

FIGHTING THE TOLL ROADS.

YES, IT'S POSSIBLE.

YES, WE ARE LEAVING MONEY ON THE TABLE

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IT'S THE ULTIMATE KANGAROO COURT



THE NUMBERS

- NUMBER OF PROHIBITED VEHICLES IN HARRIS COUNTY – 17,000
- NUMBER OF LAWSUITS FILED IN THE HARRIS COUNTY TOLL ROAD COURT IN 2015 – 119,000
- NUMBER OF LAWYERS REPRESENTING THE COUNTY – 1
- NUMBER OF LAWYERS REGULARLY REPRESENTING DEFENDANTS – 1
- NUMBER OF WEEKLY DOCKETS – 3
- NUMBER OF “MAGISTRATES” – 3
- NUMBER OF DEFENDANTS FIGHTING THEIR CASE WITHOUT A LAWYER – NEARLY ALL

WHAT GIVES THE GOVERNMENT AUTHORITY TO SUE OUR CLIENTS?

- TEXAS TRANSPORTATION CODE SECTIONS 284
 - TEXAS TRANSPORTATION CODE SECTIONS 228
 - HARRIS COUNTY COMMISSIONER'S COURT ORDER
 - FORT BEND COUNTY COMMISSIONER'S COURT ORDER
- 


HOW DOES IT WORK?

- DEFENDANT PURCHASES CAR AND BECOMES THE REGISTERED OWNER WITH THE DMV
- DEFENDANT EITHER
 - PURCHASES AN EZ TAG, TX TAG, OR TOLL TAG AND DRIVES ON THE TOLL ROADS; OR,
 - DRIVES ON THE TOLL ROAD WITHOUT STOPPING TO PAY TOLLS (STRAIGHT VIOLATOR)
- AFTER THREE UNPAID TOLLS ARE INCURRED, HCTRA WILL SEND AN INVOICE TO THE ADDRESS AT WHICH THE VEHICLE IS REGISTERED (WHICH IS NOT NECESSARILY THE ADDRESS WHERE THE CAR OWNER LIVES)

HOW DOES IT WORK?

- THE INVOICE TELLS THE CAR OWNER WHEN AND WHERE THE VIOLATIONS OCCURRED.
- THE INVOICE INFORMS THE OWNER THAT THEIR CAR IS PROHIBITED FROM DRIVING ON THE TOLL ROAD, AND THAT THE CASE MAY BE SENT TO COLLECTIONS BY A DATE CERTAIN IF THE INVOICE IS NOT PAID BY THAT DATE.
- HCTRA ADDS AN \$11.00 ADMINISTRATIVE FEE FOR EACH UNPAID TOLL.
- FBCTRA ADDS A \$5.00 ADMINISTRATIVE FEE FOR EACH UNPAID TOLL.


HOW DOES IT WORK?

- IF THE OWNER CALLS HCTRA, THEY CAN PAY THE TOLL AND FEE IN FULL.
 - THE OWNER IS ENTITLED TO THE WAIVER OF FEES ONCE PER CALANDER YEAR.
 - HCTRA EMPLOYEES KEEP DETAILED – IF DISHONEST – NOTES CALL NOTES THAT WILL BE USED AGAINST THE OWNER DURING NEGOTIATIONS AND BEFORE THE HEARING OFFICER.
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HOW DOES IT WORK?

- IF THE OWNER DOES NOT PAY, HE OR SHE WILL BE SENT TO COLLECTIONS.
 - LINEBARGER GOGGAN BLAIR & SAMPSON
 - DEANNA LONGO
 - DEANNA.LONGO@LGBS.COM
 - PERDUE BRANDON FIELDER COLLINS & MOTT
 - ELIZABETH WANG
 - EWIEHL@PBFCM.COM
- HCTRA AND FBCTRA ADDS A \$14 COLLECTION FEE PER UNPAID TOLL.


HOW DOES IT WORK?

- THE LAW FIRMS WILL SEND COLLECTION LETTERS INFORMING THE DRIVER THAT THEY RISK BEING “SET FOR A HEARING” IF THEY DO NOT PAY THE FULL AMOUNT.
 - LAW FIRM COLLECTION AGENTS WILL DEMAND THE FULL AMOUNT DEMANDED.
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HOW DOES IT WORK?

- COMMON THREATS AND LIES OWNERS HEAR AT THIS STAGE:
 - YOU WILL BE TICKETED
 - YOU WILL BE ARRESTED
 - WE DO NOT OFFER PAYMENT PLANS
 - WE DO NOT OFFER REDUCTIONS
 - YOUR CAR WILL BE IMPOUNDED
 - WE WILL PUT A HOLD ON DRIVER'S LICENSE
 - WE WILL PUT A HOLD ON YOUR REGISTRATION
 - WE WILL IMMOBILIZE YOUR CAR
 - THIS WILL EFFECT YOUR CREDIT
 - MY FAVORITE: A LAWYER CANNOT HELP YOU

HOW DOES IT WORK?

- EVENTUALLY, IF THE OWNER DOES NOT PAY, THEY WILL BE SUED IN THE HARRIS COUNTY TOLL ROAD AUTHORITY ADMINISTRATIVE COURT.
 - THE OWNER WILL BE SENT A CITATION, PETITION, AND VIOLATION HISTORY REPORT.
 - MANY OWNERS ONLY FIND OUT ABOUT THE HEARING WHEN THEY ARE PULLED OVER ON THE TOLL ROADS.
 - THOSE THAT SHOW UP TO THE HEARING SEE THIS:
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THOSE THAT SHOW UP TO THE HEARING SEE THIS




THEN...

- MOST OF THE OWNERS WILL AGREE TO ENTER A PAYMENT PLAN.
- THE REMAINING OWNERS TALK TO THE ATTORNEY OR HER PARALEGAL, LUGO, WHO SHOULD BE SENT TO GUANTANAMO TO INTERROGATE THE TERRORIST.
- DON'T EVER DEAL WITH LUGO
 - SHE WON'T CUT YOU A DEAL AND WILL TRY TO EMBARRASS YOU INFRONT OF YOUR CLIENT.

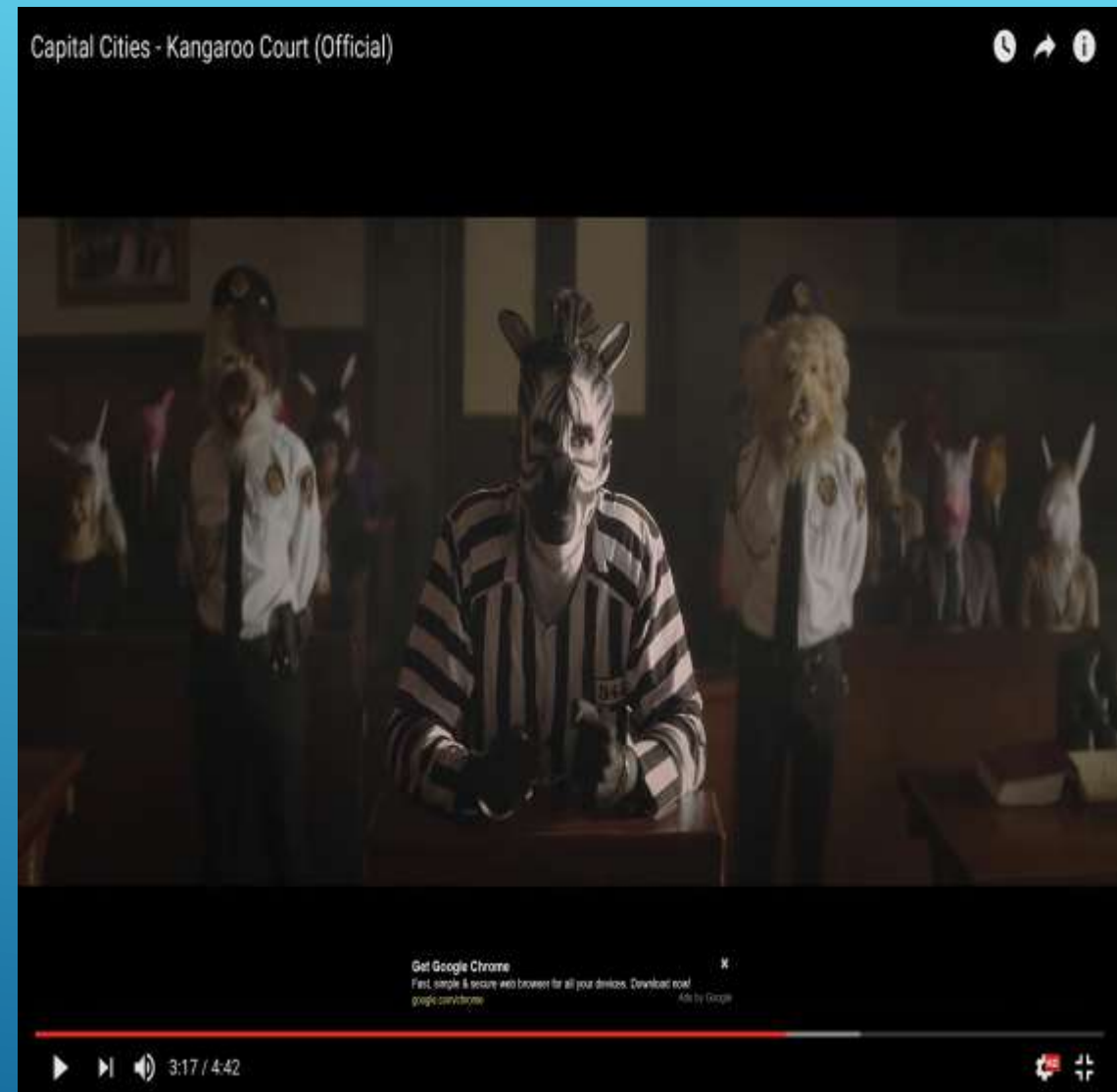


HOW DOES IT WORK?

- NEGOTIATIONS BEGIN
 - THE ATTORNEY WILL:
 - ASK WHY OWNER NEVER GOT AN EZ TAG
 - ASK WHY OWNER DID NOT MAINTAIN THEIR ACCOUNT IN GOOD STANDING
 - MAKE OWNER SCARED BY MAKING THEIR VIOLATIONS SEEM LIKE A FIRST DEGREE FELONY
 - ASK FOR AN OFFER
 - SAY THAT HER CLIENT (HCTRA) PROBABLY WON'T ACCEPT THE OFFER.
 - DISAPPEAR – THEN COME BACK WITH AN ACCEPTANCE, REJECTION, OR COUNTER OFFER.
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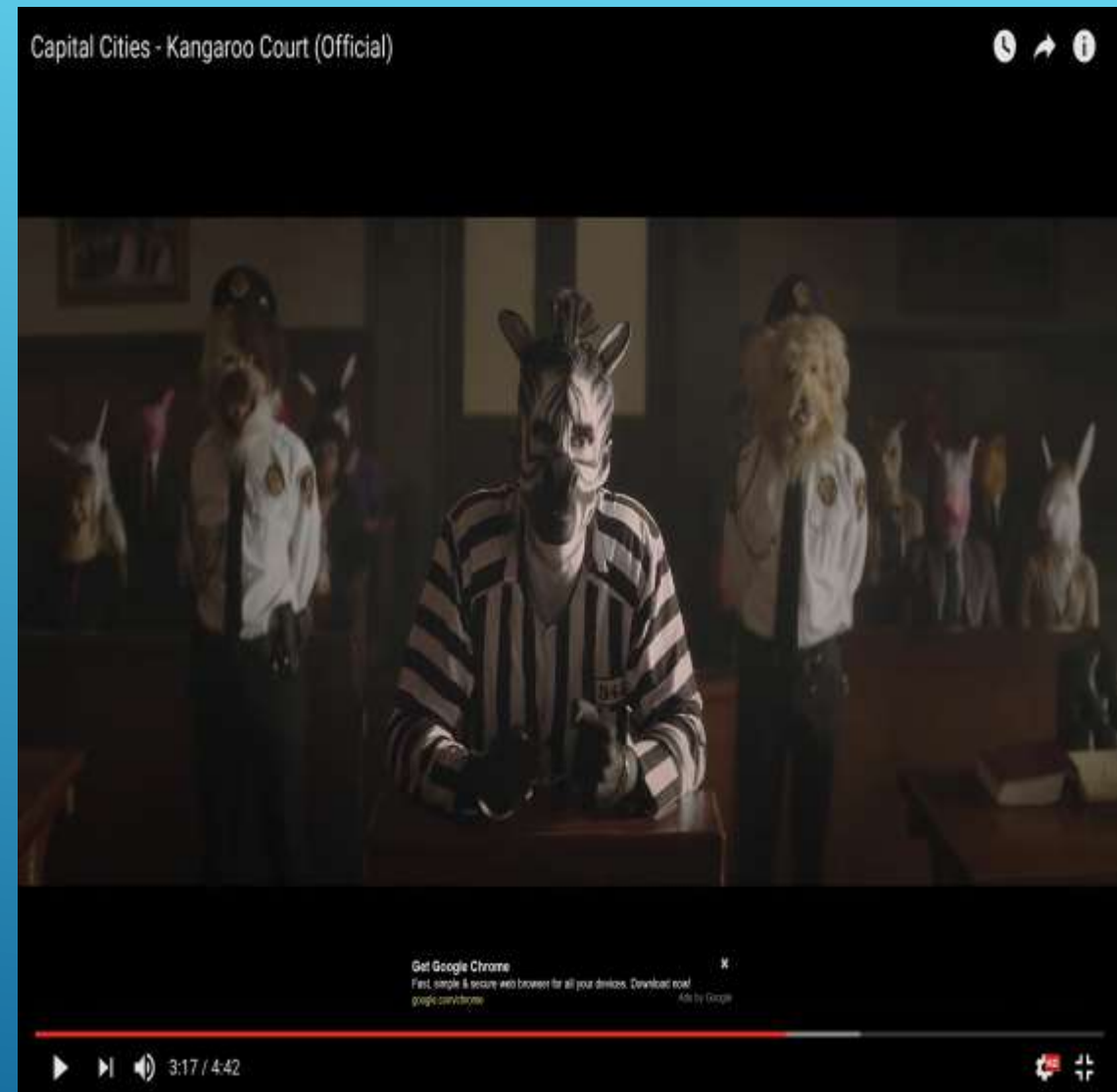
HOW DOES IT WORK?

- WRITE UP THE AGREEMENT AND GIVE THE PAPERWORK TO THE CLERK, OR
- GIVE THE PAPERWORK TO HER CLIENT TO PREPARE FOR TRIAL.
- IN HARRIS COUNTY, YOU WILL NOT SEE THE MAGISTRATE UNTIL HCTRA HAS NEGOTIATED WITH EVERYONE AND HCTRA IS READY FOR THE HEARING.
- THE JUDGES CHAMBER IS CONNECTED TO THE HCTRA OFFICE AND I HAVE SEEN THE DOOR THAT CONNECTS THE TWO OPEN DURING DOCKET.




HOW DOES IT WORK?


- THE JUDGE IN FORT BEND IS THE CITY OF KATY PROSECUTOR.
- HE WILL TELL YOUR CLIENT THAT YOUR CLIENT WILL LOSE AND HE WILL ASSESS THE MAXIMUM HEARING FEE.




HOW DOES IT WORK?

- THE RULES OF EVIDENCE DO NOT APPLY.
 - CLIENT CAN PAY FOR A COURT REPORTER TO BE AT THE HEARING – MUST MAKE THE REQUEST THROUGH LINEBARGER SEVERAL DAYS IN ADVANCE OF THE HEARING.
 - HCTRA LAWYER WILL BABBLE ABOUT THE CASE.
 - SHE WILL OFFER DOCUMENTS INTO EVIDENCE THAT ARE HEARSAY.
 - THE MAGISTRATE WILL ASK FOR AND THEN OVERRULE YOUR OBJECTION.
 - A HCTRA CUSTODIAN OF RECORDS WILL TESTIFY THAT YOUR CLIENT IS THE REGISTERED OWNER OF THE CAR.
 - HCTRA WILL OFFER A SAMPLE OF VIOLATION NOTICES.
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HOW DOES IT WORK?

- YOU CAN CALL YOUR CLIENT TO TESTIFY.
 - ELICIT SPECIAL CIRCUMSTANCES, SUCH AS DEBT, JOB LOSS, SINGLE PARENT, SEVERE HEALTH CONDITIONS, MILITARY SERVICE, DISABLED VETERAN STATUS, VICTIM OF CREDIT CARD FRAUD, VICTIM OF IDENTITY THEFT.
 - MAGISTRATE WILL WANT TO QUESTION HIM.
 - HCTRA LAWYER WILL CROSS HIM.
 - HCTRA LAWYER WILL MAKE CLOSING ARGUMENT.
 - HCTRA LAWYER WILL ASK FOR THE FULL AMOUNT ON THE CITATION, PLUS A \$500 HEARING FEE.
 - YOU WILL MAKE CLOSING ARGUMENT.
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THINGS TO ARGUE

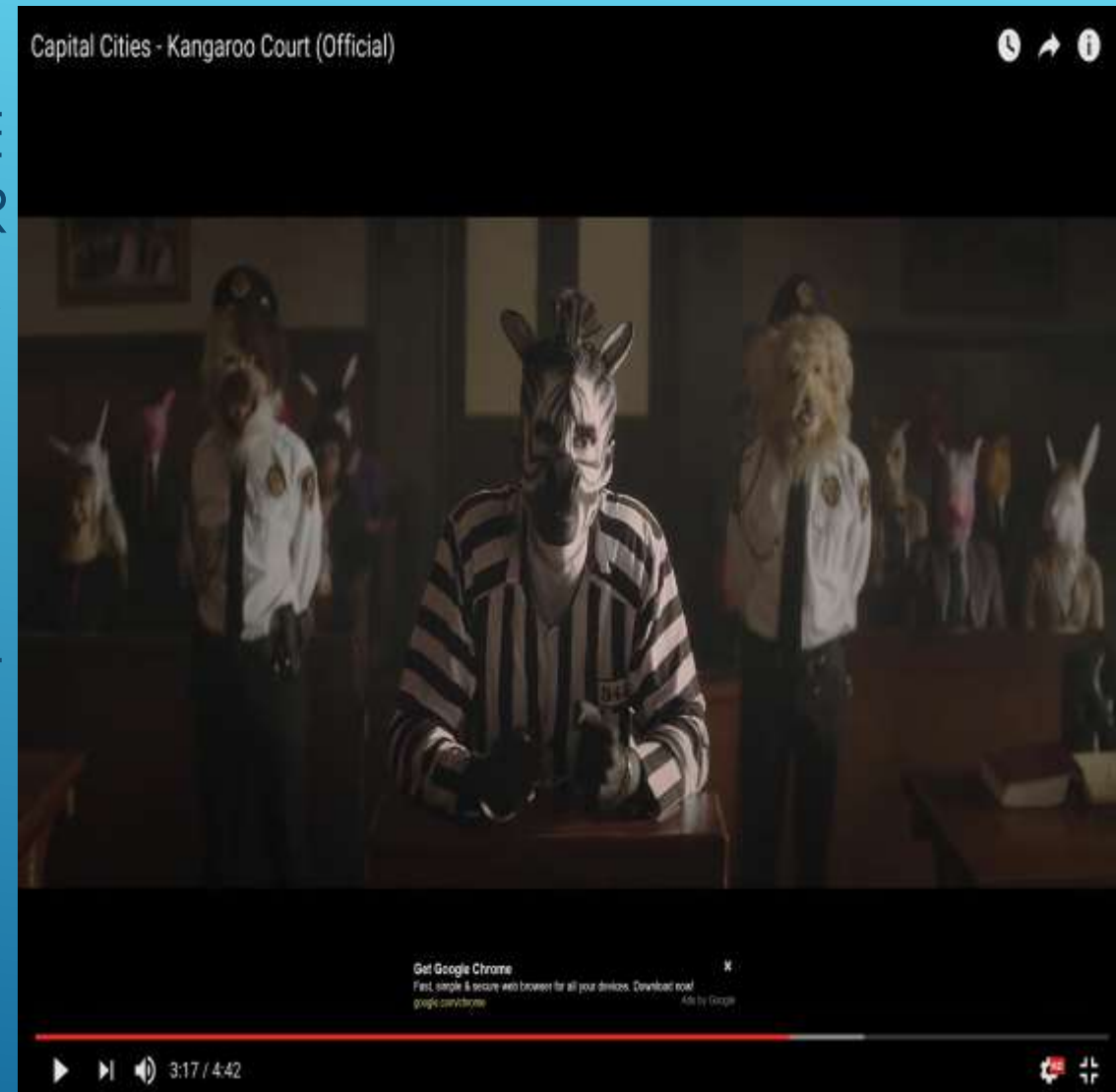
- FEES ARE “GROSSLY EXCESSIVE AND SHOCK THE CONSCIOUS.”
 - FEES VIOLATE THE EXCESSIVE FINES CLAUSE OF ARTICLE 1 SECTION 13 OF THE TEXAS CONSTITUTION AND EXCESSIVE FINE CLAUSE OF 8TH AMENDMENT OF THE U.S. CONSTITUTION.
 - FEES DO NOT BEAR A RATIONAL OR REASONABLE RELATIONSHIP TO THE HARM SUFFERED BY HCTRA.
 - DOING THE MATH ALWAYS HELPS.
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THINGS TO ARGUE


- CLIENT'S SPECIAL MITIGATING CIRCUMSTANCES.
- SENDING A LETTER FIRST CLASS MAIL VIOLATES DUE PROCESS CLAUSE OF TEXAS AND U.S. CONSTITUTIONS.
- FOR THE HEARING FINE:
 - NO TEXAN SHOULD BE FINED FOR EXERCISING THEIR RIGHT TO DUE PROCESS AND A TRIAL. (THEY LOVE IT WHEN YOU ADD IN "FAIR AND IMPARTIAL")

LIKELIHOOD OF A WIN


- YOU WILL LOSE UNLESS YOU CAN PROVE YOUR CLIENT DID NOT OWN THE CAR OR THE CAR AND DEBT WAS ASSIGNED TO A FORMER SPOUSE IN DIVORCE.
- 50% REDUCTION IS VERY RARE IN HCTRA
- 33% USED TO BE THE LIKELY RESULT
- 25% IS NOW MY MOST COMMON RESULT
- 15% IS ALSO GOOD
- SHOOT FOR 24 MONTH PAYMENT PLANS
- COUNTER WITH A LUMP SUM OFFER IF CLIENT CAN PAY



BEST CASES FOR ATTORNEYS

- > \$1,000 OWED
 - CLIENT HAD AN EZ TAG
 - CLIENT'S CREDIT CARD EXPIRED OR CHIP CARD SENT BY BANK
 - CLIENT MOVED FROM REGISTERED ADDRESS
 - CLIENT HAS LONG AND STRONG PAYMENT HISTORY ON EZ TAG
 - CASE IS SET FOR HEARING WITHIN 1 WEEK
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WORSE CASES FOR ATTORNEYS

- CLIENT DID NOT HAVE EZ TAG/TX TAG/TOLL TAG
 - CLIENT HAD TX TAG OR TOLL TAG
 - HCTRA WILL NOT DEAL WITH THE CASE UNLESS YOU HAVE COMMUNICATED WITH THEIR 'HOME TOLLING AGENCY'
 - CLIENT IS IN A RUSH TO GET CASE SETTLED
 - TOO LITTLE MONEY IS OWED (MAKES IT HARD TO SET A COST-EFFECTIVE FEE)
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- A decorative graphic consisting of several parallel white lines of varying lengths, slanted diagonally from the bottom right towards the top right, set against a blue gradient background.

WHAT YOU SHOULD DO IF HIRED ON ONE OF THESE CASES

- HAVE CLIENT SIGN A CONTRACT THAT EXPLAINS IT IS A LENGTHY PROCESS AND RESULTS ARE NOT GUARANTEED
 - THESE ARE THE MOST NEEDY AND DISHONEST CLIENTS YOU WILL ENCOUNTER.
- HAVE CLIENT FILL OUT INTAKE FORM WHICH PROVIDES, AT A MINIMUM:
 - NAME OF REGISTERED OWNER(S)
 - ALL LICENSE PLATE NUMBERS & VEHICLE DESCRIPTIONS
 - WHETHER THEY HAD AN EZTAG, TXTAG, TOLLTAG AND THE ONLINE ACCOUNT LOGIN INFORMATION
 - THE CAUSE FOR THE BILLING ERROR OR INSUFFICIENT FUNDS; COMMON REASONS:
 - CREDIT CARD EXPIRED
 - CREDIT CARD FRAUD
 - MEDICAL DEBT
 - LOST JOB


WHAT YOU SHOULD DO IF HIRED ON ONE OF THESE CASES

- WRITE A DEMAND LETTER THAT:
 - STATES YOU REPRESENT THE CLIENT
 - IDENTIFIES THE LICENSE PLATE NUMBERS AND/OR HEARING NUMBERS
 - EXPLAINS THE REASON FOR THE BILLING ERROR OR INSUFFICIENT FUNDS
 - DEMANDS A SPECIFIC REDUCTION
 - REQUESTS A HEARING DATE “WITHOUT DELAY PER...” IS ONE HAS NOT YET BEEN ASSIGNED.
 - *A \$50 NON-WAIVABLE CITATION FEE WILL BE ADDED
 - SEND VIA EMAIL/FAX/CERTIFIED MAIL

CONSEQUENCES

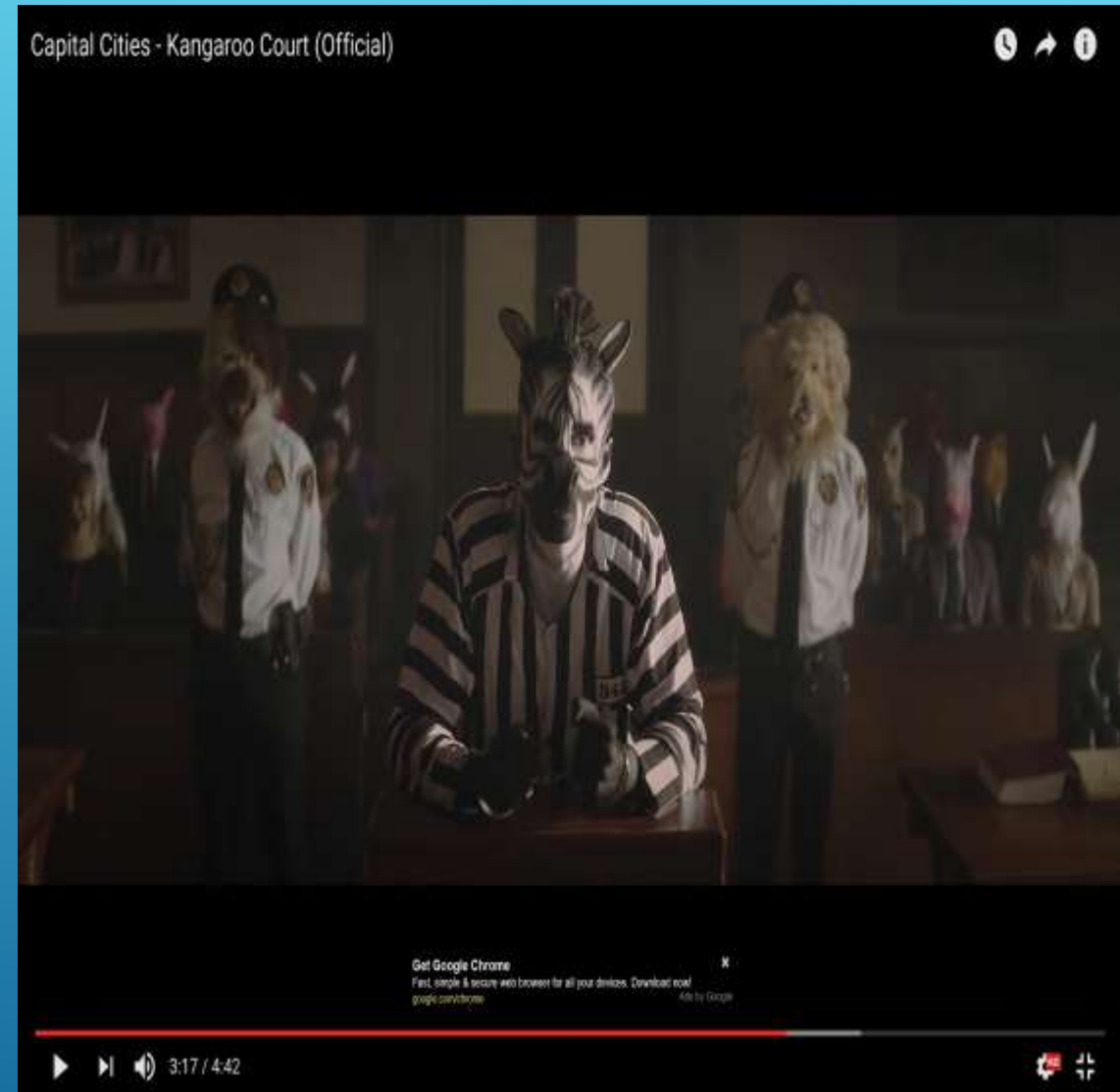
- DMV PLACES A HOLD ON THE VEHICLE'S REGISTRATION
- CITATION FOR DRIVING ON THE TOLL ROAD WHEN PROHIBITED
- CITATION FOR FAILURE TO PAY A TOLL
- CITATION FOR ...
- CAR PREVENTED FROM DRIVING ON THE TOLL ROAD
- POSSIBLE ARREST FOR CLASS C VIOLATIONS
- THREATENING COLLECTIONS PHONE CALLS
- IF OWNER FAILS TO PAY THE SETTLEMENT OR JUDGMENT ACCORDING TO THE TERMS, THE FULL AMOUNT WILL BE OWED PLUS THE \$500 HEARING FEE AND A \$500 FINE FOR NON-PAYMENT

RIGHT TO APPEAL

- NOTICE OF APPEAL MUST BE FILED WITHIN 30 DAYS OF THE JUDGMENT.
 - MUST PAY THE FEE.
 - NOT A DE NOVO TRIAL, BUT COUNTY COURT JUDGE HAS RIGHT TO REDUCE THE JUDGMENT.
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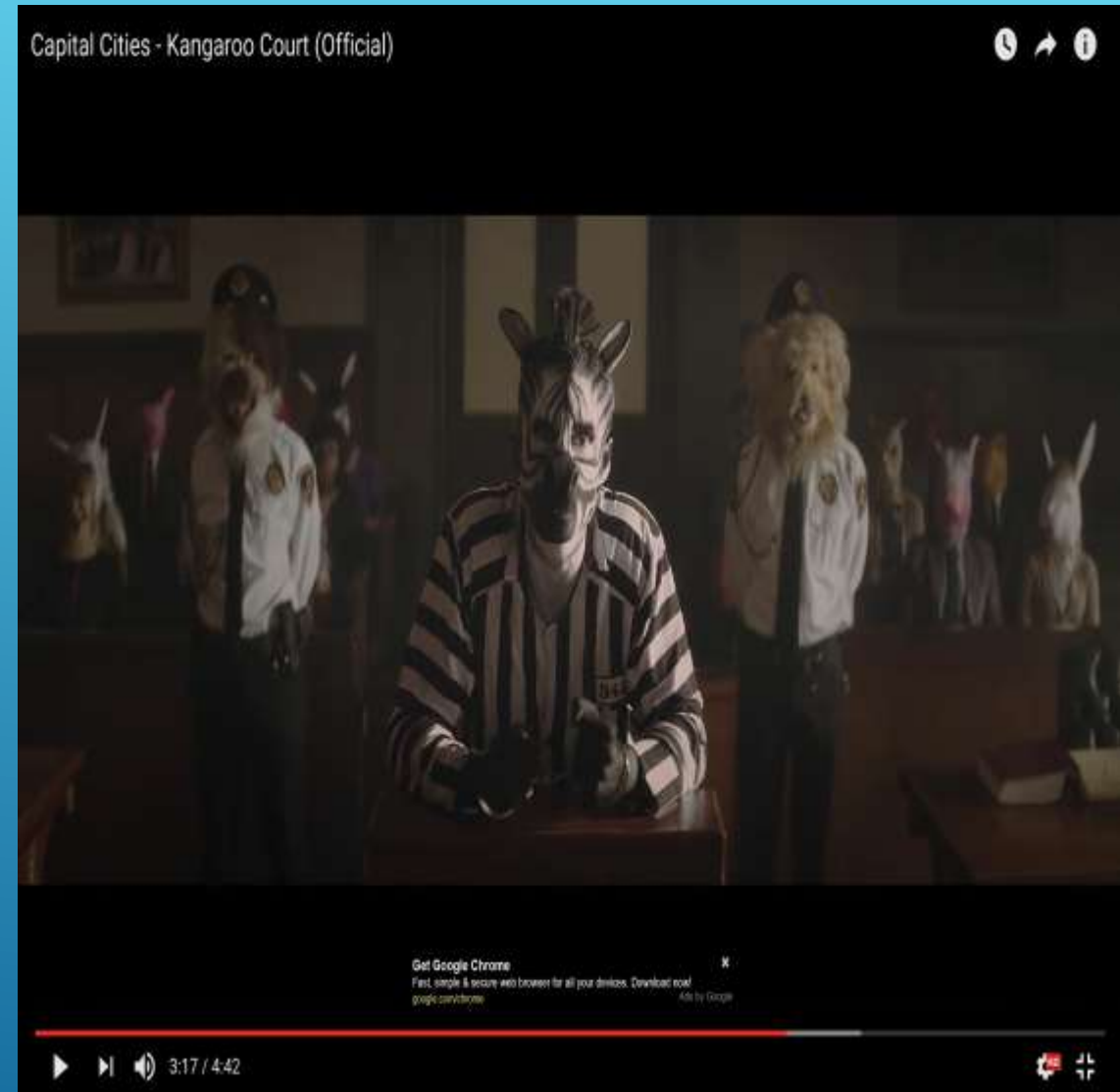
RIGHT TO APPEAL

- THE MAJORITY OF CASES ARE SENT TO JUDGE LINDA STORY.
- HER FATHER WAS THE PRESIDENT AND CEO OF HCTRA.
- SHE THINKS ITS APPROPRIATE TO HEAR THESE CASES.
- SHE ALWAYS RULES FOR HCTRA.
- SEE, KANGAROO COURT.



ABSTRACT OF JUDGEMENT


- IF YOUR CLIENT FAILS TO PAY AT ALL, OR EVEN ACCORDING TO THE AGREEMENT, THE COUNTY WILL SUE YOUR CLIENT TO ABSTRACT THE ADMINISTRATIVE JUDGMENT.
- HCTRA WILL SEEK 33% ATTORNEY'S FEES.



RANGE OF CONSEQUENCES

- DMV PLACES A HOLD ON THE VEHICLE'S REGISTRATION
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RISKS TO THE PRACTITIONER

- TOLL ROAD PRACTICE IS AN ORGANIZATIONAL MESS
 - THE PROCESS CAN TAKE MONTHS
 - CONTROLLING CLIENT'S EXPECTATIONS IS KEY
 - COMMUNICATING WITH THE CLIENT IS A PAIN
 - BURDEN ON OFFICE STAFF
 - DOCKET CAN LAST UP TO 5 HOURS
 - UNLESS WE BAND TOGETHER, IT IS NOT AS COST-TIME EFFECTIVE AS IT CAN BE.
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CONTACT INFORMATION

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CORY ROTH LAW OFFICE

CLIENT CENTERED | TRIAL READY