



OHIO ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

presents...



THE PREMIER OHIO DUI DEFENSE SEMINAR

March 12-13, 2015

Combined with the Totally Unique - One of a Kind

The OACDL Trial Skills Academy

March 14, 2015



**TAKING ON BREATH TESTS
POST CINCINNATI v ILG**

WOW - CHECK OUT THE FACULTY FOR THESE COMBINED SEMINARS!

EXPERTS AND OUT OF STATE FACULTY: Peter Carini, Medford Oregon – Mike Nichols, East Lansing Michigan – Ted Vosk, Seattle Washington – Professor Thomas Workman, Boston Massachusetts – Dr. Bob Belloto PhD, Dayton Ohio – Deandra Grant, Dallas Texas – Michele Tdjar, Madison Wisconsin – Patrick McLaughlin, Florence South Carolina – Ted Vosk, Seattle Washington – Evan Levow, Cheery Hill NJ & Philadelphia PA – New Jersey – Jamie Balagia, Austin & San Antonio TX – Drew Carroll, Charleston South Carolina – John Thurston, Manhattan Kansas – Barton Morris, Royal Oak MI – Harley Wagner, Martinsburg West Virginia – Frank Mungo, Florence, Kentucky – Eric Sills, Albany New York – Tom Hosty, Oklahoma City Oklahoma – Sharon Curtis, McKinney Texas – Mike Kessler, Port St. Lucie & Fort Pierce Florida – Todd LaNeve, Clarksburg West Virginia

OHIO FACULTY: Tim Huey, Columbus – Dennis Evans, Columbus – Jessica Fallon, Columbus Ohio – Joe Hada, Cleveland – Andy Bucher, Toledo – Terry Rudes, Port Clinton – Joe Patituce, Cleveland Ohio – Doug Clifford, Norwalk – The Honorable Teresa Liston, Columbus – Shawn Domy, Columbus – Ken Bossin, Cleveland – Jon Saia, Columbus – Daniel Sabol, Columbus – Sarah Schregardus, Columbus – Rob Caeseric, Newark – Rob Healey, Cincinnati – Jeff Meadows, Cincinnati – Steve Adams, Cincinnati – Kelly Farrish, Cincinnati – Larry Denny, Dayton – Ken Bailey, Sandusky – Patty Smith, Cleveland – Mike Streng, Columbus – Mark Gardner, Cleveland – Rob Beck, Columbus

Seminar Chairs: Tim Huey, Jessica Fallon & Mike Streng

The National
College for
DUI Defense
has approved this
seminar for members'
mandatory CLE requirements

Non-Ohio DUIDLA & NCDD
Members Receive
Member Rates



THE ANNUAL OACDL PREMIER DUI DEFENSE SEMINAR

Sessions 1 & 2 March 12 & 13 *and...*

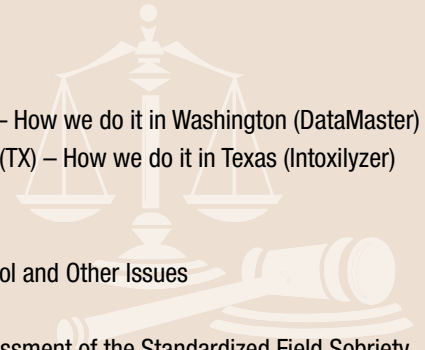
...Session 3 March 14 - Annual Trial Skills Academy

Attend all three sessions or the ones that meet your needs



Agenda Session 1: Thursday, March 12, 2015 ~ 5 CLE Hours

| | |
|---------------|---|
| 11:30 – 12:15 | Registration |
| 12:15 – 12:30 | Introduction |
| 12:30 – 2:10 | <i>The masters teach us how to take on the breath test – Rapid Fire</i> <ul style="list-style-type: none"> • Tim Huey (OH) – Overview • Peter Carini (OR) – How we do it in Oregon (Intoxilyzer) • Mike Nichols (MI) – How we do it in Michigan (DataMaster) • Ted Vosk (WA) – How we do it in Washington (DataMaster) • Deandra Grant (TX) – How we do it in Texas (Intoxilyzer) |
| 2:10 – 2:25 | Break |
| 2:25 – 3:05 | • Professor Thomas Workman (MA) – Breath Test Data, Maintenance, Quality Control and Other Issues |
| 3:05 – 3:35 | • Joe Hada (OH) – The truth about invalid samples |
| 3:35 – 4:05 | • Dr. Bob Belloto PhD. (OH) and Andy Bucher (OH) – A scientific and statistical assessment of the Standardized Field Sobriety Tests and the Drug Recognition Expert program. Why data mining can be your friend in the search for exculpatory evidence. |
| 4:05 – 4:20 | Break |
| 4:20 – 6:00 | Breakout Sessions |



ROOM 1 - Rapid Fire Presentations

4:20 pm – Terry Rudes (OH) – Commercial Driver's License (CDL) issues
 Dennis Evans (OH) – Third party video tape issues
 Joe Patituce (OH) – *McNeely* blood seizure issues
 Doug Clifford (OH) – What discovery to ask for in a blood test case
 Cleve Johnson (OH) - SCRAM

ROOM 2 - Judges & Experts Panels

4:20 pm – A panel of judges will question the experts – Moderated by Judge Teresa Liston, Ret.

 5:10 pm – A panel of judges discuss the landscape post *Cincinnati v. Ilg* - Moderated by Judge Teresa Liston, Ret.

ROOM 3 - More on Breath Tests

4:20 pm – Panel; taking on the breath test
 Pete Carini (OR) – Deandra Grant (TX) – Michele Tdjar (WI) – Patrick McLaughlin (SC)

 5:10 pm – Measurement uncertainty applied to breath testing
 Ted Vosk (WA) & Mike Nichols (MI)

6:00 Reception

RECEPTION

Thursday, March 12, 2015 - Evening Gathering

6:00 – 7:30 Hors d'oeuvres, Breath Testing, Experts to Consult with & Camaraderie
 Eat, drink, experiment with all models of breath machines and discuss DUI issues with your colleagues

NEW LOCATION

The Sheraton Columbus at Capitol Square

75 East State Street • Columbus, Ohio, 43215

Phone: (614) 365-4500

The hotel is located in downtown Columbus Ohio at the corner of Third and State streets.

The standard room rate for this seminar is \$129.00 reservations must be made by 2-18-2015



2015 OACDL *BEST IN THE MIDWEST* DUI DEFENSE SEMINAR

March 12-13 and Trial Skills Academy March 14

WHAT YOU NEED TO KNOW IF YOU HANDLE DUI CASES



Agenda Session 2: Friday, March 13, 2015 ~ 6.5 CLE Hours

| | | |
|---------------------|--|---|
| 8:30 – 9:10 | New Jersey sucks when you blow: challenging breath tests when the deck is stacked against you – Evan Levow (NJ) | |
| 9:10 – 9:50 | What to look for in police videos - Jessica Fallon (OH) | A fly on the Wall; listen in as DUI gurus discuss trial tactics. Jamie Balagia (TX) - Pete Carini (OR) - Drew Carroll (SC) John Thurston (KS) - Barton Morris (MI) – Deandra Grant (TX) |
| 9:50 – 10:30 | Hunting for treasure in the ODH & NHTSA Manuals – Shawn Dominy (OH) | |
| 10:30 – 10:45 | Break | |
| | ROOM 1 | ROOM 2 |
| 10:45 – 12:00 | Rapid Fire - 18 mins each Stop calling it the “good faith” exception – Daniel Sabol (OH) OVI appellate issues – Sarah Schregardus (OH) Drugged driving Cases – Rob Calesaric (OH) Ohio DRE & ARIDE issues – Rob Healey (OH) | SFST at Hearings & Trials Ken Bossin (OH) & Jon Saia (OH) |
| 12:00 – 1:00 | Lunch | |
| 1:00 – 1:35 | Harley Wagner (WV) – MacCarthy style cross examination | |
| 1:35 – 2:15 | Frank Mungo (KY & OH) – Cross examination with a slightly different purpose | |
| 2:15 – 2:55 | Eric Sills – Asking open-ended questions and breaking other rules | |
| 2:55 – 3:10 | Break | |
| 3:10 – 4:30 | Break Out Sessions | |
| | OPTIONS 1 | OPTIONS 2 |
| | Ohio DUI trial tactics: dealing with breath tests, refusals, SFSTs and whatever else at trial Jeff Meadows (OH) & Steve Adams (OH) - In the last 2 years these two have had 49 DUI trials. | The initial client interview - Kelly Farrish (OH) Pretrial motions and negotiations - Larry Denny (OH) & Ken Bailey (OH) |
| 4:30 end of Session | | |



PARKING - We will give you a parking voucher if you park at Columbus Commons Parking Garage (former City Center Garage) with entrances on Main and Rich Streets between High and Third Streets and on Third Street south of State Street (for the underground lot.)

Don't forget to get a voucher from us when you check in at the seminar.

CLE Credit Hours Requested: Pursuant to Rule X of the Government of the Bar, the sponsor has requested 17.00 hours credit from [Session 1 - 5 credit hours](#), [Session 2 - 6.5 credit hours](#) and [Session 3 - 5.5 credit hours](#) from the Ohio Supreme Court Commission on Continuing Legal Education. Participants must apply through the CLE sponsor for credit. All Ohio attorney registrants must include their Ohio Registration Number (as issued by the Ohio Supreme Court) on the registration form. All attendees must return completed CLE forms to the OACDL at the seminar.

ANNUAL OACDL TRIAL SKILLS ACADEMY

Saturday, March 14, 2015 ~ 5.5 CLE Hours

Trial Skills Workshop Led by Frank Mungo & Michael Streng

With presentations by Frank Mungo, Harley Wagner and Eric Sills

This workshop will help lawyers of all skill levels. The focus will be on cross examination. Various styles of cross examination will be discussed and demonstrated. In the breakouts you will chose the style you want to work on and the skill level you are comfortable with.

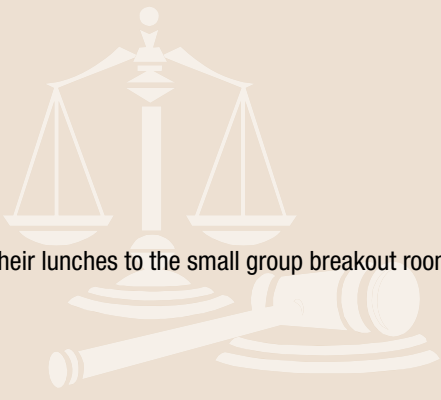
Frank Mungo and Mike Streng are graduates of the Trial Lawyers College (TLC) and will show you how to use a "soft cross" style to get what you need out of a witness.

Harley Wagner has been named to the Teaching Faculty for the National College for DUI Defense and has led trial skills breakouts for the NCDD for many years. He has studied at the feet of the master of cross examination, Terry MacCarthy, and will give us an overview of the MacCarthy (Look Good Cross) method.

Eric Sills is also a member of the Teaching Faculty for the NCDD and has also led trial skills breakouts for the NCDD. Eric also teaches trial skills for the New York State Bar Association and has developed a cross examination style that breaks the rules. He will discuss how you can ask questions you don't know the answer to and open ended questions – if you prepare your cross to incorporate such questions.

The general format for this workshop will be a discussion of the method being studied, followed by small group breakout sessions led by top trial lawyers from around the country where you learn and/or practice the method.

| | |
|--------------|--|
| 9:30 | Sign in, get comfortable. <i>Be in the room by 10:00</i> |
| 10:00 -12:00 | Large Group Presentation/Explanation of Method and Demonstrations <ul style="list-style-type: none">• Goals of Cross Examination• Areas of Cross Examination• Styles of Cross Examination• Demonstrations |
| 12:00 -12:30 | Break and pick up lunches (Lunches will provided & participants will take their lunches to the small group breakout rooms.) |
| 12:30 - 2:30 | Small group / individual workshop |
| 2:30 - 2:45 | Break |
| 2:45 - 4:15 | Small group / individual workshop |



The best lawyers know that to be the best requires brainstorming and working with others on your skills. Because of this, lawyers from all over the country are eager to come and be instructors at this unique trial skills workshop.

OUR INCREDIBLE TRIAL SKILLS WORKSHOP FACULTY

Mike Streng OH – Frank Mungo KY – Harley Wagner WV – Tim Huey OH – Sharon Curtis TX – Mike Kessler FLA – Peter Carini OR – Mike Nichols MI – Ted Vosk WA – Deandra Grant TX – Andy Bucher OH – Dan Sabol OH – Terry Rudes OH – Joe Patituce OH – Michele Tdjar WI – Patrick McLaughlin SC – Drew Carroll SC – John Thurston KS – Barton Morris MI – Shawn Dominy OH – Ken Bossin OH – Jon Saia OH – Larry Denny OH – Jeff Meadows OH – Steve Adams OH – Rob Beck OH – Patty Smith OH – Mark Gardner OH – Tom Hosty OK – Todd LaNeve WV

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WHAT YOU NEED TO KNOW TO DEFEND DUI CASES IN 2015

Annual Trial Skills Academy • March 14, 2015

Name _____

Address _____

City _____ State _____ Zip _____

Phone _____ Fax _____

E-mail _____

Thursday - Premier DUI Day 1- Single Day- Registration (5.00 CLE Hours)

Pre-registration: OACDL Member \$ 180 Non-Ohio DUIDLA or NCDD Member \$ 180 Non-members \$ 200

On-site registration: OACDL Member \$ 195 Non-Ohio DUIDLA or NCDD Member \$ 195 Non-members \$ 215

Friday – Premier DUI Day 2 - Single Day Registration (6.50 CLE Hours)

Pre-registration: OACDL Member \$ 280 Non-Ohio DUIDLA or NCDD Member \$ 280 Non-member \$ 300

On-site registration: OACDL Member \$ 315 Non-Ohio DUIDLA or NCDD Member \$ 315 Non-member \$ 350

Saturday – Trial Skills Workshop- Single Day Registration (5.50 CLE Hours)

Pre-registration: OACDL Member \$ 250 Non-Ohio DUIDLA or NCDD Member \$ 250 Non-member \$ 295

On-site registration: OACDL Member \$ 285 Non-Ohio DUIDLA or NCDD Member \$ 285 Non-member \$ 330

Thursday & Friday Combined (11.50 CLE hours)

Pre-registration: OACDL Member \$ 410 Non-Ohio DUIDLA or NCDD Member \$ 410 Non-members \$ 455

On-site registration: OACDL Member \$ 450 Non-Ohio DUIDLA or NCDD Member \$ 450 Non-members \$ 495

Friday & Saturday Combined (12.00 CLE hours)

Pre-registration: OACDL Member \$ 410 Non-Ohio DUIDLA or NCDD Member \$ 410 Non-members \$ 455

On-site registration: OACDL Member \$ 450 Non-Ohio DUIDLA or NCDD Member \$ 450 Non-members \$ 495

Best Deal – All 3 Days (17.00 CLE hours)

Attend Thursday and Friday and get the Saturday Trial Skills Workshop for \$100

Pre-registration: OACDL Member \$ 510 Non-Ohio DUIDLA or NCDD Member \$ 510 Non-members \$ 555

On-site registration: OACDL Member \$ 550 Non-Ohio DUIDLA or NCDD Member \$ 550 Non-members \$ 595

Thursday Evening Gathering Hor d'oeuvres, socializing, breath testing, etc - cash bar **No CLE Credit**

Free for those attending the seminar - \$ 55 Pre-registration \$ 65 On-site for those ONLY attending gathering

Total enclosed or to be charged to credit card \$ _____.

Check, made payable to OACDL enclose or charge: MasterCard Visa Discover

Card # _____ Amount \$ _____

Expiration Date _____ 3-digit security code _____ Signature _____

Cancellation must be received by 5:00 p.m. on Friday March 6, 2015 to receive a refund.

Mail to OACDL - 2720 Airport Drive, Suite 100, Columbus, OH 43219

Fax to OACDL - 740.654.6097 or **Register online at OACDL.org**

No phone registration accepted

Seminar materials will be available on the OACDL website 48 hour prior to the seminar. Materials will also be available on thumb drives, with a \$5.00 deposit, the day of seminar.

PUBLIC DEFENDER / PRO BONO SCHOLARSHIP

OACDL DUI Seminar March 12-13, Trial Skills March 14, 2015

Name _____

Address _____

City _____ State _____ Zip _____

Phone _____ Fax _____

E-mail _____

Please check all sessions you wish to attend - you can attend all three

DUI Session 1 Thursday DUI Session 2 Friday Trial Skills Workshop Saturday

Priority will be given those wishing to attend all three days.

The scholarship money for Pro Bono and Public Defenders is good for the Thursday, Friday and/or Saturday Sessions, but the PD's Office cannot pay for admission into the Thursday Evening Gathering. If you wish to attend the Gathering at your own cost please check the box below and provide the information requested - if not leave the below blank.

I wish to attend the Thursday evening gathering at my own cost for the pre-registration rate of \$55.00.

In addition to the scholarship form, enclosed is my check for _____ or charge my: MasterCard Visa Discover

Card # _____ Amount \$ _____

Expiration Date _____ 3-digit security code _____ Signature _____

Return to: **OACDL** 2720 Airport Drive, Suite 100, Columbus, OH 43219 **or fax to** OACDL at 740.654.6097 - No phone registration accepted.

SERVICES FOR PERSONS WITH DISABILITIES

If special arrangements are required for individuals to participate in this seminar, please contact the OACDL at least one week prior to course date at 1-800-443-2626.

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, 2014 – June 30, 2015) 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 February 23, 2015. Do it early spots will fill up.

Pro Bono Information

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) _____

Return via fax or mail to: OACDL 2720 Airport Drive, Suite 100, Columbus, OH 43219 / Fax 740.654.6097 (No phone in registration.) There are **50** spaces allotted at this seminar for State Public Defender funding with priority to those wishing to attend *all 3 sessions*. You will receive notification if your registration is received before the spaces are filled.

Seminar materials will be available on the OACDL website 48 hour prior to the seminar. Materials will also be available on thumb drives, with a \$5.00 deposit, the day of seminar.

Learn more about our Faculty and our Seminar

Go to: www.OACDL.org or OhioDUIseminars on Facebook or scan this QR Code

OUR FACULTY IS TOO LARGE AND THEIR CREDENTIALS TOO LENGTHY TO FIT IN A BROCHURE; HERE IS AN OVERVIEW

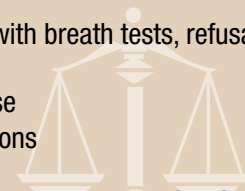
Thursday, March 12, 2015 – Presentations and Breakout Faculty

- The masters teach us how to take on the breath test – Rapid Fire
- Tim Huey, Columbus Ohio – Overview
- Peter Carini, Medford Oregon – how we do it in Oregon (Intoxilyzer)
- Mike Nichols, East Lansing Michigan – how we do it in Michigan (DataMaster)
- Ted Vosk, Seattle Washington – how we do it in Washington (DataMaster)
- Deandra Grant, Dallas Texas – how we do it in Texas (Intoxilyzer)
- Professor Thomas Workman, Boston Massachusetts – breath test data, maintenance, quality control and other Issues
- Joe Hada, Cleveland Ohio – the truth about invalid samples
- Dr. Bob Belloto PhD, Dayton Ohio & Andy Bucher, Toledo Ohio – A scientific and statistical assessment of the Standardized Field Sobriety Tests and the Drug Recognition Expert program. Why data mining can be your friend in the search for exculpatory evidence
- Terry Rudes, Port Clinton Ohio – Commercial Drivers Issues
- More on breath testing – Pete Carini, Medford Oregon; Deandra Grant, Dallas Texas; Michele Tdjar, Madison Wisconsin; Patrick McLaughlin, Florence South Carolina
- Dennis Evans, Columbus Ohio – Third Party Video Tape Issues
- Joe Patituce, Cleveland Ohio – McNeely blood issues
- Doug Clifford, Norwalk Ohio – What to ask for in Blood Discovery
- The Honorable Teresa Liston Moderates a panel of Judges & Experts
- Ted Vosk, Seattle Washington; Mike Nichols, East Lansing Michigan – measurement uncertainty applied to breath testing



Friday March 13, 2015 – Presentations and Breakout Faculty

- Evan Levow, Cheery Hill NJ & Philadelphia PA – New Jersey sucks when you blow: challenging breath tests when the deck is stacked against you
- Jessica Fallon, Columbus Ohio – What to look for in police videos
- Jamie Balagia, Austin & San Antonio TX; Pete Carini Medford OR; Drew Carroll, Charleston SC; John Thurston, KS; Barton Morris, Royal Oak MI; Deandra Grant, Dallas TX – A fly on the Wall – Listen in as DUI gurus discuss trial tactics
- Shawn Dominy, Columbus Ohio – Hunting for treasure in the ODH & NHTSA Manuals
- Ken Bossin, Cleveland OH & Jon Saia, Columbus OH – SFST at Hearings & Trials
- Daniel Sabol, Columbus Ohio – Stop calling it the “good faith” exception
- Sarah Schregardus, Columbus Ohio – Unique issues in OVI appeals
- Rob Calesaric, Newark Ohio – Drugged driving cases
- Rob Healey, Cincinnati Ohio – Ohio DRE & ARIDE issues
- Harley Wagner, Martinsburg West Virginia – MacCarthy style cross examination
- Frank Mungo, Florence, Kentucky – Cross examination with a different purpose
- Eric Sills, Albany New York – When you can ask open ended questions and break other rules
- Jeff Meadows, Cincinnati OH & Steve Adams, Cincinnati OH – Ohio dui trial tactics: dealing with breath tests, refusals, SFSTs and whatever else at trial (Based on 49 DUI trials they had in the last 2 year.)
- Kelly Farrish, Cincinnati Ohio – The initial client interview; the most important part of the case
- Larry Denny, Dayton OH & Ken Bailey, Sandusky OH – Pretrial motion hearings and negotiations



Saturday March 14, 2015 – Trial Skills Workshop focused on Cross Examination led by Frank Mungo (KY) & Mike Streng (OH) *Presentations and demonstrations by Frank Mungo (KY), Mike Streng, Harley Wagner (WV) and Eric Sills (NY)*

Trial Skills Instructors will include: Tim Huey OH – Sharon Curtis TX – Mike Kessler FLA – Peter Carini OR – Mike Nichols MI – Ted Vosk WA – Deandra Grant TX – Andy Bucher OH – Dan Sabol OH – Terry Rudes OH – Joe Patituce OH – Michele Tdjar WI – Patrick McLaughlin SC – Drew Carroll SC – John Thurston KS – Barton Morris MI – Shawn Dominy OH – Ken Bossin OH – Jon Saia OH – Larry Denny OH – Steve Adams OH – Rob Beck OH – Patty Smith OH – Mark Gardner – Tom Hosty OK – Todd Laneve WV

Chairpersons for the Seminar: Tim Huey, Mike Streng & Jessica Fallon

Special thanks to Susan Carr who runs the show!

2720 Airport Drive
Suite 100
Columbus, Ohio 43219

PRSR STD
U.S. Postage
PAID
Columbus OH
Permit #2609

2015 Best in the Midwest DUI Seminar

- **From Zero to Hero Level Training**

March 12-13, 2015

and...

- **Annual Trial Skills Academy**

March 14, 2015

OACDL – 2015 Premier DUI Seminar

*What you Absolutely Need to Know
if you will Handle a DUI Case in 2015...
...whether you handle 1 or 100 cases*

LEARN ABOUT

- How to challenge breath tests post Ilg
- Effective motion hearing practice
- Breakouts aimed at different experience levels
- National experts breaking down the science
- Ohio lawyers showing you how to win in Ohio
- Drugged driving - DRE & ARIDE
- Motions & pleadings you must file
- Challenging SFSTs at hearings & trials
- Blood tests post McNeely
- Panels with judges & experts

**Trial Skills Academy – Small Group Demonstration
and Training for Lawyers of all Experience Levels**

PLUS - Annual Trial Skills Academy

All at the Sheraton Hotel on Capital Square, Columbus Ohio

A Seminar for Legal Professionals
Jessica Fallon, Michael Streng & Tim Huey
Seminar Chairs & Seminar Planning Coordinator