



# Defending DUI Cases in Montana

August 9-10, 2012

Best Western Yellowstone Inn

Livingston, Montana

## Thursday, August 9, 2012

10:00 pm - 10:15 pm	<b>Welcome</b>
10:15 am - 12:15 pm	Voir Dire in D.U.I. Cases <i>(Wendy Holton)</i>
12:15 pm - 1:30 pm	<b>Lunch</b>
1:30 pm - 2:30 pm	Client Relations in a DUI Case <i>(Brian Tipp)</i>
2:30 pm - 2:45 pm	<b>Break</b>
2:45 pm - 3:45 pm	Opening Statement and Closing Argument <i>(Rich Buley)</i>
3:45 pm - 4:00 pm	<b>Break</b>
4:00 pm - 5:00 pm	Challenging the Blood Evidence <i>(Pending)</i>

## Friday, August 10, 2012

8:00 am - 9:00 am	Understanding and Attacking the Intoxilyzer 8000 <i>(Paul Miranda)</i>
9:00 am - 1:00 pm	<b>Cross Examination in D.U.I Cases</b> <i>(Mike Hawkins and Tony Palacios)</i>

## About the Instructors

**WENDY HOLTON** received her J.D. from the University of Montana School of Law in 1984. Subsequently she was awarded a Prettyman Fellowship at Georgetown University where she obtained an L.L.M. in Criminal Law/Trial Advocacy. A former President of the Montana Association of Criminal Defense Lawyers and, by appointment of the Montana Supreme Court, a member of the Montana Jury Instruction Commission, and the Montana Evidence Commission, Ms. Holton served on the Montana Public Defender Commission from 2005-2008, the Conference Executive Committee of the Ninth Circuit Judicial Conference from 2006-2009, and the Ninth Circuit Advisory Rules Committee from 2004-2007. One of Montana's most outstanding DUI defenders, she is a member a member of both the National College for DUI Defense and the National Association of Criminal Defense Lawyers. Her practice is limited to criminal defense in state and federal court at both the trial and appellate level with an emphasis on defending persons charged with driving under the influence of alcohol.

**MIKE HAWKINS** is one of the nation's foremost DUI defense attorneys. A much-demanded lecturer on DUI law and procedure he developed a method of cross-examination of police officers in DUI cases which has been described as "as much science as it is art." His presentation on "Bad Science, Bad Tests, Good Cross" was selected for the Best Speakers of 2009 DVD by the National Association of Criminal Defense Lawyers. The DVD is marketed nationally to DUI Defense Attorneys who want to improve their skills in cross-examination. Mr. Hawkins is:

- Board Certified in DUI Defense by the National College for DUI Defense (NCDD)
- A former Vice-Chairman of the NACDL DUI Committee
- A member of the Board of Regents of the NCDD

Mr. Hawkins has helped train DUI defense lawyers in Georgia, California, Florida, Massachusetts, Mississippi, Montana, New York, Nevada, South Carolina and Texas. He spent nine years as the Chairperson for the ICLE *Handling Administrative Drivers License Suspensions and Revocations Seminar* which trains Georgia lawyers in techniques to save their clients' drivers license.

Assisting Mr. Hawkins with his comprehensive presentation on "Cross Examination in a DUI Case" will be Anthony Palacios.

**ANTHONY PALACIOS** is a former SFST State Coordinator for the State of Georgia and a former SFST/DRE Staff Instructor for the Georgia Police Academy at the Georgia Public Safety Training Center (GPSTC). Mr. Palacios is a former International Association Chiefs of Police Drug Recognition Expert (DRE) Practitioner, DRE Instructor, and DRE Train the Trainer, as well as a National Highway Traffic Safety Administration Standardized Field Sobriety Testing (SFST) Practitioner, SFST Instructor, and SFST Train the Trainer. While in law enforcement, Mr. Palacios trained over 3,000 Georgia, South Carolina, Tennessee, and Federal law enforcement officers and prosecutors in the detection of drivers under the influence of alcohol and/or drugs.

Since forming IDS Consulting in 2008, he has consulted in over 650 DUI/SFST & DRE related cases in the states of Alabama, Arkansas, California, Florida, Georgia, Indiana, Kansas, Louisiana, Maine, Massachusetts, Maryland, Mississippi, Missouri, New Jersey, New Mexico, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Vermont, Washington, DC, West Virginia, and Wisconsin. Additionally, Mr. Palacios has testified as an expert witness in 11 different states in his area of expertise.

**RICHARD R. (“RICH”) BULEY** is a noted authority in the area of Montana DUI law. A Founding and Lifetime Member of the Montana Association of Criminal Defense Lawyers, (MTACDL) and the Montana Institute for Criminal Justice, Mr. Buley is also a member of the National Association of Criminal Defense Lawyers (NACDL). He is certified on the Intoxilyzer 5000 and the Intoxilyzer 8000 breath testing devices and has attended the National College of DUI Defense at Harvard University. He has litigated and appealed the constitutionality of numerous Montana State Statutes and is a frequent lecturer on the topic of DUI Defense.

**BRYAN TIPP’s** criminal defense practice includes the defense of all types of State and Federal offenses, with the additional emphasis of the defense of DUI cases. He is a Founding and Lifetime Member of the Montana Association of Criminal Defense Lawyers, (MTACDL), the Washington Association of Criminal Defense Lawyers, and the Montana Institute for Criminal Justice. He is also a member of the National Association of Criminal Defense Lawyers (NACDL). Certified pursuant to the National Highway Transportation Safety Administration (NHTSA) protocol for SFSTs, Mr. Tipp has also completed the Intoxilyzer 8000 Operator’s Course. In addition to having attended the National College of DUI Defense at Harvard University, Mr. Tipp has organized, administered and spoken at seminars on DUI Defense.

**PAUL MIRANDA** has a Ph.D in Chemistry. He is qualified as an expert witness in the courts of Montana and has testified for both the defense and the prosecution in DUI cases. Dr. Miranda has particular experience with the technology used by the Intoxilyzer 8000 and has lectured and testified extensively regarding chemistry-based variables associated with that technology.