

# **ANNUAL DRUNK DRIVING DEFENSE SEMINAR**

**NOVEMBER 12-14, 2023**

**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 30 years, the Annual Drunk Driving Defense Seminar has been regarded as the one and only seminar drunk driving defense attorneys must attend. Structured to provide all of the annual CLE credits that the Wisconsin drunk driving defense practitioner needs, this seminar is not just the best drunk driving defense seminar Wisconsin offers, but one of the best annual seminars – period. Ask anyone who has attended Presentations are designed to meet the needs of defense practitioners at every level – from those who have completed 100 jury trials to those who are defending their first OWI client. 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.

This year’s seminar will focus on making you the best lawyer you can be. We commence with a Welcome Reception at The Osthoff Resort on Sunday evening November 12<sup>th</sup>, sponsored by The Manor and Barry Cohen. Attendees are highly encouraged to arrive on Sunday evening, relax and gather around the fireplace in the Elk Lounge and enjoy the food and beverages.

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 always excellent! For those night owls looking for more, join the Baer Bar Crawl. Shuttle service will be provided. Plan to enjoy the evening social events and spend the night at The Osthoff Resort.

## PROGRAM SCHEDULE

### **SUNDAY, NOVEMBER 12**

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

- *Sponsored by  
Smart Start Wisconsin  
and The Manor*

### **MONDAY, NOVEMBER 13**

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

8:30 a.m. Welcome/Opening Remarks

- *Barry Cohen*

9:00 a.m. **CREATIVE MOTION PRACTICE: A PRACTICAL GUIDE ON  
“HOW TO” INNOVATE**

- *Christopher Mutschler*

10:15 a.m. BREAK

10:30 a.m. **A CASE OF CHIRALITY: CHEMISTRY DEFENSE IN AN  
OWI-RCS CASE**

- *Amanda Riek and  
David Bolles*

11:45 a.m. **WE REPRESENT CLIENTS WITH SUBSTANCE ABUSE  
ISSUES – WHAT ABOUT US?**

- *William Ginsberg*

1:00 p.m. LUNCH (provided)

2:00 p.m. **JUST BECAUSE IT’S SIMPLE DOESN’T MEAN IT’S EASY:  
WINNING JURY TRIALS BY ARGUING PUBLIC PREMISES,  
HAANSTAD, AND DRINKING AFTER DRIVING**

- *Adam Nero*

3:15 p.m. BREAK

3:30 p.m. **ADVANCED TRIAL PRACTICE**

- *Dennis Melowski*

5:10 p.m. ADJOURN

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

8:00 p.m. **BAER BAR CRAWL**

- *Sponsored by Above  
the Bar Marketing and  
Birdsall Obear*

### **TUESDAY, NOVEMBER 14**

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

8:45 a.m. **SETTING UP THE CHESSBOARD: THINKING CREATIVELY  
AND USING PRETRIAL LITIGATION TO PREPARE FOR TRIAL**

- *Karleigh Miller*

9:35 a.m. BREAK

9:50 a.m. **OVERCOME THE SEEMINGLY INSURMOUNTABLE:  
AN ATTORNEY'S GUIDE TO ACCIDENT INVESTIGATION**

- *Daniel Billington II*

11:05 a.m. BREAK

11:20 a.m. **ETHICS PRESENTATION: ATTORNEY CLIENT PRIVILEGE  
CONSPIRACY, ISSUES REGARDING ATTORNEYS AND THE  
HANDLING OF EVIDENCE, AND THE MAGICAL STORY OF  
DONALD TRUMP AND HIS LAWYERS**

- *John Schiro*

12:35 p.m. LUNCH (provided)

1:35 p.m. **CASE LAW UPDATE**

- *Sarah Schmeiser and  
Anthony Jurek*

3:15 p.m. BREAK

3:30 p.m. **THE MASTER LITIGATOR'S TOOLBOX: A COMPLETE GUIDE  
TO FIGHTING AND WINNING OWI CASES**

- *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 \$149.00/single or \$172.00 for two-bedroom suite if booked by October 13, 2023. Attendees should make their own reservations by calling (800) 876-3399 and mention Annual Drunk Driving Defense Seminar for the special rates. For complete resort information, visit [www.osthoff.com](http://www.osthoff.com).

### **SPECIAL HALF PRICE TUITION OFFER**

Again offered this year, 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 2024 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](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: \_\_\_\_\_  
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 \$625.00**  
(Includes breakfast, lunch, snacks, beverages each day, admission to the evening social event, and program materials)

STAFF PUBLIC DEFENDER DISCOUNTED TUITION: \$450.00

**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 2024 annual seminar.)

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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, 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

**Daniel Billington II** is an Accredited Collision Reconstructionist and Human Factors Expert specializing in Forensic Visibility Analysis. He is a former Deputy Sheriff from Waukesha County, WI with 18 years in law enforcement. He began his career in the private sector On January 16, 2009 and today operates a private consulting practice which provides expert support for legal and insurance professionals.

With his thousands of training hours and extensive experience in the field of collision reconstruction, Mr. Billington has been called upon to provide expert support and testimony throughout the United States and abroad. The truth is Daniel's focus and his integrity is unimpeached. He is a tenacious expert having helped to win cases on both sides of criminal and civil matters. As an experienced lecturer, Mr. Billington has spoken for the National College of DUI defense at the Harvard School of Law, national conferences, and many state organizations throughout North America.

Mr. Billington is accredited by the Accreditation Commission for Traffic Accident Reconstruction, having previously served as the chairman of the Theory Test Development Committee whose purpose was producing testing questions and criteria for candidates who have applied for accreditation testing. He is also a member of the Society of Automotive Engineers, and the Illuminating Engineering Society. Mr. Billington has earned a bachelor's degree in Criminal Justice, and a master's degree in Organizational Management.

**David Bolles** is a litigator with experience handling civil and criminal matters throughout Wisconsin. His current practice focuses almost exclusively on criminal defense.

David has a broad range of courtroom experience, having successfully represented clients before circuit courts throughout the state, the Wisconsin Court of Appeals, as well as numerous administrative agencies. He has handled a variety of matters including complex civil litigation, contract and property disputes, personal injury, insurance defense, and criminal prosecutions ranging from disorderly conduct to homicide.

**Bill Ginsberg** (Mandell & Ginsberg Law Office) is a solo practitioner who has handled nothing but criminal and traffic cases (hundreds of OWI cases) in State and Federal Courts for 40 years. Something like 98 jury trials with 43 not guilty outcomes (including directed verdicts, hung juries, or reversals on appeal). Four cases in the Wisconsin Supreme Court ( 1 win; 2 losses; 1 tie).

As of writing this short bio, I have been sober for 27 years, nor have I placed any bets on anything in that time. Hopefully, I can still say the same by the time I arrive for the OWI seminar in November.

**Anthony J. Jurek** is a partner at Stroud, Willink & Howard, focusing on criminal defense at trial and on appeal. He has argued to the Wisconsin Supreme Court, where he succeeded in getting Wisconsin's unconscious blood draw statute declared unconstitutional. Anthony is a board member of the Wisconsin Association of Criminal Defense Lawyers, and in that context often speaks to the Wisconsin Legislature and Wisconsin Supreme Court regarding proposed bills or rules that affect rights of the accused or the practice of law. He often appears as a guest commentator and legal analyst on both local and national television broadcasts. Please contact him at: Stroud, Willink & Howard, 608.661.1025, [ajurek@stroudlaw.com](mailto:ajurek@stroudlaw.com) [www.stroudlaw.com](http://www.stroudlaw.com)

**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.

**Karleigh Miller** of Cohen Law Offices, LLC., focuses her practice almost exclusively on OWI Defense. She works diligently to ensure each client receives a zealous and thorough defense. She graduated from Central College and then attended Creighton University where she earned a J.D. and a Masters in Negotiation and Conflict Resolution. She serves on the Board for WACDL. She is also a member of the National College of Drunk Driving Defense (NCDD) and serves on the NCDD Committee for Alcohol and Drug Testing Devices. She's certified in NHTSA Field Sobriety Testing. She competed in Mock Trial as an undergraduate at Central College, winning All Region Attorney her Junior year. She has coached Mock Trial at the collegiate level since 2013. Since 2018, Attorney Miller has volunteered as a coach of the UWEC Mock Trial team. Since 2021, she has also worked as an Adjunct Professor at University of Wisconsin-Eau Claire co-teaching a course on Mock Trial. Outside of work, she enjoys spending time with family, friends, and her two cats.

**Chris Mutschler** has chaired or lectured at more than three dozen seminars in and outside of Wisconsin and has authored articles appearing in publications such as The DWI Law & Science Journal, The Drinking/Driving Law Letter, Wisconsin Defender, and the Wisconsin Lawyer, among others, on more than a dozen occasions. He also co-authored the Second Edition of Traffic Law & Practice in Wisconsin, and co-authored A Wisconsin Prosecutor's Manual for OWI Cases, and was Editor-in-Chief of the Marquette Law Review. In a published decision, the Wisconsin Supreme Court referred to his written arguments as "artistic," although to be completely fair, the full quote was "artistic, but unreasonable." (He tends to overlook that last part.)

**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 serves on the faculty of the National College for DUI Defense (NCDD) and the Wisconsin State Public Defender Trial Skills Academy. He has also presented on OWI litigation at seminars of the National Association of Criminal Defense Lawyers (NACDL). His hobbies include re-watching Star Wars, playing and collecting very old lap steel guitars, and bragging about his 1-year-old 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 Birdsall Obear & Associates, LLC. Her practice has 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 first decade of her career serving Wisconsin as an Assistant State Public Defender before she entered private practice in September 2021.

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), and a member of the National College for DUI Defense (NCDD). Amanda also serves on several national committees: NCDD State Delegate for Wisconsin, chair of the NCDD's National Task Force Ethics Committee, the NCDD's National Task Force on Trial Advocacy, 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 & traffic defense and immigration law. Sarah defends clients at all levels, from local municipal courts through the Seventh Circuit Court of Appeals. She tries OWI cases every year and has argued several OWI cases to the Wisconsin Supreme Court. Sarah delivers several CLE presentations annually, including at the State Public Defender conference, Marquette Law School annual Criminal Law Update Seminar, and the Annual Drunk Driving Defense Seminar. She appears regularly as a guest commentator and legal analyst on both local and national television broadcasts. Sarah is President-Elect 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)