

ANNUAL DRUNK DRIVING DEFENSE SEMINAR

NOVEMBER 14-15, 2016

**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 will focus on several issues facing OWI defense attorneys. 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.

Arrive the night before the seminar begins and relax in front of the fireplace at the Welcome Reception sponsored by Smart Start. Food and drinks from 7pm to 10 pm in the beautiful Elk Lounge at the Osthoff.

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

SUNDAY, NOVEMBER 13

7:00-10:00 P.M. WELCOME RECEPTION
SPONSORED BY SMART START

ELK LOUNGE

MONDAY, NOVEMBER 14

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

8:30 a.m. Welcome/Opening Remarks

- Barry Cohen

8:45 a.m. **THE OWI LITIGATION BATTLEFIELD:
STRATEGIC PLANNING AND TACTICAL EXECUTION**

- Kirk Obear

10:25 a.m. BREAK

10:40 a.m. **LEARN THE TEN MOST COMMON DOT PITFALLS AND
AVOID ETHICAL PROBLEMS**

- Barry Cohen

11:55 a.m. LUNCH (provided)

1:00 p.m. **THE DOGS OF (THE DRUG) WAR: APPLYING THE "MISSION"
REQUIREMENT OF *RODRIQUEZ V. UNITED STATES*
IN EVERY CASE**

- John Birdsall

2:15 p.m. BREAK

2:25 p.m. **CASE LAW/LEGISLATIVE UPDATE**

- Sarah Schmeiser

3:40 p.m. **PROTECTING YOUR NON-CITIZEN CLIENT:
THE LONG SHADOW OF IMMIGRATION CONSEQUENCES**

- Moises Hernandez

4:55 p.m. ADJOURN

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

TUESDAY, NOVEMBER 15

7:30-8:45 a.m. Registration/Breakfast

8:45 a.m. **MOTHER TRUCKERS: CDL ISSUES**

- Matthew Murray

10:00 a.m. BREAK

- 10:15 a.m. **DON'T BELIEVE THE HYPE: DISCONNECTING THE TEST RESULT**
- Michael Cohen
- Aaron Nelson
- 11:55 a.m. LUNCH (provided)
- 1:00 p.m. **ADVANCED TOPICS IN FIGHTING MARIJUANA DRIVING CASES**
- Lauren Stuckert
- 2:15 p.m. BREAK
- 2:30 p.m. **TURNING NOTHING INTO SOMETHING: HOW TO SUCCESSFULLY ATTACK BLOOD TEST RESULTS WITHOUT A SMOKING GUN**
- Dennis Melowski
- 4:10 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 7. Copies of the CD will be distributed at the seminar. If you prefer a CD in advance of the seminar, please contact Barry Cohen at 920-565-4225.

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 14, 2016. 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.”
- “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.

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 AmEx
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: 920-227-2264

ABOUT THE PRESENTERS

John Birdsall graduated from the University of Wisconsin Law School in 1989 where he was named to the Dean's List. During his final year of law school Birdsall took part in the Legal Defense Project, a program that allowed students to work on criminal cases while still in law school.

Birdsall has conducted approximately 225 jury trials to verdict thus far in his career. His acquittal rate is approximately three times the state average. He has worked on numerous extremely complex cases during his career. In one specific example, Birdsall defended at jury trial an individual accused of homicide 20 years prior. The case was brought based upon DNA evidence by the Milwaukee County Cold Case Unit. Although most cold cases result in convictions, Birdsall's zealous defense of the defendant resulted in a not-guilty verdict. Birdsall succeeded by attacking the validity of DNA evidence and the credibility of witnesses.

Birdsall has extensive experience working on sexual assault and possession of child pornography cases. In one of those cases Birdsall filed a private criminal complaint against the alleged victim. The complaint discussed how these pictures were sent unsolicited by the child, and how the alleged victim was, if the images were "lewd" as claimed by the state, actually producing child pornography. After the district attorney working the case refused to charge the complaint, Birdsall used that refusal as an acknowledgment that the pictures were not "sexually explicit conduct." This was important because one of the elements of Wis. Stat. § 948.12 is that the picture be of sexually explicit conduct. By the failure to charge, the district attorney acknowledged that one of the essential elements of the crime was missing.

Birdsall represented an individual accused of three counts 4th degree sexual assault and one count 1st degree child sex assault. The case was set for trial and based up Birdsall's extensive use of prior false accusations made by the alleged victim, the district attorney dismissed the case on the eve of trial.

Birdsall has been to trial numerous other times recently. Birdsall defended an individual accused of Homicide by Intoxicated Use of a Vehicle in Manitowoc County Case. He obtained a not guilty verdict on two of the three counts and the sole count of conviction is likely to be reversed due to instructional error by the court who inadvertently told the jury about the defendant's prior OWI conviction.

Birdsall has published numerous articles during his career, including a cover-story article in the Wisconsin Lawyer titled "Trouble Ahead: Wisconsin's New Domestic Abuse Laws (2004)." In 2002 Birdsall published another article in Wisconsin Lawyer titled "Problems with the New Truth-In-Sentencing Law." He was also involved in the Wisconsin Sentencing Commission and helped publish "Sentencing in Wisconsin" (2007) and "Race and Sentencing in Wisconsin" (2007). Birdsall maintains a blog discussing various criminal issues.

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 in Brookfield. He has presented at numerous seminars over the years, and has organized drunk driving defense seminars for more than 30 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 Cohen is the Principal/Owner of Cohen Law Offices. He graduated from Dartmouth College in 1988 and received his JD from UW- Madison in 1991. His practice is focused solely on the defense of the accused in all types of criminal matters. His practice is equally devoted to OWI defense and to all other criminal matters. He is one of only four lawyers in WI to be recognized by the Chemical and Law Section of the American Chemical Society as a Lawyer-Scientist. Although he focuses his practice in the trial courts, he has successfully argued in all levels of the WI Courts including the WI Supreme Court.

He is a member of the NCDD (National College for DUI Defense), DUIDLA (DUI Defense Lawyers Association), DUIDLA's Justice Foundation (Board member), NACDL, WACDL (Board member), as well as a Board member and Committee member for a variety of local Criminal Justice and other civic organizations and businesses in his local area in NW WI.

Moises Hernandez has been practicing immigration law since 2002, and running his own law practice since 2007. He handles a variety of immigration matters including family-based applications for residency, citizenship, and deportation defense, including complex cases involving criminal convictions.

A native of Mexico, Moises moved to Chicago with his family at the age of 7. A bilingual Spanish-English speaker, the first immigration case he handled after graduating from law school and passing the Illinois bar was his own naturalization.

As a new attorney Moises worked for the Midwest Immigrant & Human Rights Center (now known as the National Immigrant Justice Center/NIJC) as a staff attorney. He started his own law practice in 2007, and he currently serves the immigrant community in the Chicago area and surrounding states.

Moises is regularly invited to speak to religious, educational and other community-based organizations (in English or Spanish) about immigration law. He is especially interested in opportunities to educate the vulnerable immigrant communities from the prevalent practice of immigration fraud by “notaries” or other unauthorized practitioners.

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

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.

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, Suite 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.