

ANNUAL DRUNK DRIVING DEFENSE SEMINAR

NOVEMBER 14-16, 2021

Presented Live Only

OSTHOFF RESORT
Elkhart Lake, Wisconsin

15 CLE CREDITS (INCLUDES 1.5 ETHICS CREDITS)

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ABOUT THE PROGRAM

For more than 20 years, the Annual Drunk Driving Defense Seminar has been regarded by most attorneys who attend as the one and only seminar that they must attend each year. Structured to provide all of the CLE credits that the Wisconsin drunk driving defense practitioner needs annually, this seminar is not just the best drunk driving defense seminar Wisconsin offers, but one of the best annual seminars – period. Ask any drunk driving defense attorney that you know, and he or she will tell you they wouldn't miss a year. Presentations are designed to meet the needs of defense practitioners at every level – from those who have completed 100 jury trials to those that are defending their first OWI case. Presenters are selected from among the best and most respected OWI defense practitioners, to provide cutting edge ideas and methods to improve every attorney's practice. Only defense attorneys are permitted to attend, assuring the greatest opportunity for open exchange of ideas and practices throughout the event.

We will take all necessary steps to ensure everyone's safety in the era of the COVID pandemic. Mask wearing will be encouraged but not required. Extra spacing will be in place during seminar presentations, meals, and social events to allow easy social distancing. Last year's seminar presented via Zoom was substantively excellent but lacked the critical opportunities for individual networking and discussions with colleagues that this seminar is known for.

The seminar will commence with a Welcome Reception at The Osthoff Resort on Sunday evening November 14th, sponsored by our great partners Smart Start Wisconsin and The Manor. Attendees are highly encouraged to arrive at The Osthoff Resort Sunday evening, relax and gather informally in the fireplace lit Elk Lounge where food and beverages will be provided.

As is our tradition, at the close of Day One, attendees are encouraged to attend the always popular evening social event at the Paddock Club in downtown Elkhart Lake. Don't make dinner plans as the food provided is tops! Shuttle service to and from the Paddock Club will be provided. Plan to enjoy the evening social event and spend the night at The Osthoff Resort.

PROGRAM SCHEDULE

SUNDAY, NOVEMBER 14

7:00-10:00 p.m. **WELCOME RECEPTION: ELK LOUNGE**

- *Sponsored by
Smart Start Wisconsin
and The Manor*

MONDAY, NOVEMBER 15

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

8:30 a.m. Welcome/Opening Remarks

- *Barry Cohen*

8:50 a.m. **WE'RE HERE TO HELP: UNDERSTANDING AND
OVERCOMING COMMUNITY CARETAKER ARGUMENTS**

- *Adam Welch*

10:05 a.m. BREAK

10:20 a.m. **THE QUESTION AIN'T REALLY A QUESTION: TELLIN'
PO-PO HOW IT IS ON CROSS**

- *Adam Nero*

12:00 p.m. LUNCH (provided)

1:00 p.m. **OUT FOR BLOOD: HOW TO CHALLENGE THE
PROSECUTOR'S USE OF YOUR CLIENT'S BLOOD REFUSAL**

- *Teuta Jonuzi*

2:15 p.m. BREAK

2:30 p.m. **GET IN THE GAME: RESURGENCE OF THE PRELIMINARY
HEARING**

- *Amanda Riek*

3:20 p.m. **FOUR STRIKES AND YOU'RE OUT: LITIGATING FELONY
OWI SENTENCING ISSUES**

- *Kirk Obear*

5:00 p.m. ADJOURN

5:30 p.m. **EVENING SOCIAL EVENT**
(Shuttle service provided)

- *Paddock Club*

TUESDAY, NOVEMBER 16

7:45-8:45 a.m. Registration/Breakfast (Provided)

8:45 a.m. **"SMELLS LIKE TEEN SPIRIT" (BECAUSE WE ALL KNOW
THAT'S CODE FOR MARIJUANA): NOVEL BUT PROMISING
CHALLENGES TO DOG SNIFFS AND AUTOMOBILE SEARCHES
BASED ON THE ALLEGED ODOR OF MARIJUANA**

- *Jeremiah Meyer-O'Day*

9:35 a.m. **FOURTH AMENDMENT ISSUES: A DEEPER LOOK AT VOLUNTARINESS OF CONSENT TO BLOOD DRAW AND OATH REQUIREMENT FOR SEARCH WARRANT**

- *John Bayer*

10:25 a.m. BREAK

10:40 a.m. **"THEY DID WHAT!?!": MISCONDUCT AND ETHICS**

- *Andrew Mishlove*

11:55 p.m. LUNCH (provided)

12:55 p.m. **CASE LAW UPDATE**

- *Sarah Schmeiser*

2:35 p.m. BREAK

2:50 p.m. **ADVANCED TRIAL PRACTICE**

- *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 attendees to download from the internet one week before the seminar.

HOTEL ACCOMMODATIONS

The Annual Drunk Driving Defense Seminar is held at the beautiful AAA Four Star Osthoff Resort in Elkhart Lake, WI, where the accommodations, meals, and service are outstanding every year. Seminar attendees qualify for special lodging rates of \$103.00/single or \$150.00 for two-bedroom suite if booked by October 15, 2021. Attendees should make their own reservation by calling (800) 876-3399 and mention Annual Drunk Driving Defense Seminar for the special rates. For complete resort information, visit www.osthoff.com.

SPECIAL HALF PRICE TUITION OFFER

Register for this year's seminar and get a lawyer who has never attended the Annual Drunk Driving Defense Seminar to register for this year's seminar and earn a half price tuition discount coupon for both attorneys for the 2022 annual seminar.

TUITION REDUCTION

If you believe that you are unable to attend this year's seminar without tuition assistance, send your request via email explaining your circumstances to Barry Cohen, Program Chair, 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:

Yes No

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 \$525.00
(Includes breakfast, lunch, snacks, beverages each day, admission to the evening social event, and program materials)

FOR SPECIAL HALF PRICE DISCOUNT:

I encouraged Attorney _____, who has never attended the Annual Drunk Driving Defense Seminar, to register for this year’s seminar.

or

I am a first-time attendee to the Annual Drunk Driving Defense Seminar and was encouraged to register by Attorney _____.

(Upon verification, both attorneys will receive a half price tuition coupon for the 2022 annual 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, Fax or Email Registration Form to:

Annual Drunk Driving Defense Seminar
N9661 Willow Road
Elkhart Lake, WI 53020
Fax: 920-227-2264
barrycohen@barrycohenlaw.com

ABOUT THE PRESENTERS

John Bayer owns and operates Bayer Law Offices, a solo lawyer law firm that has been in existence since he graduated law school in 2009 from Marquette University Law School. Since its inception, Bayer Law Offices has been almost exclusively dedicated to defending drunk driving defendants. Mr. Bayer has been a member of the National College of Drunk Driving Defense since 2010. Mr. Bayer has been named to the Super Lawyers Rising Stars list since 2020.

Teuta Jonuzi is the Managing Attorney with Tracey Wood and Associates.

In 2012, she graduated from the University of Wisconsin-Madison with a dual degree in Legal Studies and French, with honors. In 2017, she graduated from the University of Wisconsin Law School. During law school, she interned with the Federal Defender's office in Madison and with Justice Ann Walsh Bradley in the Wisconsin Supreme Court. She has been with Tracey Wood and Associates since 2017. She practices in both state and federal court and has represented clients in appellate proceedings in both state and federal court.

Despite her youth (*or because of it*) Teuta's acute litigation, coupled with laser-like comprehension of SCOTUS and SCOW rationale has secured multiple dismissals and non-OWI-amendments. Further, she has successfully tried high level felony cases and complex misdemeanors. In her brief tenure she has begun to forge a reputation amongst judges and prosecutors across the State for laudable and highly skillful litigation resulting in case dispositions on par with attorneys four times her senior.

She is a member of the National College for DUI Defense, Wisconsin Association of Criminal Defense Lawyers, and the Dane County Criminal Defense Lawyers Association.

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

Jeremiah Meyer-O'Day has dedicated his career to the service of others and the protection of the "little guy." He has extensive trial experience, and a record of successfully litigating issues involving the violation of clients' constitutional rights. He has convinced judges to throw out evidence obtained by police illegally on numerous occasions and convinced the court of appeals that a particular statute was unconstitutional.

Attorney Meyer-O'Day is a native of Wisconsin. He graduated from the University of Wisconsin in 2010 with a Bachelor of Arts degree, and Honors in the Liberal Arts. Meyer-O'Day then attended Northeastern University School of Law. He made the Dean's List each quarter and graduated in 2013 with a Degree of Juris Doctor.

Mr. Meyer-O'Day's legal career began at a non-profit law firm in Madison, Wisconsin, where he helped people in both criminal and civil proceedings, including evictions, collections, and family-law issues. Attorney Meyer-O'Day then joined the Office of the State Public Defender, working in the Lancaster, Wisconsin office. There, he defended people accused of crimes at all levels of severity. In 2018, Attorney Meyer-O'Day joined Martinez & Ruby LLP as an Associate Attorney. At Martinez & Ruby, LLP, Attorney Meyer-O'Day exclusively handles criminal and related matters, both at the trial and appellate levels.

Attorney Meyer-O'Day serves on the Board of Directors of the Wisconsin Association of Criminal Defense Lawyers (WACDL), which fosters the successful practice of criminal law. He is a recipient of the Wisconsin Association of Criminal Defense Lawyers' Hanson Award, reserved for lawyers who achieve the rare task of securing a non-guilty verdict in a first-degree intentional homicide case.

Andrew Mishlove is a senior partner in the firm of Mishlove and Stuckert, LLC. In his thirty-nine 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.

Adam Nero solely practices OWI defense in Wisconsin trial courts. Based out of Hudson, Wisconsin, he joined Nelson Defense Group when it opened in 2017 and has been named to the Super Lawyers Rising Stars list each year since 2018. He is the Wisconsin state delegate to the National College for DUI Defense (NCDD), has presented on OWI litigation to the National Association of Criminal Defense Lawyers (NACDL), and serves as faculty at the Wisconsin State Public Defender Trial Skills Academy.

Kirk Obear is a partner and shareholder of Birdsall Obear & Associates, LLC, a firm practicing in the areas of criminal defense, military law, immigration and wrongful conviction appeals. 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. In 2019, Kirk joined practices with his long-time friend and colleague John Birdsall. Together, they now manage a firm with a statewide practice in Wisconsin and Federal Courts, along with a nationwide practice focusing on wrongful conviction appeals. 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 serves 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.

Amanda K. Riek is a staff attorney in the Madison office of Lagmann, Inc. as well as Chirafisi, S.C. Her practice focuses exclusively on criminal defense with an emphasis on OWI cases. Amanda graduated from UW-Madison with a Bachelor of Science in Psychology in 2008 and from UW Law School with a certificate in Criminal Law in 2011. She spent the previous decade serving Wisconsin as an Assistant State Public Defender primarily in Columbia County. 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. This coming year, Amanda will serve on two national committees: NCDD's National Task Force Trial Advocacy Committee and NACDL's Trial Penalty Committee. In her spare time Amanda travels nationally to play volleyball, loves to cook, and camps as often as she can.

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 vice president 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
www.stroudlaw.com

Adam M. Welch has spent his entire career defending the accused. He is currently a partner at Stroud, Willink & Howard, LLC, where he exclusively handles criminal and traffic matters at the trial and appellate level. He lives in Madison. He has more children than pets, but it's a close call.