



# OHIO ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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## **TOOLS FOR THE CRIMINAL DEFENSE LAWYERS TOOLBOX**

**Friday, September 23, 2011**



# OHIO ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

*Presents:*

## **Tools for the Criminal Defense Lawyers Toolbox**

**Friday, September 23, 2011**

**OCLC Conference Center  
6600 Kilgour Place  
Dublin, Ohio**

Lawyers practicing  
3 years or less -  
special rate of **\$50.00**

[www.oacdl.org](http://www.oacdl.org)

# TOOLS FOR THE CRIMINAL DEFENSE LAWYERS TOOLBOX

Friday, September 23, 2011

OCLC - Dublin, Ohio

a g e n d a



<b>8:00-8:30 am</b>	<b>Registration</b>
<b>8:30-9:30 am</b>	<b>Evidence Rules in Practice</b> Quick tips to allow you to shoot from the hip effectively <i>Shelia Kyle-Reno</i>
<b>9:30-10:00 am</b>	<b>Advertising and Promoting Your Practice</b> <i>Jon Saia, Esq., Columbus</i>
<b>10:30-10:45 am</b>	<b>break</b>
<b>10:45-11:45 am</b>	<b>Confrontation</b> Using the Gifts the U.S. Supreme Court Gave Us In Crawford, Melendez, Diaz & Bullcoming <i>Russ Bensing, Esq., Cleveland</i>
<b>11:45-12:45 pm</b>	<b>Lunch (provided)</b>

Room 1	- or -	Room 2
<b>12:45-1:30 pm</b>		<b>12:45-1:45 pm</b>
<b>DUI From A to Z</b> <i>D. Timothy Huey, Esq., Columbus, and Jessica Fallon, Esq., Columbus</i>		<b>Daubert Challenges -</b> There is More to it Than Filing a Motion <i>Jay Clark, Esq., Cincinnati</i>
<b>1:30-2:00 pm</b>		<b>1:45-2:45 pm</b>
<b>Ten Things I Wish I Knew Starting Out</b> <i>Brian Jones, Esq., Delaware</i>		<b>Intoxilyzer 8000, Vega and Challenging Breath Test Evidence</b> <i>Jon Saia, Esq., Columbus; and D. Timothy Huey, Esq., Columbus</i>
<b>2:00-2:45 pm</b>		
<b>Business Checklist -</b> Quick Tips for Beginners, Solos, and Small Offices <i>Denise Mueller, Esq., Toledo</i>		

<b>2:45-3:00 pm</b>	<b>break</b> (and back to general session)
<b>3:00-3:40 pm</b>	<b>Getting Ready for Trial -</b> What You Need To Do and Have To Walk In Ready for Trial (This is for the experienced lawyer - and the not-quite experienced one!) <i>Michael Streng, Esq., Marysville</i>
<b>3:40-4:30 pm</b>	<b>Technology -</b> Getting the most out of IPADS, PDA's and the like <i>Mike Probst, Esq., Columbus</i>
<b>4:30-5:30 pm</b>	<b>Q &amp; A with Apple Representative and attorney Mike Probst</b> (optional)

## Directions to The Conference Center at OCLC

**Important:** When you approach the intersection of Route 161/33 and Frantz Road from I-270, the street signs may be misleading. To go to OCLC, be sure to turn north (left) toward Post Road and then make an immediate right and you will be on Kilgour Place.

**From the North:** Take I-71 South to I-270 West. Take 270 to exit 17A (Dublin/161 Exit). Follow 161/Rt. 33 to Frantz Road. Turn Left toward Post Road and then make an immediate right and you will be on Kilgour Place. Follow the signs that say Conference Center.

**From the South:** Take I-71 North to I-270 West. Take 270 to exit 17A (Dublin/161 Exit). Follow 161/Rt. 33 to Frantz Road. Turn Left toward Post Road and then make an immediate right and you will be on Kilgour Place. Follow the signs that say Conference Center.

**From the West:** Take I-70 East to I-270 North. Take 270 to exit 17A (Dublin/161 Exit). Follow 161/Rt. 33 to Frantz Road. Turn Left toward Post Road and then make an immediate right and you will be on Kilgour Place. Follow the signs that say Conference Center.

**From the East:** Take I-70 West to I-270 North. Take 270 to exit 17A (Dublin/161 Exit). Follow 161/Rt. 33 to Frantz Road. Turn Left toward Post Road and then make an immediate right and you will be on Kilgour Place. Follow the signs that say Conference Center.



**Shelia Kyle-Reno**, Ms. Kyle-Reno graduated from Wright State University with a BA degree in Sociology and Psychology. She earned her Juris Doctorate from the University of Dayton School of Law. She has worked for Dayton Legal Aid Society, been in private practice with an emphasis on labor and criminal law, worked for A.F.S.C.M.E. in both Cincinnati and Columbus, was Deputy Safety Director for the City of Columbus, was Directing Attorney for the Department of Public Advocacy in Kentucky. Currently Ms. Kyle-Reno is the Chief Public Defender in Hamilton County.

**Jon Saia** has over 20 years experience in defending DUI cases. He also provides consultation and expert testimony on the issues of field sobriety testing and is often consulted by colleagues with regard to breath testing issues. The National Highway Traffic Safety Administration and the International Association of Chiefs of Police have certified Jon as an instructor in DUI Detection and Standardized Field Sobriety Testing. In addition, National Patent Analytical Systems, Inc. (the manufacturer of the BAC Datamaster) has certified jim in the operation, diagnostic verification and calibration of the BAC Datamaster Breath Alcohol Testing Instrument, the most commonly used breath testing instrument in Ohio. Jon is a life member of OACDL.

**Russ Bensing** is a 1975 graduate of Case Western Reserve University School of Law, and is licensed to practice in the State of Ohio, the U.S. District Court for the Northern District of Ohio, and the U.S. Court of Appeals for the 6th Circuit. He has practiced criminal law, at the trial and appellate levels, in Cleveland for the past 35 years, and is currently a sole practitioner. He is a member of the Ohio State Bar Association (OSBA), the Ohio Association of Criminal Defense Lawyers (OACDL), and the Cuyahoga Criminal Defense Lawyers Association (CCDLA), where he also serves as a member of the Board of Directors. Since 2006, he has been the author of The Briefcase, www.briefcase8.com, a legal blog featuring analysis of Ohio law. He prepares weekly summaries of the criminal cases of the Cuyahoga County Court of Appeals for the OACDL and the CCDLA, and also writes for the Vindicator, the magazine of the OACDL. He is a frequent speaker at seminars on criminal law subjects for the OSBA, the CCDLA, the OACDL, and other groups.

**D. Timothy Huey** has been a criminal defense lawyer since obtaining his law degree in 1984. Tim now limits his practice almost exclusively to the defense of DUI cases. By participating in association such as the National College of DUI Defense and the OACDL and NACDL, and specifically national and state seminars relevant to DUI litigation, he attempts to ensure his knowledge, training and expertise in his chosen favorite area of practice will meet standards similar to those areas of law that now permit lawyer specialization. Tim is a life member of OACDL, having served in many capacities and has written articles on DUI subjects. He was also named for lifetime membership in the National College as a Sustaining Member. Tim serves as co-chair of the OACDL DUI Seminar, and as President-Elect.

**Jessica Fallon** is a dedicated lawyer providing legal representation to individuals accused of drunk driving and charged with OVI. Ms. Fallon is gaining vast experience by working closely with Attorneys Jon Saia and Richard Piatt, who have a reputation throughout the State of Ohio of successfully advocating for individuals who have been charged with OVI, criminal and traffic offenses. Attorney Fallon has conducted extensive research with respect to the laws involving charges relating to OVI offenses, as well as criminal and traffic offenses, and is a strong advocate in defending charges relating to OVI, criminal and traffic offenses in Columbus and Delaware, Ohio. Jessica has set herself apart from her peers by completing training in the operation and maintenance of the Intoxilyzer 8000, the newest breathalyzer machine to be put in use in Ohio. She has also completed the National Highway Traffic Safety Administration's course on DWI Detection and Standardized Field Sobriety Testing-the same course administered to police officers throughout the State.

**Denise Mueller** draws upon diverse community connections, broad legal knowledge, and experience as Lucas County Common Pleas Court Civil Bailiff to Judge Charles Wittenberg (1996-2000), Assistant City of Toledo Prosecutor (2000-2002), and University of Toledo Student Legal Services Staff Attorney (2002-2005) to formulate practical solutions to unique legal issues. In addition to general litigation such as landlord/tenant, personal injury, consumer, contract and collections disputes, Ms. Mueller's practice includes a special focus in creative problem solving for corporations, educational institutions, and individuals interacting with courts, adversaries, or law enforcement in the areas of criminal defense, victim/witnesses' rights, juvenile court custody matters and background screening issues among others.

**Brian Jones** graduated from Ohio Wesleyan University with a Bachelors Degree in Politics and Government. He then went on to earn his Juris Doctorate degree from the University Of Akron School Of Law. Brian is licensed to practice law in the state of Ohio and before the United States District Court for the Northern and Southern Districts of Ohio. Brian is a member of the American Bar Association, the Ohio State Bar Association, the Delaware Bar Association, the National Association of Criminal Defense Attorneys, and the Ohio Association of Criminal Defense Attorneys. Before starting a practice of his own, Brian worked as an Assistant Public Defender in Portage County Ohio. During his employment with the Portage County Public Defender's office, Brian made a name for himself by putting his own freedom at risk in order to defend his client's rights. When ordered by the court to proceed to trial after a mere two hours preparation, Brian declined to begin the trial because he did not want to sacrifice the client's right to effective assistance of counsel and a fair trial. Consequently, Brian was found in contempt of court and was immediately arrested. The case garnered national attention. The National Association of Criminal Defense Lawyers (NACDL) honored Brian for his actions with a President's Commendation for Outstanding Service to the goals and objectives of the NACDL.

**Jay Clark** concentrates his practice on criminal trial and appellate representation and has been successful in obtaining acquittals for clients in cases with damning evidence. Such cases include the acquittal of a defendant in the rape of a bed-ridden Alzheimers patient in a nursing home when the State presented an eyewitness and "expert" hair comparison evidence, and an acquittal in a case involving the manslaughter of the defendant's 12-month-old infant son, when the State presented the client's "confession." Most recently, one of Mr. Clark's client's was acquitted on 18 of 20 counts of possession of child pornography where the images were recovered from the client's hard drive. Mr. Clark is on the Board of Directors of the OACDL and serves as CLE Chair. He is a past president of the Greater Cincinnati Criminal Defense Lawyers Association, and an adjunct faculty member at the University of Cincinnati, College of Law.

**Michael Streng** is a partner at Cannizzaro, Bridges, Jilisky & Streng, LLC. Michael is a dedicated trial lawyer who helps people who are often overlooked by the justice system and focuses his practice on representing those who have been charged with serious traffic and criminal violations with emphasis on OVI/DUI cases. Michael graduated from Capital University in 1997 with a degree in biology and education and earned his J.D. from Capital University in 2000. Michael completed the Trial Lawyers College, designed by Gerry Spence, and is also completed the DWI detection and Standardized Field Sobriety Testing course in accordance with the National Highway Transportation and Safety Administration (NHTSA) and International Association of Chiefs of Police (IACP). In addition to being a contributing author to Trial Techniques for Criminal Cases, published by Thompson Reuters/Aspatore, 2010, Michael has also given numerous lectures on the legal issues of DUI as well as presenting trial techniques to use when defending traffic and criminal cases. Michael is a member of the American Bar Association, the Ohio State Bar Association, and is currently serving as the President of the Union County Bar Association. He is a member of the Ohio Association for Justice, the National Association for Criminal Defense Lawyers and the Ohio Association for Criminal Defense Lawyers. Michael is also the chairman of the Union County Criminal Defense Lawyers.

**Michael Probst** received a Bachelor of Arts degree from The Ohio State University in 1994 and graduated Cum Laude from Capital University Law School in 1999. At Capital University, Michael was member of Law Review and served as the Chief Justice of the Moot Court Board. He was admitted to the Ohio State Bar in 1999, and he is also licensed to practice in the United States District Court for the Southern District of Ohio. After graduating from law school, Michael served as a Staff Attorney on the Third District Court of Appeals of Ohio, where he assisted in researching and writing appellate judicial opinions. He subsequently worked as an Assistant Prosecuting Attorney in Union County, Ohio, where he gained extensive trial experience specializing in the prosecution of adult felony offenders. Michael has been in private practice since 2002, and has significant experience representing clients on, OVI/DUI, misdemeanor and felony criminal matters in State and Federal Courts throughout Ohio. Michael is a member of the Ohio State Bar Association, the Columbus Bar Association, the National Association of Criminal Defense Lawyers, the Ohio Association of Criminal Defense Lawyers and the Franklin County Trial Lawyers Association.

**UPCOMING SEMINARS**

**October 21, 2011**  
Annual Superstar Seminar "Superstars of Persuasion"  
Columbus, OH

**November 16-18, 2011**  
Annual Death Penalty Seminar  
Columbus, OH

**CLE Credit Hours:** Pursuant to Rule X of the Government of the Bar, the sponsor has requested 6.00 hours credit from the Ohio Supreme Court Commission on Continuing Legal Education. Participants must apply through the CLE Seminar Sponsor for credit. All attorney registrants must indicate their Ohio Registration Number (as issued by the Ohio Supreme Court) on the registration form. All attendees must return complete CLE forms to OACDL at the end of the seminar.

**OACDL**  
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www.oacdl.org



**OCLC Conference Center**  
6600 Kilgour Place  
Dublin, OH 43017  
614.764.6000  
www.oclc.org

**REGISTRATION FORM**

**TOOLS FOR THE CRIMINAL DEFENSE LAWYERS TOOLBOX**

*Friday, September 23, 2011*

Name \_\_\_\_\_  
Name for Badge \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone \_\_\_\_\_ Email \_\_\_\_\_  
(please provide email address for registration confirmation)

**p a y m e n t**

Seminar Cost:  \$190.00 OACDL Member  \$240.00 Non-member of OACDL

**\*\* Special rate for this seminar\*\*** Any attorney who has been practicing 3 years or less  \$50.00

Indicate if you are attending either:  Room 1 - or -  Room 2

Register online at [www.oacdl.org](http://www.oacdl.org) and click on Seminars (to pay with credit card);  
or complete this registration form and mail to OACDL with either check made payable to  
OACDL or credit card information below:

Charge my:  Visa  MasterCard  Discover in the amount of \$ \_\_\_\_\_

Card # \_\_\_\_\_

Expiration Date \_\_\_\_\_ 3 digit security code \_\_\_\_\_

Signature \_\_\_\_\_

*(Cancellation must be received by the OACDL by 5:00 p.m. on Tuesday, September 20, 2011 to receive a refund.)*

**SERVICES FOR PERSONS WITH DISABILITIES** -- If special arrangements are required for individuals to participate in this seminar, please contact the OACDL at least 3 days prior to the course date at 800.443.2626.

**PUBLIC DEFENDER/PRO BONO FUNDING PROVIDED BY THE OFFICE OF THE OHIO PUBLIC DEFENDER**

If you have represented at least one client on a Pro Bono basis during the past year, you are entitled to attend this seminar FREE of CHARGE. You may not have used that case to attend any other seminar on a PRO BONO basis. However, any attorney, private or public defender, is limited to 2 seminars per fiscal year (July 1, 2011 - June 30, 2012) on this basis.

**PRO BONO REPRESENTATION WAS PROVIDED IN THE FOLLOWING:**

This is to certify that the attorney named at right provided representation for an indigent person charged with a criminal offense in my court. Further, the attorney did not submit a bill for payment for any services involved in that representation and represented the defendant on an appointed basis at no cost to the state.

**All Pro Bono and Public Defenders MUST Be Pre-registered by September 9, 2011. All applications are on a first come first serve basis.**

State/City \_\_\_\_\_ vs. \_\_\_\_\_

Case # \_\_\_\_\_ County \_\_\_\_\_

Date Representation Provided \_\_\_\_\_

Offense Charged \_\_\_\_\_

Judge's Name \_\_\_\_\_

Judge's Signature (required) \_\_\_\_\_

--- OR ---

Public Defender Information (do not complete if pro bono portion is filled out)

Name of Director or County Public Defender \_\_\_\_\_

County in which you serve as a public defender \_\_\_\_\_

County Public Defender's Signature (required) \_\_\_\_\_

*There is limited scholarship money for Pro Bono and Public Defenders. Space is limited to the first 50 people to apply. You will receive notification via email if your registration is one of the first 50.*