

ANNUAL DRUNK DRIVING DEFENSE SEMINAR

NOVEMBER 18-19, 2014

THE OSTHOFF RESORT
Elkhart Lake, Wisconsin

15 CLE CREDITS (INCLUDES 1.5 ETHICS CREDITS)

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ABOUT THE PROGRAM

The Annual Drunk Driving Defense Seminar is *THE* seminar for all attorneys who practice drunk driving defense. ONLY defense attorneys are admitted and attorneys who belong to a firm that prosecutes traffic matters are not permitted to attend. Having a defense-attorneys-only seminar assures the most open flow of information between presenters and attendees.

This year's seminar offers a separate day-long program for those attorneys wanting to learn or review the basics of drunk driving defense from intake to acquittal, taught by Attorney Andrew Mishlove, a favorite presenter year after year. Meanwhile on the regular program, presenters will show you how to put theory into a dozen different OWI practice areas. Whether you have tried 50 cases or are just starting your OWI practice, this seminar offers defense attorneys at every level practical tips on improving their practice. The two-day seminar will give you the opportunity to network with other practitioners and speak informally with the presenters.

As a special feature, Oregon attorney John Henry Hingson, Past President of the National Association of Criminal Defense Lawyers will give the Keynote Address. And as is our tradition, at the close of Day One, attendees will once again be invited to the always popular evening social event held at The Paddock Club in Elkhart Lake. Don't make dinner plans as you won't leave hungry! Enjoy the evening social event and plan to spend the night at The Osthoff Resort.

PROGRAM SCHEDULE

TUESDAY, NOVEMBER 18

7:30-8:30 a.m. Registration/Breakfast

BASIC TRACK: "OWI DEFENSE: FROM INTAKE TO ACQUITTAL"

8:30 a.m.-12:05 p.m. **PART I** - *Andrew Mishlove*

12:05 p.m. LUNCH (provided)

1:10 p.m. **KEYNOTE ADDRESS: KEEPING THE FAITH
HOW GOOD FAITH (*UNITED STATES V. LEON*)
CAN HELP YOU PROVE BAD FAITH (*ARIZONA V. YOUNGBLOOD*)** - *John Henry Hingson*

2:15 p.m.-4:30 p.m. **PART II** - *Andrew Mishlove*

ADVANCED TRACK

8:30 a.m. **EXPERT WITNESSES: WHEN TO BRING THEM,
WHERE TO FIND THEM, HOW TO USE THEM** - *Lauren Stuckert*

9:45 a.m. BREAK

10:00 a.m. **HGN 2.0: ADVANCED ISSUES IN HORIZONTAL GAZE
NYSTAGMUS TESTING – USING THE DAUBERT STANDARD
TO WIN AT TRIAL** - *Kirk Obear*

11:15 a.m. **AFTER MCNEELY: UPDATE ON DECISIONS AFTER
THE FALL OF BOHLING** - *Sarah Schmeiser*

12:05 p.m. LUNCH (provided)

1:10 p.m. **KEYNOTE ADDRESS: KEEPING THE FAITH
HOW GOOD FAITH (*UNITED STATES V. LEON*)
CAN HELP YOU PROVE BAD FAITH (*ARIZONA V. YOUNGBLOOD*)** - *John Henry Hingson*

2:15 p.m. **WHAT A TRIAL LAWYER NEEDS TO KNOW ABOUT
APPELLATE LAW** - *Ellen Henak*

3:30 p.m. BREAK

3:40 p.m. **THIS ROLLER COASTER WILL NOT STOP
THE BRANDON BENTDAHL SAGA** - *Barry Cohen*

4:30 p.m. ADJOURN

5:30 p.m. **SOCIAL EVENT, *The Paddock Club***

WEDNESDAY, NOVEMBER 19

8:00-9:00 a.m. Registration/Breakfast

9:00 a.m. **FRIENDING SOCIAL MEDIA: USING IT TO GET RESULTS** - *Casey Hoff*

10:15 a.m. **QUESTIONING COPS: THE WHAT, WHEN AND HOW'S OF IT** - *Aaron Nelson*

11:30 a.m. BREAK

11:45 a.m. **COLLATERAL ATTACKS, VOID CONVICTIONS AND
OUT OF STATE CONVICTIONS: LAW AND STRATEGY
OF CHALLENGING PRIOR CONVICTIONS** - *John Schiro*

1:00 p.m. LUNCH (provided)

2:00 p.m. **WITHDRAWAL SYMPTOMS: THE ETHICS OF DEALING WITH
DIFFICULT CLIENTS** - *Karyn Missimer*

3:15 p.m. **PUTTING THEORY INTO PRACTICE: CROSS-EXAMINING
THE STATE'S BLOOD TEST ANALYST INTO A
NOT GUILTY VERDICT** - *Dennis Melowski*

4:30 p.m. ADJOURN

PROGRAM MATERIALS

Program materials are voluminous and worth the price of the seminar alone. Materials will be available for download from the internet on November 10. Those registering before November 7 will also be mailed a CD of the materials prior to the seminar. Copies of the CD will be distributed at the seminar for those registering after November 7.

HOTEL ACCOMMODATIONS

The Annual Drunk Driving Defense Seminar is being held at The Osthoff Resort in Elkhart Lake, WI. Seminar attendees qualify for special lodging rates of \$99.00 for a standard room or one-bedroom suite, or \$149.00 for a two-bedroom suite if reserved not later than October 18, 2014. Book your room directly with The Osthoff Resort at (800) 876-3399. For complete resort information, visit www.osthoff.com.

COMMENTS FROM PREVIOUS ATTENDEES

“This is one of the most beautiful resorts I’ve ever been to. I can’t believe only \$99 per night.”
“Fantastic! Love The Osthoff and the Paddock Club.”

“Very informative. I appreciated being able to follow along on CD.”
“Very complete”
“Good outlines”
“Good pace, answered questions well.”
“Good issues and materials. Good trial and motion issues.”
“Great information and the perfect amount of time to give information and take questions.”
“Always excellent, more Witt!”
“WOW! Oh so much information!”
“Great tips on litigation.”
“Impressive program. I used material in this program to get a 4th offense OWI reduced to a 1st!”
“Phenomenal location, great substantive material, well organized format – Thank you!”
“As a brand new attorney, I found this seminar incredibly helpful; not only for learning technical field of defense against drunk driving but also in developing litigation skills necessary to handle these cases.”
“Great seminar; BEST one out there!”

TUITION WAIVER

If you believe that you are unable to attend the seminar without a tuition reduction or waiver, send your request explaining your circumstances to Barry Cohen, Program Chair, at barrycohen@barrycohenlaw.com.

CONTACT US

For more information contact Barry Cohen, Program Chair,
at barrycohen@barrycohenlaw.com or (920) 565-4225 ext. 126.

REGISTRATION

Name _____
Firm Name _____
Address _____
City/State/Zip _____
Phone _____ Ext. _____
E-mail _____

By signing here, I attest that I defend citizens accused of OWI and do not belong to a firm which prosecutes traffic matters for any entity.

Signature

TUITION: Complete Seminar \$450.00
(Includes breakfast, lunch, snacks, beverages each day, admission to the evening social event, and program materials on CD.)

Registration must be received no later than November 7th in order to receive materials on CD prior to seminar. Those registering after November 7th will receive the program materials CD at the seminar.

PAYMENT

_____ Check Enclosed (Payable to Annual Drunk Driving Defense Seminar)

_____ Please Charge \$ _____ to my Visa Mastercard

Credit Card Number _____/_____/_____/_____/ Expiration Date ____/____

Security Code: ___/___/___

Print Name As It Appears On Card _____

Billing Address: _____

Authorized Signature _____

Mail or Fax Registration Form to: Annual Drunk Driving Defense Seminar
N9661 Willow Road
Elkhart Lake, WI 53020
Fax: 920-565-4034

ABOUT THE PRESENTERS

Barry S. Cohen has practiced criminal and traffic defense for over 30 years. His firm is located in a converted fieldstone and log horse barn near Elkhart Lake. Before establishing the practice in Elkhart Lake, Mr. Cohen worked for two years in a general practice firm in Osceola and then honed his aggressive defense approach working for several years with the infamous Bill Pangman in Brookfield. He has presented at numerous seminars over the years, and has organized drunk driving defense seminars for more than 25 years. Mr. Cohen has served on many special committees of the legislature, Governor, and Department of Transportation to address drunk driving-related issues. He is a Past President of the Criminal Law Section of the State Bar of Wisconsin, and was a founding member of the Wisconsin Association of Criminal Defense Lawyers, serving on its Board of Directors for many years.

Ellen Henak, Henak Law Office, S.C., focuses her practice almost exclusively on Wisconsin post-conviction work and criminal appeals. She also handles appeals and post-dispositional motions in cases involving juveniles and mental health commitments. In addition, she teaches advanced brief writing as an adjunct professor of law at Marquette University Law School. For over 20 years, she was a staff attorney in the Milwaukee Appellate Office of the Wisconsin State Public Defender's Office. She graduated from New York University School of Law in 1983 and was a judicial law clerk for the Hon. Marie L. Garibaldi of the New Jersey Supreme Court. Among other honors, she was recognized as a Leader in the Law for 2009 and as the Wisconsin State Bar Law-Related Education Attorney of the Year in 2006. Prior to attending law school, she was a special education teacher and she particularly enjoys dealing with clients with disabilities and with mental health needs.

John Henry Hingson III, Past President of the National Association of Criminal Defense Lawyers, is listed in The Best Lawyers in America. Oregon Supreme Court Justice Paul DeMuniz declared, "Simply put, few lawyers are blessed with the combination of intellectual power and analytical skills that are the hallmark of John Henry Hingson III." Described as the nation's leading expert on the use of state constitutions in the defense of citizens accused of crime, Hingson's cross examination skills have cause 6 police officers to invoke the 5th Amendment rather than continue with the cross examination. In June 2014 he proved the police destroyed his client's blood in bad faith in a felony DUI case and obtained a dismissal the charge. There are only 12 appellate cases in America upholding dismissals under *Arizona v. Youngblood*. Stay tuned to see if the Attorney General of Oregon throws in the towel or proceeds to lucky 13!

Casey Hoff is a senior associate attorney for the law offices of Kirk Obear and Associates, where he has practiced for the past four years. Casey focuses exclusively on criminal and traffic defense. In the four years that he has been practicing law, Casey has secured complete acquittals in numerous drunk driving cases, from first offense cases all the way up to seventh offense OWI/PAC cases. In 2014, Casey was named one of Wisconsin's *Up and Coming Lawyers* by the Wisconsin Law Journal. Casey serves on the Board of Directors for the Wisconsin Association of Criminal Defense Lawyers and is a member of the National Association of Criminal Defense Lawyers. While in law school, Casey interned for the Milwaukee Office of the State Public Defender. Casey graduated from Marquette University Law School in 2010 and received his undergraduate degree in business from the University of Wisconsin-Madison in 2005.

Dennis M. Melowski is the head of Melowski & Associates, LLC in Sheboygan. His practice is exclusively limited to the defense of drunk driving charges.

Andrew Mishlove is a partner in the law firm of MISHLOVE & STUCKERT. He is Wisconsin's only board certified specialist in OWI defense. Mishlove has taught at many regional and national seminars. He is a Regent of the National College of DUI Defense. His book, Wisconsin OWI Defense, The Law and Practice, was released in July, 2013.

Karyn T. Missimer lives to defend the constitutional rights of the citizen accused. She practices with her partner in law and life, Richard S. Missimer, at Missimer Law, S.C., which is located on the Rock River in Beloit, WI. She received a Bachelor of the Arts in Theater, as well as her Juris Doctor, from Marquette University. At Marquette, she received the Pro Bono Society Honor for dedicating over 120 hours of time to indigent defense. Before entering private practice, Karyn had the honor of being Andrew Mishlove's first associate. She has given presentations at the Building Your Practice: Handling OWI Cases seminar in Madison and Milwaukee; State Public Defender seminars; and this seminar. She has been a member of the National College for DUI Defense since 2007 and the Wisconsin Association of Criminal Defense Lawyers since 2006. In 2013 and 2014, Karyn was named as a Super Lawyers Rising Star, a designation reserved for the top 2.5% of attorneys in WI who are under 40 years old and/or have been practicing less than 10 years (Karyn is both.). Though she spends time with her family, dog, and cats, and rocketing around on (or falling off of) her jet ski, she finds most of her time devoted to OWI defense.

Aaron Nelson graduated from the University of Wisconsin-Madison Law School in 1996. He is a partner at Doar, Drill & Skow in New Richmond, Wisconsin. He has devoted 100% of his practice to defending people accused of crimes and drunk driving. He has been an instructor at the Wisconsin State Public Defender Trial Skills since 2012 and most recently was an instructor at the National Criminal Defense College ("NCDC") in Macon, Georgia.

Kirk Obear heads up Kirk Obear and Associates, a criminal defense firm in Sheboygan, WI. Prior to opening his own firm, he worked with Barry Cohen and Dennis Melowski for 10 years at Melowski, Obear and Cohen. He is also a former JAG in the United States Air Force. Kirk has offices in Sheboygan and Madison, with his practice focusing exclusively on criminal and traffic defense in all counties in Wisconsin. He is admitted to practice before the United States District Court in the Eastern and Western Districts of Wisconsin, the Southern District of Illinois, the United States Air Force Court of Criminal Appeals, the United States Court of Appeals for the Armed Forces, the United States Court of Appeals for the 7th Circuit, and the United States Supreme Court.

John Schiro, of Schiro & Zarzynski in Milwaukee, is the firm's leader in criminal and traffic defense. Defending persons charged with a crime is not only John's profession, but also his passion. He has been a tireless force in the criminal justice system throughout the State of Wisconsin for many years. As an active member in the Wisconsin Association of Criminal Defense Attorneys since its inception, Attorney Schiro is well-known and admired by his colleagues. He is a long-standing member of the National Association of Criminal Defense Attorneys (President's Club Member), was selected to join the National College for DUI Defense Attorneys, has been named a Wisconsin Super Lawyer in Criminal Defense for the last ten years, and is a twice graduate of Axion Training Institute Inc., Analytical Laboratories Inc. Forensic Chromatography Course (2013 and 2014).

Sarah M. Schmeiser, after graduating with honors from the University of Wisconsin School of Law, established her own practice. For nine years, she defended clients charged with various criminal and traffic offenses in municipal, state and federal court. She also represented clients in immigration cases in Chicago's Federal Immigration Court. An associate at Tracey Wood & Associates since March of 2014, Sarah continues to focus on criminal and traffic defense as well as handling immigration cases.

Sarah is a member of the State Bar of Wisconsin, the Dane County Bar Association, the National Association of Criminal Defense Lawyers and the Wisconsin Association of Criminal Defense Lawyers and the American Immigration Lawyers Association. She is NHTSA certified in standardized field sobriety testing. Sarah holds a Bachelor of Arts in Anthropology and Museum Studies from Beloit College and a Juris Doctor from the University of Wisconsin Law School. You can reach Sarah at 608.661.6300, fax her at 608.661.6309, or email at sarah@traceywood.com. The mailing address is 1 N Pinckney Street, Ste. 300, Madison, WI 53703.

Lauren Stuckert focuses her practice on complex alcohol and drug operating while intoxicated (OWI) litigation. She has mastered blood science as it relates to alcohol and drug cases, attending national seminars and receiving specialized scientific training across the country.

In 2011, Lauren became the first Wisconsin attorney to receive a certificate in Forensic Chromatography Blood Alcohol Analysis from the American Chemical Society at Axion Laboratories in Chicago. In the past two years, she returned to Axion to complete the Forensic Solid Drug Analysis course and Forensic Principles of DUI Drugs through the American Chemical Society. Lauren has handled hundreds of operating while intoxicated cases, and has defended her accused clients in over 80 jury and court trials.

Lauren is the Wisconsin State Delegate for the National College for DUI Defense and this past year was appointed to the DUI committee for the National Association of Criminal Defense Lawyers.