

The Georgia Defender

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The New "War on Drugs": The Government's Continued Enforcement Focus on Opioid Prescribing and Distribution

by Scott R. Grubman, Chilivis Cochran Larkins & Bever

Since the beginning of the Trump administration, the Department of Justice (DOJ) has made fraud and abuse related to opioid prescribing and distribution a top priority for federal criminal law enforcement. In July 2017, the DOJ announced what was at the time the largest healthcare fraud takedown in history. Out of the 412 defendants charged as a part of that takedown, over 120 were charged for their roles in prescribing and distributing opioids and other dangerous narcotics. A few weeks later, on August 2, 2017, Attorney General Jeff Sessions announced the formation of the DOJ's Opioid Fraud and Abuse Detection Unit. According to the DOJ's press release, the pilot program was to "utilize data to help combat the devastating opioid crisis that is ravaging communities across America."

This trend continued into 2018. In January 2018, Attorney General Sessions announced a DEA surge to focus on pharmacies and prescribers who dispense unusual or disproportionate amounts of dangerous drugs.³ The results of that surge were announced a couple of months later and, according to the DOJ, included 28 arrests,

the execution of dozens of search warrants and administrative inspection warrants, and nearly 300 administrative enforcement actions including license suspensions.⁴ In February 2018, the DOJ announced the creation of the Prescription Interdiction and Litigation (PIL) Task Force, which was to "aggressively deploy and coordinate all available criminal and civil law enforcement tools to reverse the tide of opioid overdoses in the United States, with a particular focus on opioid manufacturers and distributors."⁵ In June 2018, the DOJ again announced the largest ever healthcare fraud enforcement action in the department's history, which included charges against over 600 individuals including doctors, nurses, and other licensed medical professionals, over a quarter of which were charged for their roles in prescribing and distributing opioids and other dangerous drugs.⁶

This article will explore the history of the federal government's efforts to curb the opioid epidemic, as well as efforts by states – including Georgia – to combat opioid fraud and abuse.⁷

Continued on page 2

The New “War on Drugs” *Continued*

Brief Overview of the Opioid Epidemic

According to the U.S. Department of Health and Human Services (HHS), opioid abuse is “serious public health issue,” with drug overdose deaths representing the leading cause of injury death in the United States.⁸ The National Institute on Drug Abuse — part of the National Institutes of Health (NIH) — notes that young adults age 18 to 25 are the biggest abusers of prescription opioid pain relievers, attention deficit hyperactivity disorder (ADHD) stimulants, and anti-anxiety drugs.⁹ NIH reports that in 2014 alone, more than 1,700 young adults died from prescription drug overdoses, and most of those overdoses involved opioids.¹⁰

The Centers for Disease Control and Prevention (CDC) reports that over 90 Americans die every day from an opioid overdose.¹¹ According to the CDC, more than 60 percent of drug overdose deaths involve an opioid and, since 1999, the number of overdose deaths involving opioids quadrupled.

According to a press release by the Georgia Attorney General’s office, nearly 1000 people died from an opioid-related drug overdose in 2016 alone.¹² In 2017, opioid-related deaths in Georgia increased by 16 percent over the previous year.¹³

The DOJ Jumps In

Even before the DOJ’s announcement regarding the Opioid Fraud and Abuse Detection Unit in 2017, and the Prescription Interdiction and Litigation (PIL) task force in 2018, the agency made clear that the fight against opioid fraud and abuse is a top priority under the new administration. As discussed above, for example, nearly one-third of the defendants charged in the DOJ’s July 2017 healthcare fraud takedown were charged in schemes related to prescribing and dispensing opioid and other narcotic drugs:

The charges announced today aggressively target schemes billing Medicare, Medicaid, and TRICARE . . . for medically unnecessary prescription drugs and compounded medications that often were never even purchased and/or

*distributed to beneficiaries. The charges also involve individuals contributing to the opioid epidemic, with a particular focus on medical professionals involved in the unlawful distribution of opioids and other prescription narcotics, a particular focus for the Department.*¹⁴

The fact that the DOJ immediately followed up on this takedown by announcing the creation of the Opioid Fraud and Abuse Detection Unit demonstrates the agency’s long-term focus on such cases. In announcing the new unit, Attorney General Sessions stated that it will “focus specifically on opioid-related health care fraud using data to identify and prosecute individuals that are contributing to this prescription opioid epidemic.”¹⁵

The Opioid Fraud and Abuse Detection Unit funds 12 experienced Assistant United States Attorneys from various offices around the country for a three-year term to focus exclusively on investigating and prosecuting fraud related to prescription opioids, including pill mills and pharmacies that unlawfully divert or dispense prescription opioids for unlawful purposes. According to the DOJ’s press release, data analysis will allow federal authorities to ascertain important information related to prescription opioids, including which physicians are outliers in the number of opioid prescriptions, how many of a prescriber’s patients die due to an opioid overdose, and which pharmacies are dispensing disproportionately large amounts of opioids. The DOJ will work with several federal agencies — including the Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), and HHS — as well as state and local law enforcement on the project.

Similarly, the PIL task force will focus on opioid manufacturers and distributors and, according to the DOJ, will use all criminal and civil tools available to hold distributors such as pharmacies, pain management clinics, drug testing facilities, and individual physicians accountable for unlawful actions.



Likely Areas of Focus

There are several areas on which the federal government will likely focus in its opioid-related investigations. The first will likely be ensuring that providers prescribe opioids and other narcotics only when such drugs are truly medically necessary. One of the basic principles of Medicare and Medicaid reimbursement is that all items and services for which a provider seeks reimbursement must be “reasonable and necessary.”¹⁶ Providers who stand out as “outliers” when it comes to the volume of opioid prescriptions will likely receive subpoenas for relevant medical records from the DOJ and, if those records do not support the medical necessity of those prescriptions, will likely face liability, whether criminal, administrative, or otherwise.

Another focus will likely be on the relationships between prescribing physicians, on the one hand, and pharmaceutical companies and pharmacies, on the other. Because any financial relationship between a prescribing provider and a pharmaceutical company or pharmacy could potentially implicate a number of federal laws, including the federal Anti-Kickback Statute,¹⁷ federal investigators will almost certainly probe any such relationships, particularly where the provider in question has questionable prescribing patterns or high utilization numbers. Other likely areas of focus will be on pharmacies that dispense a high number of opioids from providers with questionable prescribing habits, as well as enforcement of drug diversion regulations by the DEA.

The States Get Involved

One month after AG Sessions announced the formation of the DOJ unit, a coalition of forty-one state attorneys general — including

The New “War on Drugs” *Continued*

Georgia Attorney General Chris Carr – announced a joint investigation focusing on major pharmaceutical companies over the production and distribution of opioids.¹⁸ On September 19, 2017, Attorney General Carr announced that the joint investigation was initiated by the service of subpoenas on major pharmaceutical manufacturers Endo International, Janssen Pharmaceuticals, Teva Pharmaceutical Industries/Cephalon, Allergan and Purdue Pharma. According to Attorney General Carr’s press release, the information gathered “will enable the attorneys general to evaluate whether manufactures engaged in unlawful practices in the marketing, sale and distribution of opioids.”

Later that same month, Attorney General Carr announced the creation of a statewide opioid task force.¹⁹ According to the press release, the Georgia task force will provide “an infrastructure of communication between organizations in the public, private and non-profit sectors that are combating and are impacted by [the opioid epidemic].” Since its creation, the Georgia task force has had three meetings, including one in Augusta in August 2018.²⁰

In addition to these state initiatives, as well as routine “pill mill” prosecutions, there have been, over the last several years, a number of well-publicized prosecutions of physicians involving opioid-related deaths. This includes the indictment of a Clayton County psychiatrist including for multiple counts of felony murder.²¹

Conclusion

Both federal and state law enforcement authorities have made clear through various initiatives that fraud and abuse enforcement related to the prescribing and dispensing of opioids and other dangerous drugs is now clearly front and center. Although the DOJ’s Opioid Fraud and Abuse Detection Unit is being called a “pilot program”, like many DOJ enforcement initiatives, this unit will likely grow into other jurisdictions in the not-so-distant future. Moreover, various states including Georgia have made clear that they will

be joining the federal government in the fight against opioid fraud and abuse, with a particular focus on manufacturers and distributors. As a result, those involved in any way in the opioid industry, including pain management providers, pharmacies, pharmaceutical manufacturers and distributors, will likely feel the heat of increased government enforcement for years to come.



BIOGRAPHY FOR SCOTT GRUBMAN



Scott Grubman is a former Assistant United States Attorney and DOJ Trial Attorney who represents businesses and individuals in connection with government and internal investigations, False Claims Act and complex civil litigation, and white collar criminal defense.

Much of Mr. Grubman’s practice involves representing healthcare clients of all types and sizes in connection with high-stakes government investigations – both criminal and civil – by agencies such as the Department of Justice (DOJ), HHS-OIG, and state Medicaid Fraud Control Units (MFCU). Mr. Grubman also has extensive experience representing healthcare providers in connection with administrative proceedings (such as exclusion and revocation matters), audits (including overpayment and HIPAA audits), and general healthcare regulatory issues, particularly those related to the False Claims Act, Stark Law, and Anti-Kickback Statute. Mr. Grubman also regularly represents clients in connection with a wide variety of white collar criminal matters outside of the healthcare industry, as well as in connection with civil litigation.

- 1 <https://www.justice.gov/opa/pr/national-health-care-fraud-takedown-results-charges-against-over-412-individuals-responsible>.
- 2 <https://www.justice.gov/opa/pr/attorney-general-sessions-announces-opioid-fraud-and-abuse-detection-unit>.
- 3 <https://www.justice.gov/opa/pr/attorney-general-sessions-announces-dea-surge-combat-prescription-drug-diversion>.
- 4 <https://www.dea.gov/press-releases/2018/03/22/dea-investigations-result-prosecution-multiple-defendants>.
- 5 <https://www.justice.gov/opa/pr/attorney-general-sessions-announces-new-prescription-interdiction-litigation-task-force>.
- 6 <https://www.justice.gov/opa/pr/national-health-care-fraud-takedown-results-charges-against-601-individuals-responsible-over>.
- 7 Portions of this article were previously published by the American Bar Association’s Health eSource, as well as Health Law Developments of the State Bar of Georgia, and are being re-published here with express permission.
- 8 <https://www.hhs.gov/opioids/about-the-epidemic/index.html>.
- 9 <https://www.drugabuse.gov/related-topics/trends-statistics/infographics/abuse-prescription-rx-drugs-affects-young-adults-most>.
- 10 Id. 2014 data is the latest data that the author could find on this topic.
- 11 <https://www.cdc.gov/drugoverdose/epidemic/index.html>.
- 12 <https://law.georgia.gov/press-releases/2017-09-28/attorney-general-chris-carr-announces-statewide-opioid-task-force>.
- 13 <https://politics.myaajc.com/news/state--regional-govt-politics/opioids-feed-surge-atlanta-region-fatal-overdoses/XBDj00D8BHQIdRuyEYBRiL/>.
- 14 <https://www.justice.gov/opa/pr/national-health-care-fraud-takedown-results-charges-against-over-412-individuals-responsible>.
- 15 <https://www.justice.gov/opa/pr/attorney-general-sessions-announces-opioid-fraud-and-abuse-detection-unit>.
- 16 Social Security Act, § 1862, 42 U.S.C. § 1395y(a)(1)(A).
- 17 The federal Anti-Kickback Statute makes it a felony to knowingly and willfully solicit, receive, offer, or pay, any remuneration (including any kickback, bribe, or rebate), directly or indirectly, overtly or covertly, in cash or in kind to any person in order to induce referrals of federal healthcare program business. 42 U.S.C. § 1320a-7b(b).
- 18 <https://law.georgia.gov/press-releases/2017-09-19/attorney-general-chris-carr-multistate-coalition-seek-documents-opioid>.
- 19 <https://law.georgia.gov/press-releases/2017-09-28/attorney-general-chris-carr-announces-statewide-opioid-task-force>.
- 20 <http://www.augustachronicle.com/news/20180809/georgia-opioid-task-force-highlights-nationwide-crisis>.
- 21 <https://www.ajc.com/news/clayton-county-psychiatrist-indicted-again-murder-case/vTqsDIIfWUUVvCiJIRExdK/>

GACDL CLE!

Information about seminars can be found on our website: www.gacdl.org. Click on "CLE." As soon as schedules/registration forms are complete they are posted online.

GACDL's 2018 Winter Seminar: January 25 & 26, 2019 at the State Bar of Georgia Headquarters in Atlanta, Ga. You can also watch it live from the bar building in Savannah, GA. More information will be announced on the GACDL Listserv.

GACDL's DUI Bootcamp

March 1 & 2, 2019 at the State Bar of Georgia in Atlanta. Seminar Directors are Bubba Head, Suesan Miller, and Corey Yeager.

GACDL's Spring Seminar

April 25-27 at the Westin Jekyll Island. Seminar Director to be announced.

GACDL's Technology Seminar

May 17 & 18th! Seminar Directors Lawrence Zimmerman and Charles Mittlestadt. Location to be announced.



**GACDL is on
Twitter @MyGACDL.
Members, follow
GACDL and we
will follow you!**



GACDL's 2019 Winter Seminar

Keynotes

Thomas Mahler from *"The Staircase"*
and
Dean Strang from *"Making a Murderer"*

Seminar Directors

Brian and Suzanne Tevis

Location

State Bar of Georgia
*You can also watch it live from
the bar buildings in Savannah and Tifton.*

To register visit www.gacdl.org



GACDL Board Member Michael Abbott

Distinguished criminal defense lawyer and long time GACDL member and past Officer, C. Michael Abbott, passed away peacefully on October 8, 2018 at the age of 76 after a long battle with Alzheimer's disease in the presence of his loving daughter, Sherrill, who steadfastly cared for him during the final years of his life. Michael hailed from Scottsbluff, Nebraska and graduated from the University of Wyoming and Duke Law School. Michael briefed and argued civil and criminal cases before the U.S. Supreme Court, *Fuentes v. Shevin*, 407 U.S. 67 (1972) and *John H. Evans, Jr. v. United States* 504 U.S. 55 (1992).

Formerly Assistant Dean of Emory University School of Law and Chief, White Collar Crime Section, U.S. Attorney's Office for the Northern District of Georgia, Michael had a stellar career as a criminal defense lawyer including being the trial partner of famed lawyer Bobby Lee Cook in numerous trials

together. Michael was the Co-Chair for many years of the Southeastern White Collar Crime Institute, the leading CLE seminar for white collar criminal defense lawyers.

Proud father of daughter Sherrill and loving son Christopher (Suji), Michael was blessed with two beautiful grandchildren, Orin (4) and Eli (1). Michael was fortunate to have two loves of his life; Connie Hanson, who predeceased him, and Joy Lindal.

An avid tennis player at the Ansley Golf Club, Michael enjoyed life, chose his cars with care, had a sweet tooth, and favored Manhattan's on ice. Shy and reserved but with a silly side, Michael was elegant, intelligent and upheld the highest standards of ethics and professionalism throughout his career. A memorial service will be held at 11 am on November 17, 2018 at First Existentialist Congregation, 470 Candler Park Dr. NE, Atlanta, GA 30307.

New Members

James Chaplin
(Cartersville) (678) 721-3254

Anna Correa
(Cartersville) (404) 997-8470

Thomas Fulgum
(Marietta) (404) 433-6690

Meagan Hurley
(Macon) (706) 331-3696
Sponsor: Scott Key

Sarah Illg
(East Ellijay) (706) 889-5611

Jordan Johnson
(Atlanta) (770) 670-6206

Jason Johnston
(Locust Grove) (678) 215-7059

Jason Kang
(Covington) (770) 788-3750

Kayla McCallum
(Smyrna) (770) 262-5939
Sponsor: Lee Sexton

April Weeks
(Canton) (470) 387-0745

Amanda Young
(Atlanta) (912) 661-8021
Sponsor: Anastasios Manettas



It's ALMOST time to re-up your GACDL Membership for 2019!

You can pay online at www.gacdl.org beginning December 1! When you pay online, be sure to log in as a member. Otherwise the website does not know who is paying. Log in assistance is always available under HELP. You can also call 404-248-1777 to ask Membership Director Brandie Martinez Bedard for assistance.

You can mail a check any time now to
GACDL
P.O. Box 68
Decatur, GA 30031
(They will be deposited after Dec. 1)

*Thank you so much for supporting
GACDL each year. We couldn't do
what we do without YOU!*



**Members, be sure to join
GACDL's
Private Facebook Group!**
It's for members only!
<https://www.facebook.com/groups/GACDL/>



*GACDL congratulates Russell Gabriel on receiving
our 2018 Indigent Defense Award. The award was
presented at the GACDL Fall Seminar. Shown here with
Claudia Saari and Nicki Vaughan.*

Truth, Justice & Rock 'N' Roll: GACDL's Fall Seminar

- Jennifer Mackall, *GACDL Executive Director*

Over 230 lawyers checked in for GACDL's annual fall seminar, "Truth, Justice, & Rock 'N' Roll," at Brasstown Valley Resort in Young Harris, GA. The weather wasn't quite as cooperative as last year, but the leaves were gorgeous, and members and their families still had a great time fishing, horseback riding, touring local wineries, playing golf, and hiking in the woods. Some people came up a couple of nights early and stayed over on Saturday night to make a mini vacation of the seminar.



schedule. GACDL thanks these ladies for their hard work. We should also thank Chairperson, Suesan Miller, and GACDL's Education Committee for their input on the speakers and topics. The more people involved in planning seminars, the more valuable they are for attendees.

We had 10 amazing speakers, including three keynotes! Bruce Harvey talked about unusual happenings in the Tex McIver Trial, and some



and interesting as Zach North made it? Arturo Corso brought the room to tears delivering truth bombs about what lawyers go through, the pressure we all deal with, and how to manage stress. He was especially powerful when sharing some very personal experiences he's been through in the past two years. Every lawyer should hear his talk.

Friday was national Love Your Lawyer Day! GACDL staff

gave out plenty of hugs and smiles all weekend. FindLaw representatives wore and gave away "Love Your Lawyer" t-shirts. They also sponsored yoga for seminar attendees on both mornings before the seminar. After Friday's session, we had a cocktail party in the lobby sponsored by Free at Last Bail Bonds, followed by a trivial competition with a DJ and craft beers in Brassie's bar downstairs, sponsored by LexisNexis. Keynote, Shannon Smith, joined in the fun and festivities, getting to know everyone here in Georgia.



lessons learned. Philip Holloway talked about podcasts and how they are changing the criminal justice system in certain cases. Shannon Smith flew down from Michigan to talk about representing Dr. Larry Nassar. We learned how to keep things on Facebook professional with Kim Keheley Frye. We had two great Case Law Updates: a full update with Leisa Johnson and a DUI Update with Manal Chehimi. Eric

The CLE portion of the weekend was rated as "excellent" by a majority of the attendees! Seminar Directors, Megan Grout and Holly Veal (soon to be the Honorable Holly Veal, Superior Court Judge in the Flint Judicial Circuit – next week!), did an amazing job choosing speakers, organizing the seminar, and keeping everything going according to

Lang gave an interesting and excellent talk on Ethics. Wes Bryant taught everyone about defending gang cases, and also threw some GACDL t-shirts and other prizes out into the audience during his talk. Who knew that Technology in the courtroom could be as funny



FALL Seminar 2018 *Continued*



GACDL thanks each and every attendee who came to the seminar. We sincerely appreciate your support! Brandie and I and all of your friends enjoyed seeing you there.

Because this was my final seminar, on Friday I played a movie I made showing just a few of the many highlights over GACDL's past 15 years. Then I was surprised by a ceremony where the Association gave me a crystal trophy,

seeing you at the Winter Seminar on January 24 & 25 at the State Bar of Georgia in Atlanta. The theme is "True Crime," and registration is already open. The seminar directors are Brian and Suzanne Tevis, who worked hard to get this seminar

organized. The keynotes are Dean Strang from Netflix's, "Making a Murderer," and Thomas Maher from Netflix's, "The Staircase." You won't want to miss this one!

If you can't make the Winter Seminar, we have a packed CLE calendar next year, with events in January, March, April and May. Bubba Head, Suesan Miller, and Cory Yeager are putting on the

DUI Boot Camp.

Lawrence Zimmerman and Charles Mittelstadt are hosting GACDL's Technology Seminar. And, of course, we'll have the Spring Seminar at the Beach. Be sure to see the full CLE schedule at www.gacdl.org. If you

don't see a schedule for a seminar online yet, it's not yet available. Remember, if you become a Sustaining Member, your annual dues get you into all of GACDL's seminars for free! Sustaining membership is the best deal in town – it completely pays for itself if you attend two or more seminars per year; and it's one of the best ways to support the organization you love.

The Bill Daniel Trial Advocacy Program will be back in 2019. Please tell new lawyers to apply – they really do not want to miss this training. You can read more about that in future issues of this publication.

Please welcome your new Executive Director, Jill Travis, when she takes over for me on December 1. I will be staying on call for Jill to help GACDL transition next year.



See you on social media, friends. Thank you for 15 AMAZING years!

Sincerely,

Jennifer Mackall



This is Jennifer Koehler Mackall's 15th year directing the GACDL. She is the third executive director of the association, and the longest running. Jennifer believes that quality CLE programs are of paramount importance for GACDL members and their clients. Her goal is for GACDL to provide the best CLE programs available anywhere for Georgia's criminal defense lawyers. Jennifer is the mother of two sons and lives in Atlanta with her husband Parker.



flowers, gift cards, and a standing ovation. I was so moved. I thank everyone involved in that for such a special send off! I am going to miss everyone in GACDL very much! Fortunately, thanks to social media, it will be easier for all of us to stay in touch!

GACDL and the new Executive Director, Jill Travis, look forward to

GACDL ANNOUNCES OUR 4th EXECUTIVE DIRECTOR, EFFECTIVE DECEMBER 1, 2018:

Jill Travis



Since her first year of law school, Jill has been involved in GACDL and quickly recognized the tremendous value of being a part of an organization devoted to educating and encouraging criminal defense attorneys. She is entering the fifth chapter of her legal career, as GACDL's Executive Director, after serving as Deputy Legislative Counsel for the Georgia General Assembly for the past 18 years. During her career with the legislature, she served as committee counsel to all of the judiciary committees and the ethics committees and drafted nearly 10,000 bills and amendments, including most of the laws that trial attorneys regularly use. Her drafting included all of the laws connected to Criminal Justice Reform, the Juvenile and Evidence Code rewrites, and the creation and revisions of the Georgia Public Defender Council.

Prior to joining the Office of Legislative Counsel, Jill practiced criminal defense for 14 years, serving as the Chief Public Defender of Douglas County from 1994-2000, litigating

civil, business, and criminal cases in a small firm in metro Atlanta from 1990-1994, and engaging as a general practitioner in Kane & Anderson from 1986-1990.

Jill served as the 2005 GACDL President and on the GACDL board of directors in various capacities. She has received the GACDL President's Award from four presidents. Jill has been the Director of the Bill Daniel Trial Advocacy Program since 2008, and served as an instructor with this program since its inception in 1999. Jill also taught trial advocacy at UGA, GSU, and for ICLE's Georgia Trial Skills Clinic, and created the first in-house CLE training program for the Office of Legislative Counsel.

Jill received her B.A. in business (pre-law) in 1983 from the Eli Broad College of Business at Michigan State University and her law degree in 1986 from the Walter F. George School of Law at Mercer University. She completed the National Criminal Defense College in 1994.

Please join GACDL in welcoming Jill to her new position effective December 1.



GACDL P.O. BOX 68 Decatur, GA 30031

Name _____

Bar Number _____ Phone _____

City _____ E-mail _____

Please choose one registration option:

____ \$365 I am a regular, public defender, contributing, substantial, associate, or life (since 2005) member and I need CLE ____ \$295 Same and I do not need CLE

____ \$0 I am a life member prior to 2005, or a sustaining member and do not need CLE ____ \$50 Same and I need CLE

____ \$285 I am a full-time federal, state, or county employed public defender in the _____ Circuit and I need the CLE. Every attorney in our circuit is a 2019 GACDL member. ____ \$215 Same, but I do not need CLE. (Note: If all PDs in your circuit are not members, please pay the regular member rate if you are a member, or pay the non-member rate if you are a non-member. PD rates apply to full-time government employed PDs only.)

____ \$675 I am not a member of GACDL

I also need to pay my 2019 membership dues:

____ \$205 Regular member dues

____ \$125 Public Defender dues

Other dues levels are online at www.gacdl.org

____ **I will attend the live telecast in Savannah**

____ **I will attend the live telecast in Tifton**

You can also register online at www.gacdl.org until NOON on January 23. Pre-registration closes then. Please log in as a member to register. (Directions for creating a password can be found under "help".) Questions? Call 404-248-1777.

The Georgia Association
of Criminal Defense Lawyers,
& Suzanne and Brian Tevis present:

GACDL's WINTER CLE Seminar



*State Bar of Georgia
in Atlanta & LIVE Telecasts
to Savannah and Tifton, GA*

SEATS ARE LIMITED!

**Register online NOW: www.gacdl.org
Questions? 404-248-1777**

**The Georgia Association
of Criminal Defense Lawyers**

P.O. BOX 68
Decatur, GA 30031



Friday 25 January 2019

11:30 AM	Check in and Late Registration (space permitting, walk-ins please add \$20)
12:55-1:00 PM	Welcome GACDL President Scott Key, and Program Directors Suzanne and Brian Tevis
1:00-2:00	Wild Wild Country: Jury Selection - Randall Sharp
2:00-2:05	Inspirational 5! (Don't) Breakdown: Staying Positive While Recognizing Limitations - Marilyn Primovic
2:05-3:05	Killer Instinct: When to Use the Media and When to Fly Under the Radar - B.J. Bernstein and Abbi Taylor
3:05-3:20	G. Terry Jackson Friend of the Constitution Award - Frank Hogue
3:20-3:30	BREAK
3:30-4:30	America's Most Wanted: David Wolfe's Motions - David Wolfe
4:30-6:00	True-Crime Documentaries: Lessons From the Inside - Dean Strang
6:00-6:10	GACDL President's Awards - President Scott Key
6:10-6:20	GACDL Membership Meeting - President Scott Key and President-elect Laura Hogue
6:20-6:30	Word from Your Reception Sponsors - Free at Last Bail Bonds and Nu Choice
6:30-8:00	Cocktail Reception for Attendees and all Georgia Judges courtesy of Free at Last Bail Bonds and Nu Choice.

AT A GLANCE

- **FREE PARKING** at the STATE BAR BUILDING while slots last! You **MUST** validate your parking ticket in order to exit the building.
- No CLE will be authorized without registration, proper payment, and seminar check in. Materials will be emailed by January 24th. 10 CLE Hours (applied for) 1 professionalism hour, 1 ethics hour, 5 trial practice hours. No cancellations after

Saturday 26 January 2019

8:25-8:30 AM	Welcome Back GACDL President Laura Hogue, and Program Directors Suzanne and Brian Tevis
8:30-9:30	[Un]Disclosed: Legal and Ethical Issues of Podcasting - Clare Gilbert
9:30-10:30	The Witness: Testifying in a Habeas and Dealing with Your Client Post-Conviction (Professionalism) - Gary Spencer
10:30-10:40	Strike Force Awards - Bernard Brody
10:40-10:50	BREAK
10:50-11:50	CHOICE: In the Auditorium Forensic Files: When the Medical Examiner Gets It Wrong - Dr. Kris Sperry OR In Room A Evil Genius: Federal Motions Practice - Saraliene Durrett
11:50-1:00 PM	LUNCH courtesy of GACDL (Board of Directors Meets)
1:00-2:00	CHOICE: In the Auditorium Vulgar Favors: Using the New Evidence Code to Your Client's Benefit - Stephen Scarborough OR In Room A
2:00-2:05	I (Almost) Got Away with It (Federal Breakout) - Josh Lowther
2:05-2:15	Inspirational 5! The Keepers of the Constitution: Celebrating Wins of 2018 - GACDL Members
2:15-3:15	BREAK
3:15-4:15	Descending The Staircase: Lessons Learned - Thomas Maher American Crime Story: The People vs. The Sex Offender - Ben Goldberg



Keynote: Dean Strang ("Making a Murderer") Dean Strang practices in Madison, Wisconsin, as a shareholder in StrangBradley, LLC. He was Wisconsin's first Federal Defender and has argued in the United States Supreme Court, five federal circuits, and the Wisconsin Supreme Court. Mr. Strang has been an adjunct professor at the University of Virginia School of Law, the University of Wisconsin Law School, and Marquette University Law School. He also is a lecturer in legal history for the University of Wisconsin, Division of Continuing Studies. Mr. Strang got his A.B. from Dartmouth College and his J.D. from the University of Virginia School of Law. Mr. Strang's second book, Keep the Witches in Order: America's Biggest Mass Trial. The Rise of the Justice Department, and the Fall of the JWW, will be published by the University of Wisconsin Press in early 2019. His first book was Worse Than The Devil: Anarchists, Clarence Darrow, and Justice in a Time of Terror. He also is the author of several law review articles. In the media, Mr. Strang was featured in the popular Netflix documentary series "Making a Murderer," which has resulted in extensive press coverage and a speaking tour focused on improving the criminal justice system.

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OTRUE CRIME



Keynote: Thomas Maher ("The Staircase") Thomas Maher is the Executive Director of North Carolina's Indigent Defense Services, the state agency that oversees the provision of indigent representation in North Carolina. He previously served as Executive Director of the Center for Death Penalty Litigation (CDPL), which represents clients on death row, trains lawyers involved in post-conviction litigation, and provides assistance and training for lawyers involved in capital trials. Prior to joining CDPL, Mr. Maher was in private practice, representing clients in civil and criminal matters from trial through appeal. He earned his undergraduate degree in 1979 at Northwestern University and his law degree in 1982 at the University of North Carolina at Chapel Hill. Mr. Maher spent two years clerking for the United States Court of Appeals for the Seventh Circuit before entering private practice. He has been involved in teaching trial practice and related classes, both to law students and practicing attorneys. In the media, Mr. Maher was featured in "The Staircase," a popular Netflix documentary series, as a member of Michael Peterson's defense team.

December 21, 2018. Substitutions are permitted. The GACDL office is closed the day before seminars.

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Since 1974, GACDL has been the most important organization for lawyers involved in the defense of the accused in Georgia. The largest member funded state-wide criminal defense organization in the country, GACDL is comprised of criminal defense lawyers, law school students, and full time criminal investigators who stand together in their commitment to safeguard the constitutional guarantees of fairness in the criminal justice process. GACDL makes its voice for fair and effective criminal justice heard in the courts, the legislature, and the community.



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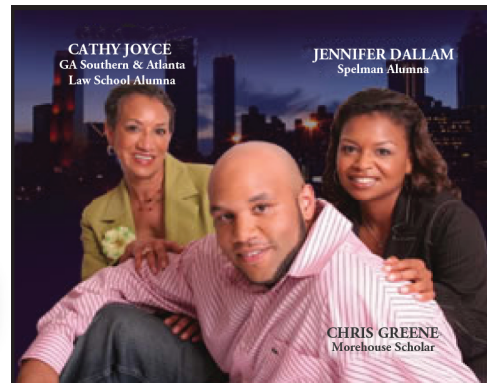
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