

# ANNUAL DRUNK DRIVING DEFENSE SEMINAR

NOVEMBER 17-19, 2019

THE OSTHOFF RESORT  
Elkhart Lake, Wisconsin

15 CLE CREDITS (INCLUDES 1.5 ETHICS CREDITS)

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[About the Program](#)   [Program Schedule](#)   [Program Materials](#)   [Hotel Accommodations](#)  
[Comments from Last Year's Seminar](#)   [Contact Us](#)   [Registration](#)   [About the Presenters](#)

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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 17**

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

ELK LOUNGE

### **MONDAY, NOVEMBER 18**

7:30-8:30 a.m. Registration/Breakfast (Provided)

8:30 a.m. Welcome/Opening Remarks

8:45 a.m. **CASE LAW UPDATE** - Sarah Schmeiser

10:00 a.m. BREAK

10:15 a.m. **TEN THINGS (OR MORE) THAT CAN MAKE YOU MORE EFFECTIVE: WHAT 39 YEARS AS A CRIMINAL DEFENSE LAWYER HAS TAUGHT ME ABOUT PRACTICING LAW** - John Schiro

11:05 a.m. BREAK

11:20 p.m. **ETHICS PRESENTATION: NO GOOD DEED** - Michael Witt

12:35 p.m. LUNCH (provided)

1:35 p.m. **DOGGEDLY PURSUING JUSTICE: UPDATE ON USING THE RODRIQUEZ "MISSION" REQUIREMENT TO SUPPRESS A CAR SEARCH** - John Birdsall

2:25 p.m. BREAK

2:40 p.m. **IDENTIFYING RISK FACTORS & TRIAGING CLIENT NEEDS IN THE CONTEXT OF SUBSTANCE USE** - Dr. Chantelle Thomas

3:30 p.m. BREAK

3:45 p.m. **ADVANCED MOTION PRACTICE II: THE FALLOUT FROM MITCHELL V. WISCONSIN AND BEYOND** - Kirk Obear

5:00 p.m. ADJOURN

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

## TUESDAY, NOVEMBER 19

7:30-8:30 a.m. Registration/Breakfast (Provided)

8:30 a.m. **CUTTING EDGE REFUSAL TACTICS** - Adam Welch

9:20 a.m. BREAK

9:35 a.m. **WELCOME BACK TO OUR WORLD: HANDLING PO-PO IN COURT - PART TWO** - Aaron Nelson  
Adam Nero

11:15 a.m. BREAK

11:30 a.m. **IT IS NOT ALWAYS JUST ABOUT THE BOOZE: WHAT YOU NEED AND HOW TO GET IT – OTHER EVIDENCE IN OWI RELATED CASES** - Michael Cohen

12:45 p.m. LUNCH (provided)

1:45 p.m. **WISCONSIN'S INTOXICATED DRIVER PROGRAM** - LeeAnn Mueller  
Bradley Babler  
Roxanne Klossner

3:00 p.m. BREAK

3:15 p.m. **ADVANCED TRIAL PRACTICES**

- *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 11. A CD of the seminar materials will be available only if requested by November 11.

### **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](http://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 4<sup>th</sup> offense OWI reduced to a 1<sup>st</sup>!”

“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](mailto:barrycohen@barrycohenlaw.com).

### **CONTACT US**

For more information contact Barry Cohen, Program Chair,  
[barrycohen@barrycohenlaw.com](mailto: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)

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**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**

**Bradley Babler** has been with the Wisconsin Department of Transportation for 7 years and has been the Team Lead for the Alcohol & Drug Review Unit and the Administrative Suspensions Unit for a year and half. Prior to taking the Team Lead role he was Supervisor of the Citations & Withdrawals Unit.

**John Birdsall** is one of Wisconsin's most respected criminal defense attorneys. After earning his law degree with honors from the University of Wisconsin Law School he went on to practice at Borgelt, Powell, Peterson & Frauen before beginning his own statewide criminal defense practice in downtown Milwaukee.

After establishing Birdsall Law Offices, S.C., John built his practice by exclusively focusing on defending the wrongly accused, and had made national headlines for his defense of Eddie Gill, who falsely confessed to a homicide he didn't commit. The case was dismissed after John demonstrated that the confession was false and detective had manipulated Mr. Gill.

Although John has many trial and appellate victories, his commitments extend outside of the courtroom. As a current member of both the Wisconsin State Bar Board of Governors and Criminal Law Section Board of Directors, and the past President of the Wisconsin Association of Criminal Defense Lawyers, John has helped develop sentencing guidelines for state judges, served as a member of the Wisconsin Sentencing Commission, and drafted a petition to the Wisconsin Supreme Court to increase the compensation rate for state public defender appointments.

John also lectures and presents CLEs on criminal law topics around the state. He has presented on topics such as warrantless searches, unlawful extensions of traffic stops, drunk driving defenses, coerced confessions, and issues surrounding mass incarceration and the truth-in-sentencing act. You can reach out to him with any questions or comments at [jbirdsall@birdsall-law.com](mailto:jbirdsall@birdsall-law.com).

**Michael Cohen** is the owner and principal of Cohen Law Offices, LLC in Eau Claire, WI. He has been licensed since 1991, handling all matters of criminal and traffic defense. He has successfully litigated cases in all courts in WI. He has been given an AV rating by Martindale-Hubbell and has been selected as a WI Superlawyer. He has achieved the denotation as a Lawyer-Scientist from the ACS-CHAL. Mr. Cohen and his associates, Karleigh Miller and Chris Wilhelm, handle cases throughout NW WI.

Mr. Cohen has presented at the WI SPD conference, Barry Cohen's OWI Seminar, the U-W Law School and various local association programs. He is a member of the NCDD and the DUIDLA. He serves as a WI Ambassador for the DUIDLA, and currently sits on the Board of the DUIDLA Foundation. He serves as a member of the Board of Directors of WACDL and currently serves as the Vice-President. He is also active in a variety of local organizations, both in the local legal and non-legal community. He is on the Board of his local Rotary group and as the Chairman of the Board of CRI, Inc, as well as serving on the local Methamphetamine Response Committee and the local Criminal Court Review Committee.

**Roxanne Klossner** is the Team Leader for TCR – Lead, Citations and Withdrawals Unit, Citations and Withdrawals Section, Division of Motor Vehicles, Department of Transportation, Ph: (608) 471-5649, Fax: (608) 267-1873

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

**LeeAnn Mueller** has coordinated the Intoxicated Driver Program at the Wisconsin Department of Health Services since 2010 and supports intoxicated driver program assessors across the state. She has been leading an advisory committee to improve the assessment process for impaired drivers with the goal of reducing recidivism of impaired driving.

**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 (NCDC), and at seminars of the National Association of Criminal Defense Lawyers (NACDL).

**Adam Nero** focuses his career on OWI defense in Wisconsin trial courts. He joined Nelson Defense Group when it opened in 2017. 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 and 2019. He is the Wisconsin state delegate to the National College for DUI Defense (NCDD), and is slated to give a presentation on implied consent laws at a National Association of Criminal Defense Lawyers (NACDL) seminar in February 2020.

**Kirk Obear** is the owner and sole proprietor of Kirk Obear & Associates, a firm exclusively practicing in the area of criminal defense. Prior to opening his own firm, he was a shareholder in Melowski, Obear & Cohen, S.C.. Before moving to Wisconsin, Mr. Obear was a member of the United States Air Force for over 10 years. He enlisted in the United States Air Force in 1986, and was trained as an imagery production specialist at Lowry AFB, Colorado. He was then stationed at Seymour-Johnson AFB, North Carolina, where he became the NCOIC of Personnel at the Armament Recording Program Laboratory. In 1990, he graduated from Mount Olive College, summa cum laude, with a Bachelor of Science in Psychology. During Operation DESERT STORM, Sergeant Obear was deployed to Al Kharj, Saudi Arabia to document Air Operations as part of the Joint Services Combat Camera Team.

In 1991, Sergeant Obear separated from active duty to attend law school. In 1994, Mr. Obear received his law degree from the University at Buffalo School of Law, and then re-entered active duty as an officer in the United States Air Force. While stationed at Scott AFB, Illinois, Captain Obear served as Chief of the Labor Law Division, Chief of the Claims Division, and Chief of Military Justice in the Office of the Staff Judge Advocate. His primary responsibility was prosecuting military defendants on behalf of the United States. In 1996, he received an appointment as Special Assistant United States Attorney for the Southern District of Illinois. In 1997, Captain Obear was selected to attend Criminal Advocacy School at the Attorney General's Institute in Washington D.C.. He was subsequently assigned as Area Defense Counsel, Peterson Air Force Base, Colorado, where he was responsible for representing military defendants stationed in Greenland, Australia, and military installations throughout Colorado. He continued defending military clients until April of 1999, when he left active-duty to join the Law Offices of Barry S. Cohen. In 2008, he opened his own firm and his practice is currently exclusive in the representation of defendants facing criminal charges in state and federal court.

Mr. Obear's military awards include the John Levitow Award, the National Defense Service Medal, the Kuwait Liberation Medal (Govt of Kuwait), the Kuwait Liberation Medal (Kingdom of Saudi Arabia), the Outstanding Unit Award (x2) w/ Valor Device, the Southwest Asia Medal w/ 2 Campaign Devices, the Air Force Commendation Medal (x2), and the Meritorious Service Medal. He is currently admitted to practice before the Court of Appeals for the Armed Forces, the Air Force Court of Criminal Appeals, the United States District Court for the Southern District of Illinois, the United States District Courts for the Eastern and Western Districts of Wisconsin, the United States Court of Appeals for the 7th Circuit, and the Supreme Court of the United States.

Mr. Obear is a life member of the National Association of Criminal Defense Lawyers (NACDL) and has served as the Director of Legislative Affairs for the Wisconsin Association of Criminal Defense Lawyers (WACDL). He has been a board member of WACDL since 2003. In 2005, Mr. Obear was elected President of WACDL for a two year term. He was on the Board of Directors for NACDL from 2009-2012. Every year since 2007, he has been listed in Wisconsin Super Lawyers, a distinction reserved for only the top 5% of attorneys in the state.

Along with Attorney Eric Maciolek and Paralegal Jennie Cummings, Mr. Obear represents clients all over the State of Wisconsin in criminal matters.

**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 a partner at Stroud, Willink & Howard. Sarah concentrates on two areas of practice: criminal and traffic defense and immigration law. Sarah defends clients at all levels – from local municipal courts through the Seventh Circuit Court of Appeals.

Sarah is secretary of the Wisconsin Association of Criminal Defense Lawyers, is NHTSA certified in standardized field sobriety testing, and has earned the lawyer-scientist designation from the Chemistry in the Law Section of the American Chemical Society.

Please contact her at: Stroud Willink & Howard, 608.661.1041, [sschmeiser@stroudlaw.com](mailto:sschmeiser@stroudlaw.com), [www.stroudlaw.com](http://www.stroudlaw.com)

**Dr. Chantelle Thomas** is Executive Clinical Director at The Manor, a residential addiction treatment program in Slinger, Wisconsin. She is a Clinical Psychologist specializing in addiction treatment, trauma and health psychology. Dr. Thomas is also a certified biofeedback practitioner which focuses on strategies for regulating and understanding the psychological impact of stress and chronic trauma. After receiving her PhD in Clinical Psychology, she completed her internship and post-doctoral fellowship in Health and Rehabilitation Psychology at the University of Wisconsin School of Medicine and Mental Health. While there, she gained specialized expertise in medical-surgical consultation, trauma- informed therapy and chronic pain treatment. Through the University of Wisconsin's School of Family Medicine, Dr. Thomas then joined Access Community Health Center as a Behavioral Health Consultant to primary care physicians where she innovated the development of a substance use disorder consultation clinic embedded within primary care. She also functions as a trauma specialist in the District's Attorney's Victims of Violent Crime Program for Dane County.

**Adam M. Welch** is a partner at Stroud, Willink & Howard, LLC, where he exclusively handles criminal and traffic defense. He received his law degree with honors from the University of Wisconsin, and has spent much of his career representing indigent clients through the State Public Defender's Office. Adam has practiced in circuit and appellate courts all over the state, and has argued before the Supreme Court of Wisconsin. He lives in Madison with his wife, four kids, and a free-thinking beagle.