

# Handling a DWI Case in New York State 2019

## *The Nuts and Bolts*

**Tuesday, September 24**  
Long Island | Melville Marriott

**Thursday, October 10**  
Albany & Webcast | New York State Bar Association

**Wednesday, October 16**  
Poughkeepsie | Poughkeepsie Grand Hotel

**Wednesday, October 23**  
Syracuse | Sheraton Syracuse University Hotel

All programs are 9:00 a.m. – 5:00 p.m.

# NYSBACLE

Live Program & Webcast



INCLUDES  
1.0 credit in Ethics



[www.nysba.org/HandlingDWIs2019](http://www.nysba.org/HandlingDWIs2019)

## Program Description

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Join a seasoned panel of DWI attorneys, headed by nationally renowned DWI speaker Peter Gerstenzang, as they walk attendees through the basics of representing a DWI defendant. This program provides attendees with an excellent overview of how to represent a DWI defendant in New York. While designed as an introduction to attorneys new to DWI defense, this program will also serve as an excellent refresher for experienced attorneys. Learn how to handle a DWI case, keep up to date on changes in the law, and sharpen your skills. Register today to learn the nuts and bolts of DWI defense!

Registration for the live, in-person program is limited, and preregistration is highly recommended.

## Who Should Attend

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Attorneys who handle DWI defense; attorneys who want to expand their practice to include DWI defense; prosecutors; personal injury attorneys

## Prior Program Reviews

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*"This CLE is always the best!"*

*"Excellent program, content and presenters."*

*"Speakers were dynamic!"*

*"Wonderful and practical program; very informative."*

*"Great CLE — I want to start a trial tomorrow."*

*"One of the most informative and entertaining presentations."*

*"This is the best CLE I have ever taken. All the speakers did a great job."*

*"Spot on."*

## Program Agenda

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8:30–9:00 a.m. Registration (Outside Meeting Room)

9:00–9:10 a.m. Welcome and Introduction

9:10–10:25 a.m.

### **I. New Legislation**

(a) Discovery – The New Rules

(b) Bail Reform

(c) Trial Readiness

DWI Lawyer: Peter Gerstenzang, Esq. | Gerstenzang, Sills, Cohn & Gerstenzang, Albany, NY

*1.5 Credits in Areas of Professional Practice*

10:25–10:35 a.m. Break

10:35–11:25 a.m.

### **II. Challenging the Breath Test: The Low Budget Defense**

(a) Breath Testing - Does It Work?

(b) Mouth Alcohol

(c) Temperature and Partition Ratio

Speaker: Edward L. Fiandach, Esq. | Fiandach & Fiandach, Rochester, NY

*1.0 Credit in Skills*

11:25 a.m.–12:15 p.m.

### **III. Handling Refusal Hearings at the DMV: Turning "No" into a "Yes"**

(a) Parameters of a Refusal Hearing

(b) How to Win the Hearing

(c) Using the DMV Hearing to Fuel the Criminal Case

Speaker: Lisa A. Saltzman, Esq. | Queens Law Associates, Forest Hills, NY

*1.0 Credit in Skills*

12:15–1:15 p.m. Lunch (on your own)

1:15–2:05 p.m.	<p><b>IV. Practical Problems in Everyday Practice   Key Skills</b></p> <ul style="list-style-type: none"> <li>(a) Multiple Offenders and the DMV Regulations</li> <li>(b) Youthful Offenders and Commercial Drivers</li> <li>(c) Out-of-State Issues</li> <li>(d) How to Handle the Ignition Interlock Device</li> </ul> <p>Speaker: Jonathan D. Cohn, Esq.   Gerstenzang, Sills, Cohn &amp; Gerstenzang, Albany, NY</p> <p><i>1.0 Credit in Skills</i></p>
2:05–2:55 p.m.	<p><b>V. Trial of the Refusal Case</b></p> <ul style="list-style-type: none"> <li>(a) Parameters of a Refusal Hearing</li> <li>(b) How to Win the Hearing</li> <li>(c) Using the DMV Hearing to Fuel the Criminal Case</li> </ul> <p>Speaker: Kimberley F. Wallace, Esq.   Albany County Public Defender's Office, Albany, NY</p> <p><i>1.0 Credit in Skills</i></p>
2:55–3:05 p.m.	Break
3:05 –3:55 p.m.	<p><b>VI. Pre-Trial Hearings   Best Practices</b></p> <ul style="list-style-type: none"> <li>(a) Leading vs. Non-Leading: Breaking the Golden Rule</li> <li>(b) Friend or Foe: Set the Tone with Your Witness</li> <li>(c) Bad Facts: When Can They Be Good?</li> <li>(d) Don't Sit Down Until You Have Pinned Down Your Witness</li> <li>(e) Know Your Witness: Greater the Training, Bigger the Ego</li> </ul> <p>Speaker: Joseph M. Gerstenzang, Esq.   Gerstenzang, Sills, Cohn &amp; Gerstenzang, Albany, NY</p> <p><i>1.0 Credit in Skills</i></p>
3:55–4:45 p.m.	<p><b>VII. Ethics and Playing by the Rules</b></p> <ul style="list-style-type: none"> <li>(a) Court Policies: Are They Allowed?</li> <li>(b) Issues Arising When Preparing Your Client to Testify</li> <li>(c) How to Effectively Represent Your Client in Plea Negotiations</li> <li>(d) What Responsibility Do You Have to Stop Your Client from Committing a Crime?</li> </ul> <p>Speaker: Matthew J. Simone, Esq.   Gerstenzang, Sills, Cohn &amp; Gerstenzang, Albany, NY</p> <p><i>1.0 Credit in Ethics</i></p>
4:45–5:00 p.m.	<b>Q&amp;As</b>
5:00 p.m.	<b>Adjournment</b>

## 7.5 MCLE Credits

This course is approved for MCLE credit in New York for all attorneys, including those newly admitted.

**New York:** 7.5 Total Credits: 5.0 Skills, 1.5 Areas of Professional Practice, 1.0 Ethics

**Pennsylvania:** 5.5 Substantive Law, 1.0 Ethics

**California:** 5.5 Substantive Law, 1.0 Ethics

**New Jersey:** 7.5 Total Credits: 1.0 Ethics/Professionalism, 0.0 towards certification in civil trial law, criminal trial law, workers compensation law and/or matrimonial law Uniform Certificates of Attendance can be issued for use in other jurisdictions.

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The New York State Bar Association 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.

For information about the CLE Rules, visit [www.nycourts.gov/attorneys/cle](http://www.nycourts.gov/attorneys/cle)

## Program Faculty



**Peter Gerstenzang, Esq.**  
Gerstenzang, Sills, Cohn  
& Gerstenzang  
Albany, NY



**Edward L. Fiandach, Esq.**  
Fiandach & Fiandach  
Rochester, NY



**Lisa A. Saltzman, Esq.**  
Queens Law Associates  
Forest Hills, NY



**Jonathan D. Cohn, Esq.**  
Gerstenzang, Sills, Cohn  
& Gerstenzang  
Albany, NY



**Kimberley F. Wallace**  
Albany County Public  
Defender's Office  
Albany, NY



**Joseph M. Gerstenzang, Esq.**  
Gerstenzang, Sills, Cohn  
& Gerstenzang  
Albany, NY



**Matthew J. Simone, Esq.**  
Gerstenzang, Sills, Cohn  
& Gerstenzang  
Albany, NY

## Program Location

### Tuesday, September 24 | Long Island

Melville Marriott | 1350 Walt Whitman Road, Melville, NY 11747

### Thursday, October 10 | Albany

New York State Bar Association | 1 Elk Street, Albany, NY 12207

### Wednesday, October 16 | Poughkeepsie

Poughkeepsie Grand Hotel | 40 Civic Center Plaza, Poughkeepsie, NY 12601

### Wednesday, October 23 | Syracuse

Sheraton Syracuse University Hotel | 801 University Avenue, Syracuse, NY 13210

## Pricing

**NYSBA Member: \$195** | Non-Member: \$295 | Criminal Justice Section Member: \$175

## Register Today

**Online:** [www.nysba.org/HandlingDWIs2019](http://www.nysba.org/HandlingDWIs2019)

**Phone:** 1.800.582.2452 (U.S. and Canada) or 518.463.3724 in Albany & surrounding area

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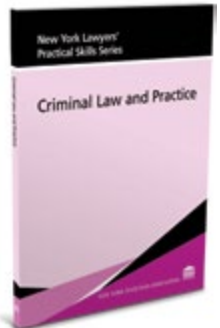
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Join the Criminal Justice Section and examine vital legal developments in criminal law today. The Section publishes the *New York Criminal Law Newsletter*, and offers numerous educational opportunities like MCLE programs held at NYSBA's Annual Meeting, and much more. Help provide a credible voice on pending criminal justice legislation and improve the criminal justice system by serving on active committees such as Prosecution and Victims' Rights.

Section dues are \$35 a year for attorneys and **FREE for law school students** (NYSBA membership required).

Learn more | [www.nysba.org/Criminal](http://www.nysba.org/Criminal)

As a Criminal Justice Section member, you can attend free of charge the CLE **Being Heard at Hearings – Local Criminal Court Practice**

### 3.5 MCLE Credits

Wednesday, September 11 | 1:00 p.m. – 4:30 p.m. | Glens Falls

Monday, November 4 | 9:00 a.m. – 12:30 p.m. | NYC

Friday, November 15 | 9:00 a.m. – 12:30 p.m. | Utica

**FREE for Criminal Justice Section members**

Register at [www.nysba.org/BeingHeardatHearings](http://www.nysba.org/BeingHeardatHearings)

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## Information and Policies

**Cancellations Are Easy:** Full refunds are given with notice three days prior to the program date. Registrations cancelled less than three business days from the program date will be assessed a cancellation fee of \$25.00.

**Tuition Assistance:** Any New York attorney who has a genuine financial hardship may apply for tuition assistance for a CLE program. Learn more at [www.nysba.org/TuitionAssistance](http://www.nysba.org/TuitionAssistance).



**Accommodations for Persons with Disabilities:** NYSBA is committed to complying with all applicable laws that prohibit discrimination against individuals on the basis of disability in the full and equal enjoyment of its goods, services, programs, activities, facilities, privileges, advantages, or accommodations.

To request auxiliary aids or services or if you have any questions regarding accessibility, please contact Cindy O'Brien at [cobrien@nysba.org](mailto:cobrien@nysba.org).

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[www.nysba.org/LPM](http://www.nysba.org/LPM)

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Criminal Justice Section Member: \$175

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**Call** **1.800.582.2452** (U.S. and Canada) or  
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area

**Mail** New York State Bar Association  
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Albany, NY 12207

**Fax** **518.463.5993**  
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