

# Understanding Oregon DUII Cases

Get the basics and the latest on DUII cases in Oregon, including:

- ◆ Traffic stops, probable cause, and reasonable suspicion
- ◆ What to know when defending DUII cases
- ◆ Case law update and 2009 legislative changes
- ◆ *State v. Machuca*

*Cosponsored by the Criminal Law Section*

Thursday, November 19, 2009  
9 a.m.–4:30 p.m.

Oregon State Bar Center  
Tigard, Oregon

6.5 General CLE credits



# Understanding Oregon DUII Cases

## Video Replays

*Cosponsored by the Criminal Law Section*

**Thursday, November 19, 2009**

6.5 General CLE credits

Oregon State Bar Center  
16037 S.W. Upper Boones Ferry Rd.  
Tigard, Oregon

“DRIVING UNDER THE INFLUENCE OF INTOXICANTS.” WHAT do these words mean for the prosecution and the defense? This information-rich seminar will help you understand how DUII cases are prosecuted and how to defend a DUII case. Learn what constitutes seizure, probable cause, and reasonable suspicion. See how *Miranda* warnings and the right to counsel intersect with a DUII case. 2009 legislative changes will be discussed, as well as the recent Oregon Court of Appeals ruling in *State v. Machuca*.

What you need to know about defending DUII cases covers discovery review, issue spotting, trial tactics, motions, and client relations—including how to handle a call from a friend or relative who has been charged with DUII. Gain insight about jurors, such as who should not be on a DUII jury, developing a theory for your case, and whether or not experts can help your theory.

Criminal Law Section members receive a \$20 discount off registration rates.

This seminar is  
also available as a live  
webcast—click here to  
register

Register online at [www.osbar.org](http://www.osbar.org), by using this form, or by calling the OSB CLE Service Center at (503) 431-6413, toll-free in Oregon at 1-800-452-8260, ext. 413. For a full listing of OSB CLE seminars, please visit [www.osbarcle.org](http://www.osbarcle.org).

This seminar will be videotaped and shown in its entirety at the following locations if three or more registrations are received at least a week prior to the replay date. To find out if a replay will be shown, please click on the Seminars Calendar at [www.osbarcle.org](http://www.osbarcle.org) and select the date of the scheduled video replay.

- ◆ **Astoria**  
**Friday, February 26**  
Di Bartolomeo Law Office  
1139 Exchange St.
- ◆ **Bend**  
**Friday, February 19**  
Miller Nash LLP  
1567 S.W. Chandler Ave.  
Suite 204
- ◆ **Coos Bay**  
**Friday, February 19**  
Daniel M. Hinrichs PC  
590 Commercial Ave.
- ◆ **Eugene**  
**Friday, February 26**  
Gaydos Churnside & Balthrop PC  
440 E. Broadway, Suite 300
- ◆ **Grants Pass**  
**Thursday, February 18**  
Josephine County Courthouse  
Room 222  
N.W. 6th and “C” Streets
- ◆ **Hood River**  
**Friday, February 19**  
Wyers Haskell Davies PC  
216 Columbia
- ◆ **Klamath Falls**  
**Friday, February 19**  
Boivin Uerlings & Dilaconi PC  
803 Main St., Suite 201
- ◆ **LaGrande**  
**Friday, February 19**  
Mautz Baum & O’Hanlon LLP  
1902 Fourth St.
- ◆ **Medford**  
**Friday, February 26**  
Frohnmayr Deatherage  
2592 E. Barnett Rd.
- ◆ **Newport**  
**Friday, February 26**  
Macpherson Gintner & Diaz  
423 North Coast Highway
- ◆ **Pendleton**  
**Friday, February 26**  
Mautz Baum & O’Hanlon LLP  
101 S.E. Byers Ave.
- ◆ **Redmond**  
**Friday, February 26**  
Bryant Emerson & Fitch  
888 W. Evergreen
- ◆ **Roseburg**  
**Thursday, February 18**  
Douglas County Counsel’s Office  
Law Library, Room 319  
1036 S.E. Douglas
- ◆ **Salem**  
**Friday, February 19**  
The Vandermay Law Firm  
2085 Commercial Street NE
- ◆ **Tigard**  
**Wednesday, March 3**  
Oregon State Bar Center  
16037 S.W. Upper Boones Ferry Rd.
- ◆ **Vale**  
**Friday, February 19**  
Butler & Looney PC  
292 Main St. S.

# Understanding Oregon DUII Cases—Thursday, November 19, 2009

8:00 Registration

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9:00 Prosecuting DUII Cases in Oregon

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## Search and Seizure

- ◆ What is a seizure?
  - ◆ Traffic stops and extensions of traffic stops
  - ◆ Probable cause and reasonable suspicion
  - ◆ *State v. Machuca*
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## Miranda and the Right to Counsel

- ◆ Right to private consultation

**Paul L. Smith**, *Appellate Division, Oregon Department of Justice, Salem*

**Deena A. Ryerson**, *DOJ Criminal Justice Organized Crime, Salem*

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11:00 Break

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11:15 Prosecuting DUII Cases in Oregon (continued)

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## Recent Changes in the Law

- ◆ Appellate case law update in DUII cases
- ◆ 2009 legislative changes

**Paul L. Smith**, *Appellate Division, Oregon Department of Justice, Salem*

**Deena A. Ryerson**, *DOJ Criminal Justice Organized Crime, Salem*

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12:15 Lunch

(Brown bag lunches are welcome at the OSB Center, or you may order a box lunch using the registration form.)

1:15 Defending DUII Cases in Oregon

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## What You Need to Know When Defending a DUII Case

- ◆ Client relations
- ◆ Discovery review and issue spotting
- ◆ Trial tactics and theory of the case
- ◆ Motions
- ◆ Fielding the call from your relative who just got picked up on a DUII

**Lisa J. Ludwig**, *Attorney at Law, Portland*

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3:00 Break

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3:15 Juries and Science from the Defense Perspective—**Be Kind, Be Realistic, and Have a Theory**

- ◆ Be kind—treat everyone with respect
- ◆ Be realistic—some folks should not be on a DUII jury
- ◆ Have a theory—does the expert help your theory?

**Richard E. Oberdorfer**, *Oberdorfer Law Firm LLC, Portland*

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4:30 Adjourn

### Section Planners:

- ◆ **Gregory B. Scholl**, *Metropolitan Public Defender, Inc., Hillsboro*
- ◆ **Timothy A. Sylwester**, *Appellate Division, Oregon Department of Justice, Salem*

### OSB CLE Seminars Planner:

- ◆ **Kes Joerg**, *kjoerg@osbar.org, (503) 431-6326*

