

ANNUAL DRUNK DRIVING DEFENSE SEMINAR

NOVEMBER 17-18, 2015

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 has proven to provide the most open flow of information between presenters and attendees. Practitioners get the real information they need.

This year's seminar will focus on several issues OWI defense attorneys are facing right now: Challenging therapeutic levels of prescription medication, How to beat PC to Arrest even with a PBT over .08, Challenging the .02 PAC under the IID restriction, Vehicle operation/not operating on road, How to win the refusal case, plus case law update, constitutional challenges and ethics, just to name a few. 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.

We have added an evening Hospitality Suite, sponsored by Smart Start, Inc., for all attendees arriving the night before the seminar begins. Arrive early, relax around the fireplace with your comrades while you enjoy great food and beverages.

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.

We again will close the program with the real deal. Dennis Melowski, the undisputed most successful drunk driving defense attorney, will share his strategy and technique to show you how to get the jury to say "not guilty". If you don't stay until the end, you will be sorry.

PROGRAM SCHEDULE

MONDAY, NOVEMBER 16

6:00 p.m.-11:00 p.m. **HOSPITALITY SUITE AT THE OSTHOFF RESORT**
Food and Beverages available for attendees arriving Monday

TUESDAY, NOVEMBER 17

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

8:30 a.m. Welcome/Opening Remarks - *Barry Cohen*

8:45 a.m. **A PLETHORA OF PITHY POINTS ON CONFRONTATION** - *Michele Tjader*

9:35 a.m. **OPERATION WHAT & WHERE** - *John Schiro*

10:25 a.m. BREAK

10:40 a.m. **CASE LAW UPDATE** - *Sarah Schmeiser*

11:30 a.m. **WINNING PRESCRIPTION MED OWI CASES** - *Aaron Nelson*

12:20 p.m. LUNCH (provided)

1:20 p.m. **WHAT'S UP DOC?: DOC ISSUES EVERY DUI DEFENSE ATTORNEY SHOULD KNOW** - *Karyn Missimer*

2:10 p.m. **EVER HEAR OF BEN MATLOCK? HOW TO PREPARE YOUR CLIENT FOR CROSS-EXAMINATION IN A COLLATERAL ATTACK HEARING** - *Kirk Obear*

3:00 p.m. BREAK

3:15 p.m. **KNOW YOUR NEIGHBORS: WHAT YOU NEED TO KNOW ABOUT NEIGHBORING STATE OWI TREATMENT**

- *Andrew Mishlove, Moderator*
- *Patrick Barone, Birmingham, MI*
- *Donald Ramsell, Wheaton, IL*
- *Douglas Hazelton, Minneapolis, MN*
- *Robert Rehkemper, W. Des Moines IA*

4:30 p.m. ADJOURN

5:15-6:15 p.m. Shuttle operates from Osthoff to Paddock Club

5:30 p.m. **SOCIAL EVENT** at *Paddock Club*

Shuttle return to Osthoff

WEDNESDAY, NOVEMBER 18

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

8:30 a.m. **ETHICS PRESENTATION:
SPECIAL RESPONSIBILITIES OF A PROSECUTOR:
SCR 20:3.8 AND THE SPIRIT OF THE RULES** - ADA Michael Griesbach

9:45 a.m. BREAK

10:00 a.m. **REFUSALS: TURNING THE TIDE** - Matthew Murray

10:50 a.m. **OWI INJURY CASES: TECHNIQUES AND STRATEGIES
TO GET YOUR CLIENT THE BEST RESULTS** - Lauren Stuckert

12:05 p.m. LUNCH (provided)

1:05 p.m. **CHALLENGING PC TO ARREST DESPITE PBT EVIDENCE** - Michael Witt

1:55 p.m. **IID? WE DON'T NEED NO STINKING IID** - Corey Chirafisi

2:45 p.m. BREAK

3:00 p.m. **ADVANCED TRIAL TECHNIQUES** - Dennis Melowski

4:15 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 9. Copies of the CD will be distributed at the seminar.

HOTEL ACCOMMODATIONS

The Annual Drunk Driving Defense Seminar is 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 16, 2015. 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 REDUCTION

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,
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)

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

Patrick T. Barone is the founding Partner and CEO of The Barone Defense Firm, headquartered in Birmingham, Michigan and with offices also in Grand Rapids, Michigan. He is also the author of two books on DUI defense including the well-respected two volume treatise *Defending Drinking Drivers* (James Publishing) and *Michigan DUI Law: A Citizen's Guide*. He had also authored several chapters in *Defending DUI Vehicular Homicide Cases*, 2012/2014 eds. and *Witness Preparation and Examination for DUI Proceedings*, 2016 in print (West Publishing/Aspatore Books). Mr. Barone is also an adjunct professor at the Thomas M. Cooley Law School where he teaches *Drunk Driving Law and Practice*, on the faculty of the Michigan Trial Practice College, and the National College for DUI Defense, and is a graduate of the Gerry Spence Trial Lawyer's College. He is also a 2016 candidate for certification in psychodrama. Mr. Barone has an "AV" (highest) rating from Martindale-Hubbell, and since 2009 has been included in the highly selective *US News & World Report's America's Best Lawyers* while The Barone Defense Firm appears in their companion *America's Best Law Firms*. He has been rated "Seriously Outstanding" by SuperLawyers, rated "Outstanding/10.0" by AVVO and has recently been appointed to the advisory board for the Michigan edition of *Leading Lawyers Magazine*.

Corey Chirafisi practices criminal and traffic defense in Madison with his law partner Tim Verhoff.

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.

Michael Griesbach is a longtime Wisconsin prosecutor and author of *The Innocent Killer: A True Story of a Wrongful Conviction and its Astonishing Aftermath*, published by the American Bar Association. Mr. Griesbach also serves on the board of advisors at the Wisconsin Innocence Project and has an abiding interest in the fair and ethical treatment of criminal offenders by judges and prosecutors.

Douglas Hazelton Although licensed in Wisconsin for less than a year, since 1993 Doug Hazelton has practiced exclusively in the area of criminal defense with a concentration on Minnesota alcohol-related traffic offenses (DWI/DUI). During his career, he has successfully handled several hundred criminal cases including homicide, drugs, sex crimes, theft, and assault.

Doug's is one of only two Minnesota defense attorneys to attend the Borkenstein Course at Indiana University in the study of forensic alcohol testing. He has also received training on both the Intoxilyzer 5000 and DataMaster breath test machines (both approved for use in Minnesota) and is NHTSA-certified in the administration of Standardized Field Sobriety Tests and Drug Recognition Evaluation (DRE).

Doug is a Founding Member of the DUI Defense Lawyers Association (DUIDLA) as well as Minnesota's National Delegate to the National College for DUI Defense (NCDD).

In addition to lecturing on DUI/DWI-related topics locally and nationally, Doug's articles have been published in numerous publications including Criminal Defense Techniques (Matthew Bender), Criminal Constitutional Law (Matthew Bender), the Police Misconduct and Civil Rights Law Report (Clark Boardman) and the Hennepin Lawyer.

Doug has been named to the list of Minnesota Monthly's "Best Lawyers in America" and Minneapolis-St. Paul Magazine's list of "SuperLawyers".

Doug is a contributing editor for the Minnesota DWI Deskbook, co-author of the Minnesota DWI Survival Guide and is the sole author of the Thomson West Minnesota DWI Handbook.

Doug is also a newly-minted Wisconsin Attorney, receiving his 1.

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 ("KTM") lives to defend the constitutional rights of accused citizens. 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 she became a Sustaining Member in 2014. Further, she has been a

member of the Wisconsin Association of Criminal Defense Lawyers since 2006, and she became a Sustaining Member in 2014. For 2013-15, 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 and “competitive” fencing. (“Competitive” is in quotes, as in Karyn's case it is a loose term. “Being pummeled by swords” may be a more accurate way of describing it.)

Matthew M. Murray has been an associate attorney with Melowski & Associates, LLC in Sheboygan for the past three years. The firm's practice is exclusively limited to the defense of drunk driving offenses. Before joining Melowski & Associates, he was the head of Murray Law, LLC in Green Bay, which was also exclusively dedicated to the defense of drunk driving offenses.

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 instruction at the National Criminal Defense College (“NCDC”) in Macon, Georgia.

Kirk Obear is the managing partner and principal shareholder of Kirk Obear & Associates, a criminal and traffic defense firm based in Sheboygan. With Attorneys Brett Kaehne and Melissa Barrette, his practice is exclusively devoted to OWI and criminal defense. Prior to opening his office in 2008, he worked with Barry Cohen, Dennis Melowski, Sarvan Singh, Chad Lanning, and Kevin Mulrooney at Barry’s office out in the country.

Donald Ramsell has the proud distinction of having argued *Illinois v. Lidster*, a DUI/roadblock case, before the United States Supreme Court. Additionally, Don was lead counsel in the landmark Illinois Supreme Court case *People v. McKown*, which imposed the requirement that all 'horizontal gaze nystagmus' tests must comply with NHTSA standards and significantly restricted the use of HGN as evidence in DUI cases. Don has appeared before the Illinois Supreme Court on five occasions involving DUI evidence, speedy trials, vehicle forfeiture laws and summary suspension laws. Donald’s book, “*Illinois DUI Law and Practice Guidebook*” has been published annually by Thomson-Reuters since 2009. Don previously authored a chapter for the Illinois Institute for Continuing Legal Education (IICLE) on Field Sobriety Testing, and his chapter entitled "Nystagmus Testing for Drugs and Alcohol" was first published in 2011 in the national 3-volume treatise, *Intoxication Test Evidence*. Don has also written chapters in the first and second volume of the nationally released book, “*Inside the Mind: Understanding DUI Scientific Evidence*” published by Aspatore Books.

In the past 25 years, his law firm has defended over 14,000 drivers. He is Board Certified in DUI Defense; a Regent of the prestigious National College for DUI Defense (NCDD) and also a Faculty Member of NCDD. Don is a certified Standardized Field Sobriety Test Instructor. Donald successfully completed a course in gas chromatography, the method used for testing alcohol in blood, in 2009. Don is a member of the American Academy of Forensic Sciences and the American Chemical Society.

Donald has been named as an Illinois Super Lawyer in DUI Defense in 2005, 2006, 2007, 2009 - 2014. Ramsell has presented to DUI Attorneys in New York, New Orleans, Michigan, Wisconsin, Texas, Illinois, Nevada, Maryland, Massachusetts, Missouri, Arkansas, Virginia, Mexico, the Bahamas and also nationwide through webinars at Thomson-West Publishing.

Donald is a Past President of the DuPage County Bar Association (2,000+ Members) a past ABA Delegate, and Past President of the DuPage County Criminal Defense Lawyers Association. Don is also a former Chair of the Illinois State Bar Association Traffic Law Section Council and a former ISBA State delegate. Don has appeared on Oprah Winfrey, ABC's 20/20, Nancy Grace, Hannity & Colmes, and his cases have been featured in London's Financial Times, and mentioned in over 229 newspapers worldwide, including the Washington Post, the New York Times.

Robert "Bobby" Rehkemper received his Bachelor of Arts degree in Psychology and History from Coe College in Cedar Rapids, Iowa. He graduated from Drake University Law School, receiving his Juris Doctorate with high honors in 2002.

Mr. Rehkemper is a founding partner of GRL Law located in West Des Moines, Iowa. His practice consists primarily of criminal defense, both state and federal, with a strong emphasis on drunk driving defense. He is the Iowa State Delegate for the National College of DUI Defense; is a Founding Member of the DUI Defense Lawyers Association; and is a co-founder of the Oh Crap App, a smart phone application designed to educate motorists on their legal rights and put them into contact with attorneys anywhere in the nation.

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 is an associate at Tracey Wood & Associates since March of 2014, Sarah focuses on criminal and traffic defense as well as handling immigration cases. After graduating with honors from the University of Wisconsin School of Law in December of 2004, Sarah established her own practice. Since that time she has defended clients charged with various criminal and traffic offenses in municipal, state and federal court. She has also represented clients in immigration cases in Chicago's Federal Immigration Court.

Sarah is a member of the State Bar of Wisconsin, the Dane County Bar Association, the National Association of Criminal Defense Lawyers, the Wisconsin Association of Criminal Defense Lawyers, and the National College of DUI Defense. She is NHTSA certified in standardized field sobriety testing. Sarah is working toward completing the Forensic Lawyer-Scientist designation recognized by the Chemistry and the Law Division of the American Chemical Society.

You can reach Sarah at 608.661.6300, fax her at 608.661.6309, or email her at sarah@traceywood.com. The mailing address is 1 S Pinckney Street, Ste. 950, Madison, WI 53703. The website is www.TraceyWood.com

Lauren Stuckert focuses her practice on complex alcohol and drug Operating While Intoxicated 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. Lauren has handled hundreds of operating while intoxicated cases, and has defended her accused clients in over 80 jury and court trials. She is the Wisconsin State Delegate for the National College for DUI Defense and a member of the DUI committee for the National Association of Criminal Defense Lawyers.

Michele A. Tjader of Tjader Law, Inc. has specialized in drunk driving defense for the last 15 years. She practices state-wide in Wisconsin and her office is located in Madison, WI. She likes holding hands and long walks on the beach. Actually she prefers none of those things, and instead drinks gin, smokes cigars, and relies on her large German Shepherd to scare off any visitors to her home.

Michael C. Witt is in private practice in Jefferson, Wisconsin. Earning an Associate Degree in Biology in 1980, he worked in blue collar/technical positions at the University of Wisconsin Hospital and Clinics, and the University of Wisconsin Biochemistry Department. After enlisting in the Army Reserve, he then resumed study at the University of Wisconsin for degrees in History and History of Science and Law.

In addition to being trained in the administration of the NHTSA Standardized Field Sobriety Test battery, and completing the NHTSA Faculty Development Workshops at the National Judicial College, Attorney Witt has lectured on aspects of handling scientific evidence in the context of OWI cases. In February of 2003, he was accepted as a provisional member of the American Academy of Forensic Sciences.

Serving on the board of Directors of the Wisconsin Association of Criminal Defense Lawyers, Attorney Witt is also a member of the State Bar of Wisconsin, the Jefferson County Bar Association, the American Bar Association, and the National Association of Criminal Defense Lawyers. He is admitted to practice before all state and federal courts in the State of Wisconsin, as well as the 7th Circuit U.S. Court of Appeals and the United States Supreme Court.