

DUI DEFENSE TRIAL STRATEGIES FOR GEORGIA PUBLIC DEFENDERS

October 17th, 2014 - Morning Agenda

Program Co-Chairs

Erin H. Gerstenzang Esq.

D. Ben Sessions Esq.

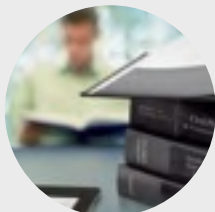
Sponsored by

Georgia Public Defender Standards Council

National College For DUI Defense

Location

Bar Headquarters
104 Marietta St. NW, Suite 100
Atlanta, Georgia 30303



8:30 – 9:15

Why a Breath Test Doesn't Blow Your Case!

Michael Hawkins, Esq., Hawkins Law Firm, Atlanta, GA

9:15 – 10:00

Winning Your Case with Their Witness on Cross

Erin H. Gerstenzang, Esq., Stein & Ward, LLP, Atlanta, GA

10 minute break

10:10 – 10:55

The Ultimate Setup: Juror Elimination

Jason Sheffield, Esq., Peters, Rubin & Sheffield, P.A., Decatur, GA

10:55 – 11:40

Selling Ice to Eskimos - Framing Your Case for Acquittal

Ramon Alvarado, Esq., The Law Office of Ramon Alvarado, Lawrenceville, GA

Lunch break

October 17th, 2014 - Afternoon Agenda

12:10 – 12:55

Re-Examining Our Approach to Standardized Field Sobriety Tests in Light of the Changes in the New Manual
Lee Webb, Esq., Head, Thomas, Webb & Willis – Atlanta, GA

12:55-1:40

Speak Now or Forever Hold Your Peace
Andrew Fleischman, Esq., Paulding County Public Defender’s Office, Dallas, GA

10 minute break

1:50 – 2:20

Demystifying Technology in the Courtroom
Gus McDonald, Esq., McDonald & Cody, LLC, Cornelia, GA

2:20 – 2:50

Why Freedom Before Conviction is More than Just a Privilege
Rick Ryczek, Esq., The Ryczek Firm, P.C., Lawrenceville, GA

2:50 – 3:20

It’s Not the Size of the Brief it’s the Merits of the Motion
Benjamin Sessions, Esq., The Sessions Law Firm, Atlanta, GA

10 minute break

3:30 – 4:30

The Most Common and Overlooked Evidence Issues in DUI Cases
Professor Paul Milich, Georgia State University – Atlanta, GA

CLE Credit

GPDSC will submit the names and bar numbers of all attendees to the State Bar after seminar attendance. GPDSC does not pay for your CLE credit; you are responsible for paying for any CLE credit that you wish to receive. Each CLE credit is \$5 per hour plus an additional \$15 for any/each professionalism hour. Once GPDSC has certified your attendance to the bar, you may send a check to the State Bar for the CLE credit that you need, OR pay online at www.gabar.org.

Checks should be made out to “CCLC” and sent to:
Commission on Continuing Lawyer Competency, 104 Marietta Street, NW, Suite 100, Atlanta, GA 30303. Make sure to include the seminar name, date(s), your name and bar number with the check. You can also check the status of your CLE credits at the State Bar’s website, www.gabar.org.

Co-Chair Profiles



Erin Gerstenzang is a criminal defense attorney in Atlanta, Georgia. Her practice is focused on the defense of clients charged with DUI and other drug and alcohol related offenses. Erin has been invited to teach DUI trial techniques in five states and is a frequent lecturer at local conferences regarding DUI law. She planned and coordinated the first *DUI Defense Trial Strategies for Georgia Public Defenders* conference and has served as the chair annually. She is a faculty member of the National College for DUI Defense and has been named by *Georgia Superlawyers* as one of Georgia's Rising Stars.

Erin co-authored the article "*The Impact of Recent U.S. Supreme Court Decisions on DUI Defense Law*", published in the National Association of Criminal Defense Lawyers' magazine *The Champion*. She is a member of the National College for DUI Defense, and Georgia Association of Criminal Defense Lawyers. She is admitted to State Bar of Georgia, as well as the New York State Bar. Erin graduated from Emory University School of Law, and earned a B.A. from Northeastern University in Boston, MA.



Ben Sessions is one of only five lawyers in Georgia Board Certified in DUI Defense by the National College for DUI Defense. Ben's practice is focused on the defense of DUI and other serious driving offenses. Ben has been a speaker at seminars before the National College for DUI Defense, Georgia Association of Criminal Defense Lawyers, Georgia Public Defender Standards Council, New York State Bar Association, and Georgia ICLE. He is certified as an Instructor of NHTSA's Standardized Field Sobriety Testing procedures and has received extensive training in forensic breath, blood, and urine testing. In 2010, he was recognized for the Greatest Trial Victory of the Year by the Georgia Defense of Drinking Drivers Group. In 2011, Ben was recognized as the DUI Lawyer of the Year by the Georgia Defense of Drinking Drivers Group. In 2012, he was recognized as a "Legal Elite" within the practice area of DUI Defense by Georgia Trend Magazine.

Speaker Profiles



Ramon Alvarado started his career as a public defender and now focuses his law practice on DUI defense and criminal law. He's been an invited speaker and teacher at criminal defense seminars around the country; this is Ramon's fifth year as a faculty member of the Bill Daniel Trial Advocacy Program.

Ramon is a true trial attorney. In 2013, he had more than ten jury trials ranging from DUI to Aggravated Child Molestation. He is also an active member of the Georgia Association of Criminal Defense Lawyers and has been appointed to the Georgia State Bar Investigative Review Panel where he deals with ethical issues and lawyer discipline. Ramon has been selected by his peers as a *Georgia Superlawyers* Rising Star for four consecutive years.



Mike Hawkins is founder of The Hawkins Law Firm, P.C. in Atlanta, Georgia, is one of only five lawyers in the state of Georgia who is Board Certified in DUI Defense by the NCDD. Listed as one of the Top 100 Lawyers in Georgia by Atlanta Magazine and included among their list of "Super Lawyers" for the past 11 years, he is named "2014 Lawyer of the Year" for DUI Defense in Georgia in the latest edition of Best Lawyers in America as featured in U.S. News & World Report magazine. He is Vice-Chairman of the DUI Committee for the National Association of Criminal Defense Lawyers and currently serves as Chairman of the Board Certification Committee for the NCDD. Mike has served on the Board of Regents for the NCDD since 2008 and has been invited to teach trial techniques to lawyers and judges in 12 states.

In 2009, he created the NCDD Foundation, Inc., the non-profit organization that helps raise funds for public defenders to attend advanced DUI defense training. His law firm was recently featured in the Atlanta Journal-Constitution with 8 other organizations for their recognition at the Brighthouse Global Purpose Summit, an event that recognizes companies that practice business with a purpose.

Speaker Profiles



Andrew Fleischman is an associate public defender with the Paulding County Public Defenders. His practice is focused on pre-trial motions and post-trial proceedings. He is a graduate of the Georgia State University College of Law and has been practicing since 2011. Andrew began his career as a law clerk for Head, Thomas, Webb & Willis, where he assisted in appellate litigation in a variety of DUI and source code cases.

Andrew prides himself on never writing like a lawyer.



Professor Paul Milich is a Professor of Law at Georgia State University, College of Law where has taught Evidence, Advanced Evidence, Trial Advocacy, Contracts, and Legal History for the past 30 years. He has taught as a visiting professor at the University of North Carolina and Emory law schools.

He also is the Director of the Advocacy Program at Georgia State. Prior to joining the faculty at Georgia State, Professor Milich graduated from Georgetown University Law School and practiced as a trial lawyer in Seattle, Washington.

Professor Milich has written numerous law review articles and has published a number of books including: *Georgia Rules of Evidence* and *Courtroom Handbook on Georgia Evidence*, both published by West.

Professor Milich was the Reporter for the Georgia State Bar Evidence Study Committee which successfully drafted and promoted a new set of evidence rules for Georgia which went into effect January 1, 2013. He was honored by the State Bar in January 2012 with an award for Excellence in Legal Scholarship.

 Speaker Profiles



Rick Ryczek tirelessly defends those accused of DUI, and challenges himself to obtain favorable results in every case. He graduated from the University of Georgia in 1994 and worked as a Deputy Clerk of Superior Court in Gwinnett County while waiting to enter law school. In 1999 Rick graduated from Georgia State University School of Law, and began his legal career with the Rockdale County Public Defender's Office. At the Public Defender's Office he represented hundreds of DUI cases. Rick left the Public Defender's Office in 2001 and worked for the DUI firm of Clark & Towne, P.C. until 2004 when he started his The Ryczek Firm P.C.

Rick was awarded among the top 40 lawyers in Georgia under the age of 40 by the National Trial Lawyers and Super Lawyer as published in Atlanta Magazine, Rick has earned the reputation for fearlessly defending difficult DUI cases. He was also awarded The Most Amazing Winning Streak (2011), DUI Lawyer of the Year (2009) and the Most Amazing verdict of Acquittal by the Georgia DODD group.



Gus McDonald received his B.A., from Mercer University; and his J.D. from John Marshall Law School. He is admitted to the State Bar of Georgia and is a member of the Georgia Association of Criminal Defense Lawyers, National College for DUI Defense and American Legal Education. He has served as a board member of DUI Advocacy Committee of the National Association of Criminal Defense Lawyers, Vice President of Georgia Association of Criminal Defense Lawyers and Committee Chair for Administrative Procedures for Approving the Georgia Intoxilyzer 5000 and 5000EN. Gus is a certified SFST Instructor. He is a frequent Speaker at Trial Lawyer events.

Gus is a former Board Member of NACDL, Advocacy Section, and has been ranked top 30 speakers for National Association of Criminal Defense Areas of Practice: Criminal Defense & Personal Injury with over \$30 million recovered since 2010 - Focus on Vehicular homicide and DUI accidents.

Speaker Profiles



Jason Sheffield is a graduate of Georgia State University College of Law and The National Criminal Defense College. In 2013, he also completed NHTSA's certification for DUI detection and field sobriety testing. His honors include being invited to serve as a member of the Law Review at Georgia State University College of Law, where he authored, edited and published legal writings, and being named by *Georgia Superlawyers* as one of Georgia's Rising Stars.

Jason has served as Treasurer of the Georgia Association of Criminal Defense Lawyers (GACDL) for the last three years and is a member of the National Association of Criminal Defense Lawyers. Jason also lectures for the Institute of Continued Legal Education and teaches trial skills and techniques to trial lawyers at the nationally acclaimed Bill Daniel Trial Advocacy Program hosted yearly by GACDL at the University of Georgia. In 2012, Jason joined Emory University's School of Law as an adjunct professor where he teaches students about the use of experts in criminal and civil trials.



J. Lee Webb is an Atlanta-based criminal defense lawyer, Lee helps his clients seek acquittals, dismissals and reductions of misdemeanor and felony charges. He graduated from University of Georgia in 1986 and went on to earn his law degree from Georgia State University.

Mr. Webb is a member of the Georgia State Bar and has been practicing law since 1995, with focuses on traffic violations, DUI arrests, probation revocation, threat of indictment and vehicular homicide.

Additionally, Mr. Webb is a member of both the National Association of Criminal Defense Lawyers and the Georgia Association of Criminal Defense Lawyers. He was named a Super Lawyer in 2013- 2014 and is a partner at the law firm of Head, Thomas, Webb & Willis, LLC, which has been awarded the "AV-Preeminent" rating from Martindale-Hubbell.