

ANNUAL DRUNK DRIVING DEFENSE SEMINAR

NOVEMBER 17-19, 2024

Presented Live Only
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 consistently provides the best opportunity to improve your drunk driving defense practice and skills. Ask any OWI defense attorney you respect and you will hear that this seminar is a must attend every year. Presenters are selected from the best and most respected OWI defense practitioners, and their presentations 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. Your satisfaction is guaranteed. If you believe that attending this seminar was not worth your time or money you will receive a full refund.

The seminar commences with a Welcome Reception at The Osthoff Resort on Sunday evening November 17th, sponsored once again by The Manor, the only inpatient alcohol and drug inpatient treatment facility recommended by this seminar, and Barry Cohen. Attendees are highly encouraged to arrive on Sunday evening to relax around the fireplace in the Elk Lounge. See old friends and meet new ones while enjoying the food and beverages.

This year's program features truly great topics including, for example, prosecutorial misconduct, the ever-present expansion of ordinary traffic stops into OWI investigations and dealing with AI in your own practice. Dennis Melowski, Wisconsin's undisputed best OWI defense attorney, will again close the program with a step-by-step instruction of how to win, complete with transcripts and motions. His presentation is worth the cost of admission alone and is not to be missed.

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 with energy for more, the Third Annual Baer Bar Crawl follows the Paddock Club Social Event, sponsored by Above the Bar Marketing and Kirk Obear. Shuttle service will be provided. Plan to enjoy the evening social events and spend the night at The Osthoff Resort.

PROGRAM SCHEDULE

SUNDAY, NOVEMBER 17

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

- *Sponsored by
The Manor and
Barry Cohen*

MONDAY, NOVEMBER 18

7:15-8:15 a.m. Registration/Breakfast (Provided)

8:15 a.m. Welcome/Opening Remarks

- *Barry Cohen*

8:45 a.m. **TECHNIQUES FOR AN EFFECTIVE DIRECT EXAMINATION**

- *Kate Cook*

9:35 a.m. BREAK

9:50 a.m. **ADVANCED MOTION PRACTICE: REVIEWING VIDEO
AND PAPER DISCOVERY – HOW TO SPOT THE ISSUES**

- *Christopher Mutschler*

11:30 a.m. BREAK

11:45 a.m. **THE DEVIL’S ADVOCATE: EFFECTIVELY CHALLENGING
PROSECUTORIAL MISCONDUCT**

- *Joshua Hargrove*

12:35 p.m. LUNCH (provided)

1:35 p.m. **THE CONSCIENTIOUS ACQUITTAL:
HOW TO ACHIEVE OWI JURY NULLIFICATION**

- *Adam Nero*

2:50 p.m. BREAK

3:05 p.m. **OWI STOP EXPANSIONS: OVERVIEW AND
NOVEL ARGUMENTS**

- *Gibson Hatch*

3:55 p.m. **“AGAINST ALL ODDS: REVIVING THE FOURTH
AMENDMENT IN STATE V. WISKOWSKI.”**

- *Kirk Obear*

4:45 p.m. ADJOURN

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

8:30 p.m. **BAER BAR CRAWL**

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

TUESDAY, NOVEMBER 19

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

8:45 a.m. **DIABETES AND DRUNK DRIVING – AN OVERVIEW** - *Emily Bell*

9:35 a.m. BREAK

9:50 a.m. **CASE LAW UPDATE** - *Sarah Schmeiser and Anthony Jurek*

11:30 a.m. BREAK

11:45 a.m. **INTRO TO NAVIGATING AI IN YOUR FIRM** - *Lindsay Marty*

12:35 p.m. LUNCH (provided)

1:35 p.m. **ETHICS PRESENTATION: LET'S TALK ABOUT ETHICS** - *John Schiro*

2:50 p.m. BREAK

3:05 p.m. **ADVANCED TRIAL PRACTICE** - *Dennis Melowski*

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 prior to 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 \$150.00/hotel room or One Bedroom Suite or \$182.00 for two-bedroom suite if booked by October 18, 2024. 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.

SPECIAL HALF PRICE TUITION OFFER

Again this year, when a lawyer registers for this year's seminar at full tuition and gets a lawyer who has never previously attended the Annual Drunk Driving Defense Seminar to register for this year's seminar at full tuition, both lawyers will receive half price tuition for the **2025** annual seminar.

TUITION REDUCTION

If you believe you are unable to attend this year's seminar without tuition assistance, explain your circumstances to Barry Cohen, Program Chair, barrycohen@barrycohenlaw.com. Every effort will be made to ensure all those wishing to attend are able to.

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 also has advanced blood science training from the American Chemical Society. She is certified in NHTSA Standardized Field Sobriety testing and has presented to Wisconsin judges on the topic. She spoken at many seminars, including the WACDL Annual President's Conference, 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. She is thrilled to be back presenting at the Annual Drunk Driving Defense Seminar.

Kate Cook, I.U. 2012 summa cum laude, has been a litigator with the Public Defender's Office in Eau Claire for the past 8 years. Prior to that, she worked as a public interest attorney under a VAWA grant. She also likes practicing martial science in her free time.

Joshua Hargrove, *Partner (Hargrove, Jonuzi & Wood, dba Tracey Wood & Associates)*, is an experienced criminal defense attorney. Driven by a critical pursuit of justice, he is a staunch advocate for the marginalized. Hargrove graduated with a Juris Doctorate from The University of Wisconsin and holds a dual degree in political science and legal studies from the University of Wisconsin-Madison. He served as Assistant District Attorney in Madison, Wisconsin. Before that, Hargrove served as Assistant State Public Defender in Northern and Southern Wisconsin. There, he created a niche for the critical use of High Court opinions coupled with extensive knowledge of Wisconsin Law to effectively litigate cases.

He began his career at Boardman & Clark, LLP, where he gained unparalleled experience in the legal field, published articles, and assisted in litigation to the United States Supreme Court.

As a Partner, Hargrove delivers sharp and effective written and oral litigation for his clients. He is one of the state's most sought-after speakers in the areas of criminal defense (ranging from Homicides, to OWIs); his skills have been sought after and employed in high-stakes cases and relied upon to train defense attorneys across Wisconsin and the US. He has taught and lectured in Criminal and Constitutional Law at UW Madison, NACDL, WACDL, WISPD from the east coast to the west. He has also litigated to the Wisconsin Supreme Court and most recently elevated to partner at what was Tracey Wood & Associates and is now, Hargrove, Jonuzi a& Wood.

Gibson Hatch is an experienced trial attorney in all areas of criminal defense. He has represented clients through all stages of the legal process and has represented clients accused of everything from first offense OWI to sexual assault.

Attorney Hatch attended Trinity University in San Antonio, Texas, as an undergrad where he graduated with a bachelor's degree in political science. He attended law school at the University of Wisconsin Law School where he received a Juris Doctorate in 2020.

In law school, Attorney Hatch worked at the Legal Assistance for Institutionalized Persons legal clinic where he did Post-Conviction Work including drafting Sentence Modifications and Ineffective Assistance of Counsel Claims. After law school, Attorney Hatch worked for the Wisconsin State Public Defender's Office as a trial attorney in Columbia County. During his time there, Attorney Hatch represented clients in misdemeanor and felony criminal proceedings, as well as juveniles and mental health commitments. Attorney Hatch now works as an associate at Hargrove, Jonuzi, and Wood, where he represents clients with charges ranging from first offense OWI to sexual assault.

Attorney Hatch strongly believes that everybody needs and deserves representation when their liberty is at stake. The legal system can be daunting, and he believes that a defense attorney's role is to provide expert guidance through the entire process. Attorney Hatch takes pride in his ability to connect with clients and pursue the best possible outcomes in each case. The criminal justice system judges individuals based on the worst moments in their lives. Attorney Hatch strives to make the system more equitable and fair by fighting diligently for every client.

Anthony J. Jurek focuses 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. He can be contacted at (608) 216-2111, Anthony@CriminalLawyers.Esq, www.CriminalLawyers.esq, 10 East Doty Street, Suite 800, Madison, WI 53703

Lindsay Marty is the CEO and founder of Above the Bar Marketing, LLC, bringing over a decade of experience in digital marketing exclusively focused on the legal field. Her passion lies in collaborating with clients to craft customized strategies that not only enhance their online reputation but also maximize the return on their marketing investments.

Lindsay's expertise extends far beyond Above the Bar. Recognized as a thought leader within the legal marketing industry, she is a highly sought-after speaker, sharing her knowledge at industry conferences and webinars. Her insights can also be found in various legal marketing publications and contributions to CLE presentations, further solidifying her position as a valuable resource for law firms.

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.

Christopher Mutschler works at Melowski & Singh, LLC, and has chaired or lectured at more than three dozen seminars in and outside of Wisconsin. He has authored dozens of articles appearing in publications such as The DWI Law & Science Journal, The Drinking/Driving Law Letter, Wisconsin Defender, and the Wisconsin Lawyer, among others. He also co-authored the Second Edition of Traffic Law & Practice in Wisconsin, 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 Last summer, after 10 years of representing people charged with OWI/DUI in Wisconsin trial courts, Adam Nero opened NERO DUI DEFENSE, S.C., western Wisconsin's only OWI/DUI defense firm. He was also recently elected to the Board of Regents of the National College for DUI Defense (NCDD), where he will continue to serve as faculty. He also proudly serves as faculty for the Wisconsin State Public Defender Trial Skills Academy and has presented on OWI/DUI litigation at seminars of the National Association of Criminal Defense Lawyers (NACDL). When not defending OWI/DUI cases, he enjoys listening to old country music, re-watching (almost) anything Star Wars, and bragging about his 2-year-old son Enzo to anyone who'll listen.

Kirk Obear is the owner and managing partner of Kirk Obear and Associates, a law firm exclusively devoted to criminal defense and immigration law. 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. 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 District Court for Nebraska, 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.

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 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