. Registrations received or postmarked within 10 days of the event, or at the door, are subject to a higher registration fee. Seating is limited in all locations and registrations are taken on a first-come, first-served basis. If you plan to pre-register within 10 days of the program or to register at the door, please call the CLE Registrar's Office at **(800) 582-2452** to verify that the program is not sold out or that the date or location has not been changed. Pre-registrants are guaranteed a seat and set of course materials, and will automatically be notified if there are any such changes in the date or location of the program.

Cancellations are easy – full refunds are given: Your full registration fee will be refunded if you give us notice no later than the close of business (4:45 p.m. EST) on the day prior to the date of the program for which you registered. To cancel, write the CLE Registrar's Office at One Elk Street, Albany, New York 12207; or fax **(518) 487-5618**; or call **(800) 582-2452**. If you do not cancel and do not attend the program, a complete set of materials will be forwarded to you in consideration of the registration fee. Non-registrants may purchase program materials after the final program date.

MCLE Credit: This program is acceptable for MCLE credit in New York and many other MCLE jurisdictions. Please see inside of this brochure for details.

Tuition Assistance: NYSBA members may apply for tuition assistance to attend this program, based on financial hardship. Under that policy, any member of our Association who has a genuine financial hardship may apply in writing, not later than five working days prior to the program, explaining the basis of his/her hardship, and, if approved, may receive tuition assistance, depending on the circumstances. For more details, please contact our CLE Registrar's Office at **(800) 582-2452.**

Non Members - Join the NYSBA and enjoy great discounts on CLE seminars, products, and other valuable NYSBA services. NYSBA members can save 30 percent or more over non-members on CLE seminars alone. Join now and take advantage of NYSBA membership discounts throughout the year.

If you wish to join, please contact NYSBA Membership Services at **(518) 487-5577** and an application will be sent to you.

Tape Recording of NYSBA Seminars is not permitted.

Accommodations for Persons with Disabilities: NYSBA will make reasonable modifications/accommodations to allow participation in its services, programs, or activities by persons with disabilities. NYSBA will provide auxiliary aids and services upon request. NYSBA will remove architectural barriers and communication barriers that are structural in nature where readily achievable. To request auxiliary aids or services or if you have any questions regarding accessibility, please contact Cindy O'Brien at 518-487-5585.

REGISTRATION FORM

Name _____ Member ID _____

Address _____ Business Phone (_____) _____

_____ Email _____

City _____ State _____ Zip _____

Please enroll me in "DWI on Trial — The Big Apple X"

☐ **New York City,** Thursday, May 6 and Friday, May 7, 2010 (08814)

PROGRAM FEES

Early registrations, received or postmarked 10 days prior to the date of the registered session:
NYSBA members–$290 **non-members–$415** **NYSBA student members–$105**

Late registrations, received or postmarked thereafter, and on-site registrations:
NYSBA members–$305 **non-members–$430** **NYSBA student members–$120**

☐ Check or money order enclosed in the amount of $ _____
(Please make checks payable to the New York State Bar Association.)

☐ Charge $ _____ to ☐ American Express ☐ Discover ☐ MasterCard ☐ Visa
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Authorized Signature _____

4 EASY WAYS TO REGISTER

Online at **www.nysba.org/cle**

Call us at **1.800.582.2452** (U.S. and Canada) or **518.463.3724** in the Albany & surrounding area

Mail to: Registrar's Office
New York State Bar Association
One Elk Street, Albany, NY 12207

Fax the order form to **518.487.5618**

For more information on our CLE Coupon Plan offering substantial savings on full-day, live programs, please contact the Registrar's Office at **1.800.582.2452**.

Source Code: CL3286

Program Locations

Important Note: If you plan to pre-register within 10 days of the program or register at the door, please call us at **(800) 582-2452** or in Albany and surrounding area, dial **(518) 463-3724**, to verify that the program is not sold out or that the date or location has not been changed. Those who pre-register in advance of the program will automatically be notified of any such changes and will receive a full refund up to the day prior to the program, if they cannot attend and notify us of their cancellation. Please pre-register as early as possible.

Thursday and Friday May 6-7, 2010 New York City	**Affinia Manhattan** 371 Seventh Avenue at 31st Street New York, NY 10001-3984 (212) 563-1800

www.nysba.org/DWIonTrial2010

A limited number of rooms have been reserved at **The Affinia Manhattan** for those attending the **DWI on Trial – The Big Apple X**. Discounted rates for attendees are **$259** per night for a standard room pre and post event. Reservations must be made by **March 31, 2010** to secure this special meeting rate. (Rates are subject to applicable taxes). Reserve your room by calling 1 **866-233-4642 and ask for reservations**. When making your reservations be sure to mention that you are attending the **NYSBA DWI on Trial – The Big Apple X** seminar.

See our Spring 2010 schedule online at www.nysba.org/cle

REGISTER EARLY, SAVE MONEY, AND GUARANTEE YOUR SEAT AT THE PROGRAM!!!

NYSBA CLE *presents*

DWI on Trial— The Big Apple X

www.nysba.org/DWIonTrial2010

10.5 MCLE Credits

INCLUDES
1.5 ethics credits

See inside for more details.

NYSBA

NEW YORK STATE BAR ASSOCIATION
CONTINUING LEGAL EDUCATION

Mail to: CLE Registration Office
New York State Bar Association
One Elk Street, Albany, NY 12207

Registrant note: is your name and address listed correctly on the mailing label at the right? If not, fill in correction below and return this page to NYSBA. If you receive multiple copies of this brochure, please pass them along to colleagues who may be interested in this program.

REGISTRANT: PLEASE PROVIDE MAILING INSTRUCTIONS OR ADDRESS CORRECTION

☐ Send program admission ticket to address shown on label at right
☐ This is a new address, please change your records
☐ Send to the address below

Name _____
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