



## How to Fight a Traffic Ticket



**NATIONAL  
LAW INSTITUTE**  
Continuing Legal Education

## Presented By:

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[www.nytrafficticket.com](http://www.nytrafficticket.com)

# Why Fight a Traffic Ticket?

- Points
- Suspension/Revocation
- Suspension Termination Fee
- Insurance Rates
- Driver Responsibility Fee

## DMV Point System

- How it Works
- Consequence of Too Many Points
- TVB
- Non-TVB
- How to Calculate Points

## Ticket Review

- Look for Mistakes
- Look for Omissions

## TVB: A World Apart

- No Plea Bargaining
- No Discovery
- Hearsay Evidence is Admissible
- Judge Can ask “Clarifying” Questions
- Officer Can Read Notes/Script

## TVB: A World Apart

- DMV Employees/Judges Decide Whether DMV Gets Your Client's Money
- You Must Exhaust Administrative Remedies Before Getting into Court

## The Hearing

- Find Client`s Name on Board in Lobby
- Hand in Ticket with Business Card
- Listen to Officer`s Testimony on Other Cases – Looking for Weaknesses
- Take Notes



# Prima Facie Elements & Motion to Dismiss

- Universal Elements (e.g., Date, Time, Street, etc.)
- Red Light
- Disobeying a Sign
- Blocking the Box

# Prima Facie Elements & Motion to Dismiss (Speeding)

- Speeding Elements
- Radar
- Laser
- Clock

# Cross Examination

- Get Officer`s Notes
- Look for Inconsistencies
- Challenge Officer`s Independent Recollection

## Pink Tickets

- What are They?
- How do They Work?

## Non TVB Cases

- Supporting Depositions
- Roadside Pleas
- Conferencing the Case
- Upstate Matters



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