

A microscopic view of a blood vessel with red blood cells flowing through it. The vessel is shown in a cross-section, and the red blood cells are depicted as biconcave discs. The overall color scheme is red and white.

DUI/BLOOD TESTING

UNDERSTANDING AND LITIGATING OF GAS CHROMATOGRAPHY CASES

*Presented by: Colorado Criminal Defense Bar,
Sponsored by: Tiftickjian Law Firm, PC & SmartStart Inc.*

The Colorado Criminal Defense Bar Presents

- DUI BLOOD TESTING -

Understanding and Litigating Gas Chromatography Cases

Sponsored by Tiftickjian Law Firm, P.C. and SMARTSTART

This is a National College for DUI Defense State Approved Seminar.

Lecturers:

Justin J. McShane, Esq.

Josh D. Lee, Esq.

Attorney McShane is a trial attorney who specializes in using forensic science in defending the citizen among us who has been accused by the Government. He is nationally known and well-regarded for being a skilled and fierce litigator, but is also well known for his strong understanding and in-depth knowledge in all forms of forensic science. He is a litigating attorney for the Pennsylvania Innocence Project. He has earned Board Certification both in DUI Defense Law by the National College for DUI Defense (the first and only Pennsylvania Lawyer to do so and also the youngest person in the United States ever to be so certified) and as a Criminal Trial Advocate by the National Board of Trial Advocacy, a Pennsylvania Supreme Court Approved Agency. He has also earned certification in Forensic Sobriety Assessment, the first attorney to do so in the nation. He is a frequent invited guest lecturer at national, state, and local seminars that are attended by prosecutors, police, investigators, lawyers, judges, scientists and policy-makers. He has been invited three times to lecture at the ACS National meeting and has presented at the 2011 AAFS national meeting and has been asked to do so again at the 2012 meeting. He was named a fellow with the American Institute of Chemists. He has been named a Senior Assistant Chromatography Instructor by the American Chemical Society. He serves as the co-chairman of the Forensic Science section of the American Chemical Society-Chemistry and the Law Division. He is the Chairman/CEO of The McShane Firm, LLC, a six attorney criminal defense and DUI law firm. He maintains two blogs: www.TheTruthAboutForensicScience.com and www.PADUIBlog.com.

Josh D. Lee is a Vinita, Oklahoma-based criminal defense attorney who focuses his practice on defending the citizen accused of Driving Under the Influence and is nationally recognized speaker on DUI/DWI related topics. He has been invited to present at the American Chemical Society (ACS) National Meeting on three occasions and was recently elected as Forensic Science Co-Chairman for the Chemistry and the Law Division of the ACS. The American Chemical Society has also named Josh an Assistant Chromatography Instructor. He is a published author on the topics of breath testing and Gas Chromatography, a certified independent operator of the Intoxilyzer 5000 and 8000 by the State of Oklahoma, and an instructor of the Standardized Field Sobriety Tests. He is a member of the National College for DUI Defense, the Oklahoma Criminal Defense Lawyers Association, the Texas Criminal Defense Lawyers Association, the American Chemical Society, and the Oklahoma Bar Association. He is a founding partner of Ward & Lee, P.L.C., serving northeastern Oklahoma.



(303) DUI-5280 | 855-DUI-5280 | DUI5280.com

Executive Summary: This is a two-day seminar that is targeted towards the non-technically trained lawyer who has no meaningful exposure to science and no meaningful exposure to Gas Chromatography in particular. The knowledge is built incrementally and in a manner that is entertaining and memorable. Purposefully built into the presentations are numerous moments where actual audience members will be called upon to put into place what they have learned as they are learning it. It is in this manner that knowledge becomes permanent. This seminar will use transferable concepts that will allow the attendee to take what was presented, and immediately put into practice that which they have learned in court (even without an expert).



Thursday, August 16, 2012

Day One: Becoming an External Quality Assurance Officer

8:15 am - 8:45 am Registration and Continental Breakfast

8:45 am - 9:00 am - Introduction

- An overview of who we are and what we will be doing

9:00 am – 9:30 am Lesson 1: Introduction to Science

Instructor: Josh D. Lee, Esq.

- Nomenclature in science
- Wow! We are really testing unknowns
- Selectivity versus Selectivity
- Quantitative measurement

9:30 am - 11:00 pm Lesson 2: Pre-Analytical Sources of Error

Instructor: Josh D. Lee, Esq.

- Pre-specimen storage
- Collection Errors and How to Discover Them
- Analytical, but not analysis error
- Post-analytical (Chain of Custody)

11:00 – 11:45 Lunch (provided)

11:45 pm – 1:45 pm Lesson 3: Headspace Gas Chromatography w/ Flame Ionization Detector for EtOH for BAC

Instructor: Justin J. McShane, Esquire

- Basic Introduction to Science
- Principles of Gas Chromatography
- Method of Sample Introduction
- Injection Conditions
- Column Selection
- Oven Conditions
- The Detector

1:45 pm – 2:00 pm Break

2:00 pm – 3:30 pm Lesson 4: Quality Control: Teaching the Machine Right from Wrong

Instructor: Justin J. McShane, Esquire

- Resolution Control/Separation Matrix/Standard Mix
- Calibration
- Internal Standard
- Integration
- ChemStation Demonstration

3:30 pm – 4:30 pm Q & A

4:30 pm Hard Stop: End of day



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Friday, August 17, 2012
Day Two: Litigating and Winning GC Cases

8:15 am - 8:45 am Registration and Continental Breakfast

8:45 am – 9:45 am Lesson 5: How to Get Discovery

Instructor: Josh D. Lee, Esquire

- Identifying what you are trying to do
- What do you need
- Why does it matter and why is it important
- How to explain it to the Judge so the Court “gets it”

9:45 am – 10:00 am Break

10:00 am – 11:30 am Lesson 6: The Confrontation Clause

Instructor: Justin J. McShane, Esquire

11:30 am - 12:15 pm Lunch (provided)

12:15 pm – 1:30 pm Lesson 7: A Case Study Running Through A Real Case to Find What You are Looking For

Instructor: Josh D. Lee, Esquire

- Using a nurturing Socratic method format, the instructors go through an actual case and invite the attendees to apply what they learned from the first four modules to issue spot

1:30 pm – 4:45 pm Break

1:45 pm – 3:45 pm Lesson 8: Defenses that Work

Instructors: Justin J. McShane, Esquire and Josh D. Lee, Esquire

- The “Where’s the Beef?” approach (Putting the State’s expert under pressure: unless you can explain it to us where we understand it, we cannot convict)
- The “Show me the Separation” defense (Resolution mix)
- How to Cross-Examine an Expert (even if you don’t know what you are doing) or “The Surrogate Juror approach”-W.W.B.M.D.
- The “Matrix Defense” (Lack of Matrix Matching)
- “Whatchu Talkin’ ‘Bout Willis Defense” (Henry’s Law defense)
- “The Modern Day Three Second Rule” (lack of blanks)

3:45 pm – 4:45 pm Q & A

4:45 pm Hard Stop: End of Day

Please Join Us Tonight for a Sponsored Cocktail Party!

Sponsored by Tiftickjian Law Firm, PC

Rock Bottom Brewery | 1001 16th Street

6:00 pm to 9:00 pm

Complimentary Buffet and Drink Tokens

DUI Blood Testing
Understanding and Litigating Gas Chromatography Cases
August 16-17, 2012
Embassy Suite, Downtown Denver, CO
14 General Credit Hours Anticipated

“This is a National College for DUI Defense State Approved Seminar.”

Registration Cost:

Both Days- \$500 CCDB Member & Out-of-State NACDL Affiliate or NCDD Mbr | \$700 Non-CCDB Mbr
One Day- \$300 CCDB Member & Out-of-State NACDL Affiliate or NCDD Mbr | \$350 Non-CCDB Mbr
Public Defenders - \$50 (per day, \$100 for both) (Limited Availability) / Life Mbr \$250
(Price includes breakfast and lunch on both days)

Call us with questions (303) 758-2454
Email (office@ccdb.org) or Fax 303-623-0714

To attend this program, please submit by Aug. 10, 2012 with payment to:
Colorado Criminal Defense Bar
955 Bannock St., Ste. 200
Denver, CO 80204
Email: office@ccdb.org | Fax: (303) 623-0714

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Participant's Name: _____

Full Address: _____

Phone: _____ Email (required): _____

Please complete ALL information above:

Please check one: Both Days: Thur./Fri., Aug. 16 & 17 Thur., Aug. 16 Only Fri., Aug. 17 Only

CCDB Member? YES NO Life Mbr? (\$250) YES Public Defender? YES NO

NACDL MBR (Out-of-State only): YES NO NCDD MBR (Out-of-State) YES NO

Total Due: _____ Make checks payable to CCDI (Colorado Criminal Defense Institute).

If paying by credit card, check mark credit card type: Visa MC AmEx

Name on Card: _____

Card Number: _____

Exp. Date _____ Security Code _____

Zip Code attached to card: _____ Amount \$ _____

EMBASSY SUITES - 1420 Stout St | (303) 592-1000 | Downtown Denver, CO

Hotel Accommodations

Guests at the Embassy Suites Denver - Downtown

Convention Center hotel will enjoy modern accommodations in Denver's newest Embassy Suites hotel. Your beautifully appointed guest suite will feature a two room set-up with either 1 king bed or 2 queen beds. All of our accommodations offer an array of home comforts in order to help you feel as relaxed as possible during your stay. In each of our hotel suites, you can expect:

- Private bedrooms with a spacious living room
- Refrigerator, microwave and coffee maker
- Two 37-inch high definition televisions
- High-speed Internet access available
- Two cordless two-line telephones in each suite



Guest Room Rates

The Embassy Suites Denver - Downtown Convention Center is pleased to offer a rate of **\$179.00** for single or double occupancy and each additional guest is \$15.00 per night. This rate includes complimentary daily cook-to-order breakfast, complimentary Nightly Manager's Reception. **Contact Info: 303 592-1000 | embassysuites1.hilton.com**

Transportation

The Embassy Suites Denver - Downtown Convention Center is located 24 miles from Denver International Airport. Guests may utilize SuperShuttle for transportation to/from DIA. Shuttle service is \$22 one way and \$40 roundtrip. Cabs are approximately \$55 one way. Valet parking is available on site for \$28 per night with complimentary in/out privileges. There are surface lots available at lower rates to accommodate self-parking guests.

Guests may make their reservations via the hotel directly, the toll-free phone number or through a Personal Online Group webpage. This webpage takes approximately 24 hours to build and you will be given a link to post directly on your website. Your guests can book online, 24 hours a day and 7 days a week, using the special rate you have secured with the hotel. In addition, the website can publish details about the event for your guests (Check-in/out dates, rates, room types, directions, hotel information, etc.). This great online booking tool is available at all Hilton Hotels!

Hotel Amenities and Services

The Embassy Suites Denver - Downtown Convention Center offers a wide variety of amenities and services to accommodate all of your guest's needs. Start your morning off right with our complimentary, full Cooked-to-Order Breakfast served every morning in the Hotel's Restaurant which is also open for lunch and dinner. End your day with our Evening Manager's Reception featuring your favorite beverage each evening. In addition to our full-service restaurant, the hotel will have an additional, on-site independent restaurant (name to be determined), and a full service Starbucks® Coffee Café.

The hotel also provides a 24-hour fitness room featuring state-of-the-art Precor® equipment, heated indoor saline swimming pool, complimentary 24-hour Embassy BusinessLink™ Business Center featuring secure, remote printing and high-speed Internet access; concierge services; gift shop with ATM; wireless Internet in the atrium Lobby; complimentary USA Today® delivered to your door every weekday morning, laundry/valet service and guest laundry facilities are also available.

Local Information and Attractions

The Embassy Suites Denver - Downtown Convention Center is located in the heart of downtown Denver within walking distance to shopping, the theater and arts district, the State Capital, and professional sports venues. Downtown Denver offers several options for evening functions. The Denver Performing Arts Complex is just a short 2 block walk from the hotel. There are several restaurants, live music venues, and shopping – all within walking distance to the hotel. If you would like a team building event, Dave and Busters is located approximately 10 miles south of downtown and is easily accessible via light rail. The light rail line picks up one block from the hotel and drops off 2 blocks away. Please visit the VisitDenver website for additional local and tourist information at www.visitdenver.org.

Other Downtown Hotels:

- Brown Palace - 321 17th St. (www.brownpalace.com)
- Comfort Inn - 401 17th St (www.denvercomfortinn.com)
- Courtyard - 934 16th St. (www.marriott.com)
- Crowne Plaza - 1450 Glenarm Place (www.crowneplaza.com)
- Hyatt Regency - 650 15th Str. (www.denverregency.hyatt.com)
- Magnolia Hotel - 818 17th St. (www.magnoliahotels.com)
- Marriott - 1701 California Street | 685 Speer Blvd. (www.marriott.com)
- Residence Inn - 1725 Champa (www.residenceinndenverdowntown.com)
- Ritz Carlton - 1881 Curtis (www.ritzcarlton.com/denver)

Shopping and Dining:

- 16th Street Pedestrian Mall (offering a complimentary shuttle block to block along the 1 mile stretch)
- Denver Pavilions
- Larimer Square, Writers Square and Tabor Center

Theater & the Arts Districts:

- Denver Center for the Performing Arts
- Denver Art Museum
- Museum of Contemporary Art

Family Attractions:

- Downtown Aquarium
- Children's Museum of Denver
- Museum of Nature and Science
- Elitch Gardens – Theme & Water Park (formerly Six Flags)
- Denver Zoo
- US Mint
- Colorado State Capital

Professional Sports Venues:

- Coors Field – Home of the Colorado Rockies
- Pepsi Center – Home of the Denver Nuggets and Colorado Avalanche
- Sports Authority Field at Mile High – Home of the Denver Broncos

Easy Day Trips:

- Boulder • Estes Park - Rocky Mountain National Park (I-25 North) • Historic Golden
- Historic Evergreen • Historic Black Hawk/Central City • Colorado Springs