

ANNUAL DRUNK DRIVING DEFENSE SEMINAR

NOVEMBER 11-13, 2018

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. If you have never attended this seminar, just ask any OWI defense attorney you respect – he or she will tell you it's not to be missed.

This year's seminar will focus on several cutting edge issues facing OWI defense attorneys. Whether you have tried 100 cases or see your first trial on the horizon, 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 Wisconsin and The Manor. Food and drinks from 7 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 11

7:00-10:00 P.M. WELCOME RECEPTION ELK LOUNGE
SPONSORED BY SMART START WISCONSIN AND THE MANOR

MONDAY, NOVEMBER 12

7:30 a.m. Registration/Breakfast

8:25 a.m. Welcome/Opening Remarks - Barry Cohen

8:40 a.m. **INSURANCE CONSEQUENCES AND OTHER RELATED ISSUES** - Matthew Murray

9:30 a.m. BREAK

9:45 a.m. **WELCOME TO OUR WORLD:
HANDLING Po-Po IN COURT**

- Aaron Nelson
- Adam Nero

11:00 a.m. BREAK

11:15 p.m. **PRISON AS A TREATMENT FACILITY:
FELONY OWIS AND THE SUBSTANCE ABUSE PROGRAM**

- Amanda Riek

12:30 p.m. LUNCH (provided)

1:35 p.m. **HOW TO CAPITALIZE ON THE
“UNAVAILABLE” PROSECUTION WITNESS**

-Andrew Mishlove

2:25 p.m. BREAK

2:40 p.m. **USING PRELIMINARY BREATH TESTS IN YOUR PRACTICE:
REVISITING FISCHER AND THE RIGHT TO PRESENT A
DEFENSE**

- Lauren Stuckert

3:30 p.m. BREAK

3:45 p.m. **LET’S KICK IT UP A NOTCH!:
ADVANCED MOTION PRACTICE**

- Kirk Obear

5:00 p.m. ADJOURN

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

TUESDAY, NOVEMBER 13

7:45 a.m. Registration/Breakfast

8:45 a.m. **HIDDEN GEMS:
SENTENCING ALTERNATIVES IN OWI CASES**

- Brian Dimmer

9:35 a.m. BREAK

9:50 a.m. **COMMON SEARCH AND SEIZURE ISSUES IN OWI CASES**

- Adam Welch

11:05 a.m. BREAK

11:15 a.m. **CASE LAW UPDATE**

- Sarah Schmeiser

12:30 p.m. LUNCH (provided)

1:30 p.m. **ETHICAL ISSUES AND OUR CRAZY POLITICAL WORLD:
PUBLIC STATEMENTS, CONFLICTS OF INTEREST AND MORE**

- John Schiro

2:45 p.m. BREAK

3:00 p.m. **ADVANCED TRIAL TECHNIQUES**

- Dennis Melowski

4:40 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 5. A CD of the seminar materials will be available at the seminar or in advance if you 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 \$103.00 for a standard room or one-bedroom suite, or \$150.00 for a two-bedroom suite if reserved not later than October 12. 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.”
- “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 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 _____
First Time Attendee: _____

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 \$475.00
(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: 920-227-2264

ABOUT THE PRESENTERS

Barry S. Cohen has practiced criminal and traffic defense for over 35 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.

Brian Dimmer is a practicing partner at Richards & Dimmer, S.C. in Racine, WI. He graduated Summa Cum Laude from the University of Wisconsin – Green Bay in 2006 and, subsequently, graduated Cum Laude from Marquette University Law School in 2009. Attorney Dimmer then joined the law firm of Petit & Dommershausen, S.C., as an associate attorney. For five years prior to becoming a partner at Richards & Dimmer, S.C., he was an associate attorney at Mark D. Richards, S.C. His bar admissions include: State Bar of Wisconsin, Eastern District Court of Wisconsin, and Supreme Court of the United States of America. From 2011-11 he was Co-Chair of the Fox Valley Young Lawyers Association and is currently the Technology Officer of the Racine Bar Association. His publications include: Article, *Triangulating Judicial Responsiveness: Automated Content Analysis, Judicial Opinions, and the Methodology of Legal Scholarship*, 64 FLA. L. REV. 1189 (2012) and Comment, *How Tribe and State Cooperative Agreements Can Save the Adam Walsh Act from Encroaching upon Tribal Sovereignty*, 92 MARQ. L. REV. 385 (2008).

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 senior partner in the firm of Mishlove and Stuckert, LLC. In his thirty-six years of practice, he has tried about 350 cases to the jury. He is the author of *Wisconsin OWI Defense, The Law and Practice*, the textbook for Wisconsin attorneys. In 2005, he became Wisconsin's first ABA accredited, NCDD board certified specialist in OWI defense. In 2011, he was named as one of 14 Regents to the NCDD. He is the developer and course director for two of America's most advanced courses in forensic science and trial advocacy: Serious Science: Blood Alcohol Analysis, and Serious Science, Blood-Drug Analysis, offered at the Rocky Mountain Laboratory in Fort Collins, Colorado, and the Shimadzu Laboratory at the University of Texas-Arlington. He is a 2014 graduate of the Gerry Spence Trial Lawyers College. He most recently spoke on blood-drug analysis at the NCDD July 2017 Summer Session, presented at the Harvard Law School.

Matthew M. Murray has been an associate attorney with Melowski & Associates, LLC in Sheboygan for the past six 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 the founding attorney at Nelson Defense Group in Hudson, Wisconsin, which he opened in 2017. 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 Academy, the National Criminal Defense College, and most recently presented at NACDL seminars in July and October of this year.

Adam Nero grew up in Milwaukee and graduated *magna cum laude* from William Mitchell College of Law in St. Paul, Minnesota. He has devoted his practice to criminal defense, with a strong emphasis on OWI defense in both the trial and appellate courts. He joined Nelson Defense Group when it opened in 2017, where he focuses his practice on the defense of OWI-related charges. Adam published articles on OWI defense in the Wisconsin Law Journal in 2016 and 2017, and was named to Super Lawyers' Rising Stars list for 2018. He is a member of the National College for DUI Defense.

Kirk Obear is the managing partner and principal shareholder of Kirk Obear & Associates, a statewide criminal and traffic defense firm based in Sheboygan. With Attorneys Brett Kaehne, Melissa Barrette and Eric Maciolek, 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.

Amanda Riek is the local attorney manager of the newly opened Public Defender's Office in Columbia County. Her practice focuses solely on criminal defense with an emphasis on OWI cases. Amanda graduated from UW-Madison with a BS in Psychology in 2008 and from UW Law School with a certificate in Criminal Law in 2011. She began her work with the Public Defender's Office upon graduation and has remained with the agency ever since. Amanda is a board member of the Wisconsin Association of Criminal Defense Lawyers (WACDL), a founding member of the WACDL Women's Caucus, a member of the National College for DUI Defense (NCDD), a member of the National Association of Criminal Defense Lawyers (NACDL), and president of the Columbia County Bar Association. In July 2018 Amanda was nominated and selected to receive the NCDD's Public Defender of the Year Award and was honored at a ceremony at Harvard.

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. Sarah focuses on criminal and traffic defense as well as handling immigration cases. Sarah is the secretary of the Wisconsin Association of Criminal Defense Lawyers. She is also a member of the American Chemical Society and the Chemistry in the Law Section of the ACS and she has earned the lawyer-scientist designation from that section.

Lauren Stuckert is a partner in the law firm of Mishlove & Stuckert, LLC., located in Milwaukee, Wisconsin. She focuses her practice on complex alcohol and drug operating while intoxicated litigation. Lauren has handled hundreds of operating while intoxicated cases, and has defended her accused clients in over 100 jury and court trials. She is the Wisconsin State Delegate for the National College for DUI Defense, and the youngest Board Certified Specialist in DUI Defense Law in the country.

Adam Welch has spent over a decade exclusively defending people accused of criminal or traffic offenses, first with the State Public Defender, and now with Tracey Wood & Associates in Madison, Wisconsin. Adam handles cases both at the trial level and on appeal, and particularly enjoys finding novel ways to confound the opposition.