



OHIO ASSOCIATION  
OF CRIMINAL  
DEFENSE LAWYERS

2720 Airport Drive, Suite 100  
Columbus, OH 43219  
6.00 CLE Hours

## HOT TOPICS IN CRIMINAL LAW

*Plus, Substance Abuse, Ethics and Professionalism*

FRIDAY, DECEMBER 6, 2013



OHIO ASSOCIATION  
OF CRIMINAL  
DEFENSE LAWYERS

*Presents..*

## HOT TOPICS IN CRIMINAL LAW

*PLUS, SUBSTANCE ABUSE, ETHICS AND PROFESSIONALISM*

FRIDAY, DECEMBER 6, 2013

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

OCLC Conference Center • 6600 Kilgour Place • Dublin, OH 43017 • 614.764.6000



# HOT TOPICS IN CRIMINAL LAW

*With Substance Abuse, Ethics and Professionalism*

## FRIDAY, DECEMBER 6, 2013

OCLC Conference Center  
6600 Kilgour Place  
Dublin, OH 43017

### DIRECTIONS TO THE OCLC CONFERENCE CENTER

#### **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.

### AGENDA | FRIDAY, DECEMBER 6, 2013

- 8:30 – 9:00 a.m.**      **Registration and Welcome**
- 9:00 – 10:00 a.m.**    **Cross Examination**  
Philip Korey, *Cleveland*
- 10:00 – 10:15 a.m.**    **Break**
- 10:15 – 11:45 a.m.**    **OVI Update**  
Robert Walton, *Cleveland*
- 11:45 – 12:30 p.m.**    **Lunch (provided)**
- 12:30 – 1:30 p.m.**      **Social Media and Criminal Law**  
Louis Sirkin, *Cincinnati*
- 1:30 – 2:00 p.m.**      **Substance Abuse**  
Brian Davis, LIS, *Columbus*
- 2:00 – 2:15 p.m.**      **Break**
- 2:15 – 3:15 p.m.**      **Ethics**  
Richard Koblenz, *Cleveland*
- 3:15 – 4:15 p.m.**      **Professionalism**  
**Panel Consisting of Jay Milano and members of the newly created Supreme Court Committee on Professionalism**  
Moderated by Lori Keating, *Attorney Services Counsel and Secretary of the Commission on Professionalism of the Supreme Court*

### OVERNIGHT ROOM NEEDED?

OACDL does not have a room block, but there are many hotels in the area, including:

**Embassy Suites**  
5100 Upper Metro Place  
Dublin, OH 43017  
614.790.9000

**Drury Inn**  
6170 Parkcenter Circle  
Dublin, OH 43017  
614.789.8802

**Red Roof Inn**  
5125 Post Road  
Dublin, OH 43017  
764.3993

### UPCOMING SEMINARS

- January 20, 2014**      Current Issues in Criminal Law  
**Cincinnati Law School, Cincinnati**
- March 6-8, 2014**      Advanced OVI  
**Westin Hotel, Columbus**

**CLE Credit Hours:** Pursuant to Rule X of the Government of the Bar, the sponsor has requested 6.00 hours of credit from the 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 including 1 hour of ethics, 1 hour of professionalism, and .50 hours of substance abuse.



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## BIOGRAPHIES

### PHILIP J. KOREY

Philip is a former associate of the late Ralph D. Sperli. He practices general criminal defense ranging from white collar crime to DUI, including federal and state trials and appeals. He also represents physicians before state licensing boards. Philip has obtained acquittals in numerous jury trials. He has also successfully appealed convictions and later obtained acquittals. Philip has been named to the list of Ohio Super Lawyers since 2009. *State v. Tolliver*: Began representation after the defendant received the death penalty for a double murder. Based on Batson, the trial court granted a motion for a new trial. At the retrial, the defendant was acquitted. *State v. Freeman*: In a prosecution for the murder of her nine year old sister, the defendant was found not guilty by reason of insanity based on the controversial Isolated Explosive Disorder. *State v. May*: After a plea of guilty to felonious assault on a police officer, defendant was sentenced to prison. Phil began representation and won a reversal on appeal based on a defective plea, and later obtained an acquittal. *State v. Mitchell*: Defendant was on the FBI's most wanted list for the attempted murder of a Dunlop security guard. Based on the defense's presentation of a defective eyewitness identification, a substantial alibi and evidence pointing toward another person, the state dismissed the indictment. Philip has a number of successful, notable federal appeals including *United States v. Montanez*, 442 F.3d 485 (6th Cir. 2006), which has saved hundreds of Ohio federal inmates from being sentenced harshly under the federal Sentencing Guidelines. Recently, in *State v. Brown*, he obtained a new trial for a defendant convicted of murder based on the failure of the prosecution to disclose an immunity agreement with a key state witness. The defendant had been convicted 22 years ago. In a publicized securities fraud case, Philip represented an executive who was never charged. Philip is a frequent lecturer at CLE seminars on such topics as Voir Dire, Cross-Examination, Motion Practice, Plea Bargaining and DUI. His poem entitled "Kill," a reflection on capital punishment, was published in the *Vindicator*, Ohio Criminal Defense Lawyer's magazine.

### Robert G. Walton

Robert G. Walton graduated from Cleveland-Marshall College of Law with a degree of Juris Doctor. He opened a private law practice at Shaker Square in 1983. During the past 15 years, Robert has been the featured speaker at many seminars on the subjects of OVI, driving under suspension, driver's license reinstatement, and misdemeanor practice. He has lectured at continuing legal education seminars sponsored by the Ohio State Bar Association, the Ohio Judicial College, Cleveland-Marshall College of Law, the Legal Aid Society of Cleveland and other organizations. He writes extensively on the subject of OVI defense and driver's license suspension law.

### H. Louis Sirkin

Lou is one of the nation's preeminent First Amendment and criminal defense attorneys. Over more than 45 years of practice, he has consistently defended the free speech and constitutional rights of countless individuals and businesses, including adult entertainment establishments, museums, artists, activists, and ordinary citizens in all types of cases. Lou obtained both his undergraduate and law degrees from the University of Cincinnati. He entered private practice and quickly earned a reputation as an effective civil rights lawyer. He achieved national prominence in 1990 when he successfully defended Dennis Barrie, the director of the Contemporary Arts Center in Cincinnati, against obscenity charges for displaying the nude artwork of Robert Mapplethorpe. The controversy was later depicted in the Golden Globe-winning movie *Dirty Pictures* (2000). He has also served as President of the First Amendment Lawyers Association and the Greater Cincinnati Criminal Defense Lawyers Association. Lou is a true believer and has distinguished himself as a compassionate mentor, a sought-after lecturer, and a tireless advocate. He has represented persons whose message was completely contrary to his own beliefs and has risked both his career and his physical safety to do so. (He was once escorted out the rear door of the courthouse to avoid being assaulted by individuals who opposed his clients.) But perhaps Lou's most notable accomplishment was his 2002 victory before the United States Supreme Court in *Ashcroft v. Free Speech Coalition*, which declared the Child Pornography Prevention Act unconstitutional. In addition, Lou has also represented artists charged with crimes, including morgue photographer Thomas Condon, and has defended on appeal numerous individuals on Ohio's and Georgia's death rows. In total, he has handled more than 125 appeals in civil and criminal cases. Lou frequently lectures to students at the country's top universities and has recently participated in panels at Harvard University, New York University, the University of Cincinnati, the University of Michigan, and Northern Kentucky University. For the past

decade, he has served as an Adjunct Professor of Law at the University of Cincinnati, where he has taught habeas corpus law and a First Amendment seminar. Lou has been selected by his peers as a fellow in the American College of Trial Lawyers and has received numerous awards for his professional endeavors, including most recently the Nicholas Longworth III Alumni Achievement Award for Distinguished Professional Service from the UC College of Law, the Southwestern Ohio Chapter of the American Civil Liberties Union Award for his commitment to the First Amendment, and the District Award from the Ohio State Bar Association for his outstanding contributions to the profession of law.

### Richard S. Koblentz

Rich is the majority partner in Koblentz & Penvose and has been a member of the Ohio Bar since 1975. Since his admission to the bar, Rich has been engaged in the general practice of law with the emphasis on litigation. Currently, Rich devotes the greatest portion of his practice to the area of legal ethics and professional responsibility which includes, but is not limited to, attorney discipline, bar admission representation, representation in the areas of attorney conflicts of interest, disqualification of counsel, law firm formations and dissolutions, legal malpractice representation as both plaintiff and defense counsel and service as an expert witness. Rich also practices in the areas of complex and general civil litigation, criminal defense, both general and white collar, probate, real estate, small business counseling and domestic relations. Rich has been a presenter on topics of legal ethics and professional responsibility, on well over 100 occasions, at continuing legal education seminars throughout the state of Ohio as well as several other states on behalf of a number of government and judicial bodies, law schools, bar associations and proprietary organizations. On numerous occasions Rich has appeared as a guest lecturer teaching law students at the Cleveland-Marshall College of Law and the University of Akron Law School.

### Brian Davis

Brian earned his Master of Social Work degree from The Ohio State University and holds a Substance Abuse Professional (SAP) credential. He is the Executive Director and co-founder of Directions Counseling Group, founder of New Directions Substance and Behavioral Services, and has 20 years of clinical experience. Brian specializes in the assessment and treatment of substance use disorders, men's issues, and works with teens and young adults. Brian provides alcohol and drug assessments (in-person & online at ndsbs.com) and treatment for a variety of situations including: DUI/substance related legal charges, abuse of painkillers, workplace substance problems (DOT/SAP), and school/college substance use incidents. He also evaluates first class commercial pilots in need of an FAA compliant substance abuse evaluation and regularly speaks at local and national HIMS conferences for aviation professionals, seminars for attorneys, and provides presentations for local corporations seeking substance abuse information for the workplace. Brian also enjoys counseling men in the areas of work stress, parenting and sexual problems, and helping teens and young adults with the difficult aspects of the transition to adulthood.

### Jay Milano

Jay first spoke in court during a murder trial and has practiced at that level of intensity for 25 years. Initially concentrating on criminal defense, his clients have included Calvin "Snoop Dogg" Broadus, Hell's Angels, sports figures, doctors, judges, and lawyers, as well as an uncountable number of people who just needed help. He has tried not guilty verdict cases involving the death penalty, multiple murders, the death of an infant (wrongly believed to have been assaulted), and the death of a toddler (wrongly believed to be the victim of Shaken Baby). He is nationally known as a defender of those falsely accused of sexual assault on children, having successfully defended the comedian Roseanne's father when she accused him of abuse. He led the team that freed Jenny Wilcox, who had been incarcerated for 11 years for sex crimes she did not commit. He regularly represents professionals accused of crimes, executives, doctors, and lawyers. Jay led the exposure of corruption within the Catholic Church and the profound harm it caused the victims of abuse. His practice is not limited to criminal cases. As a 20 year Professor of trial tactics at Case Western Reserve School of Law, Jay knows and teaches that trial concepts are the same, whether criminal or civil. As a result he regularly ties malpractice personal injury, defamation and business cases. He has won for clients numerous judgments exceeding \$1,000,000.00. Jay has also consulted and has been qualified as an expert in the ethics and standards of lawyers. He often represents professionals, doctors, lawyers, and judges on issues of professional conduct.



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Dublin, OH 43017  
614.764.6000  
www.oclc.org/conferencecenter

### REGISTRATION FORM

Name \_\_\_\_\_

Name for Badge \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

**Seminar Cost:**    \$190.00 OACDL Member       \$215.00 Walk-in Rate  
                          \$210.00 OACDL Non-Member    \$235.00 Walk-in Rate

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. Phone registrations not accepted.

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 Wednesday, December 4, 2013 to receive a refund.)*

PAYMENT

### 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, 2013 – June 30, 2014) 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 November 30, 2013. 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 30 people to apply. You will receive notification via email if your registration is one of the first 30.