

ANNUAL DRUNK DRIVING DEFENSE SEMINAR

NOVEMBER 13-15, 2022

Presented Live Only

THE 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.

The seminar will commence with a Welcome Reception at The Osthoff Resort on Sunday evening November 13th, 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 13

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

- *Sponsored by
Smart Start Wisconsin
and The Manor*

MONDAY, NOVEMBER 14

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

8:30 a.m. Welcome/Opening Remarks

- *Barry Cohen*

8:45 a.m. **NAVIGATING COLLATERAL ATTACKS POST *STATE V. CLARK***

- *Teuta Jonuzi*

9:35 a.m. BREAK

9:50 a.m. **PRESCRIPTION FOR DISASTER: DEFENDING
OWI-PRESCRIPTION DRUG CASES + ISSUES IN THC CASES
IN LIGHT OF WISCONSIN CBD REFORM**

- *Lauren Stuckert*

11:05 a.m. BREAK

11:20 a.m. **HOW ARE LAWYER'S GETTING AWAY WITH THIS:
FRIVOLOUS LAWSUITS AND OTHER SUCH NONSENSE?
ETHICAL ISSUES, BAD LAWYERS, AND BAD LAWYERING.**

- *John Schiro*

12:35 p.m. LUNCH (provided)

1:35 p.m. **BUCKLE UP FOR ARIDE: AN OVERVIEW OF
ADVANCED ROADSIDE IMPAIRED DRIVING ENFORCEMENT**

- *Amanda Riek*

2:50 p.m. BREAK

3:05 p.m. **ADVANCED TRIAL PRACTICE**

- *Dennis Melowski*

4:45 p.m. ADJOURN

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

- *Paddock Club*

TUESDAY, NOVEMBER 15

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

8:45 a.m. **IT'S NOT MY FAULT! NGI AND INVOLUNTARY
INTOXICATION DEFENSES**

- *Emily Bell*

10:00 a.m. BREAK

10:15 a.m. **BEHIND THE WHEEL AND GOING NOWHERE: NAVIGATING THE COMPLEX WORLD OF THE STATIONARY DRIVER** - *Adam Welch*

11:05 a.m. BREAK

11:20 a.m. **ONE OF THESE THINGS IS NOT LIKE THE OTHERS: DISCONNECT AND DEFEAT THE BREATH TEST.** - *Adam Nero*

12:35 p.m. LUNCH (provided)

1:35 p.m. **CASE LAW UPDATE** - *Sarah Schmeiser*

3:15 p.m. BREAK

3:30 p.m. **NEW FRONTIERS: EMERGING ISSUES IN OWI LITIGATION** - *Kirk Obear*

4:45 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 \$129.00/single or \$159.00 for two-bedroom suite if booked by October 14, 2022. 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 2023 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.

ABOUT THE PRESENTERS

Emily Bell spearheads the OWI practice at Nicholson Goetz & Otis, S.C. She has advanced training in drunk driving defense and trial techniques and has conducted numerous jury trials in jurisdictions all over the state. She is certified in NHTSA Standardized Field Sobriety testing, and has spoken at many seminars, including the Wisconsin Public Defender Annual Conference and the Wisconsin State Bar traffic law training, and was on the faculty of a seminar for public defenders on how to handle a drunk driving case from start to finish. Emily has been published multiple times in legal resources.

Teuta Jonuzi is an attorney with Tracey Wood and Associates in Middleton, Wisconsin. She received her undergraduate degree from the University of Wisconsin-Madison, with honors. She received her law degree from the University of Wisconsin. While in law school, she interned with the Wisconsin Supreme Court and the Federal Defender's Office. She is a member of Wisconsin Association of Criminal Defense Attorneys, National Criminal Defense College, and National College for DUI Defense, for which she is a member of a few Task Forces, including the Amicus Task Force. She has taught at Wisconsin seminars, including a seminar to the State Bar of Wisconsin on litigating drunk driving issues, as well as this one. She has also taught for a seminar with the National College for DUI Defense on making your trial record for an appeal.

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.

Adam Nero 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. His hobbies include re-watching Star Wars, listening to very old country music, and bragging about his brand new son Enzo to anyone who'll listen.

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 an associate at Chirafisi Law Office. Her practice focuses almost exclusively on criminal defense with an emphasis on high level felonies and OWI cases. Amanda graduated from the University of Wisconsin-Madison with a Bachelor of Science in Psychology and Leadership with comprehensive honors in 2008 and from the University of Wisconsin 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 but also in Sauk and Dane 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 Association of Criminal Defense Lawyers (NACDL), a member of the National College for DUI Defense (NCDD), and president of the Columbia County Bar Association. This coming year Amanda will serve on several national committees: co-chair of the NCDD's National Task Force Ethics Committee, the NCDD's National Task Force on Trial Advocacy, NACDL's Trial Penalty Committee, and a NCDD/NACDL Liason. In her spare time, Amanda travels nationally to play volleyball, loves to cook, enjoys domestic and international travel, and camps as often as she can.

John Schiro, of Schiro Criminal Defense, 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 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

Lauren Stuckert of Mishlove & Stuckert, LLC. has litigated hundreds of cases to courts and juries throughout the state of Wisconsin, securing numerous not guilty verdicts and dismissals for her clients in both breath and blood test cases. She is Board Certified in DUI Defense through the American Bar Association and has been named a Wisconsin Rising Star and Super Lawyer every year since 2015. She has spearheaded the challenge to marijuana blood detection at low levels in the state of Wisconsin and speaks nationally on that topic and other DUI-defense related matters at various legal education seminars throughout the country.

Adam M. Welch is known as a skilled courtroom and appellate advocate for the accused. He enjoys a good trial as well as digging deeply into often-overlooked topics. Adam has practiced throughout the state in both the private and public sector, recently returning to the field of indigent defense with the State Public Defender's office in Madison.