

SEMINAR

Breathe Easy: Breath Testing in Court

Hear the evidence, be the jury, discuss the strategy

Due to a state-wide moratorium over the last five years, there have been no breath tests offered as evidence in Massachusetts courts. More recent issues spurred a court order banning their use in late 2021. With this coming to an end, now is the time to take the opportunity to learn or refresh your knowledge about breath testing and its use for prosecution and at trial.

This program covers the basic science behind breath tests. Learn about breath test measurement and alcohol absorption. Discover how breath test machines work and how they are calibrated.

The program then covers the discovery aspects of breath tests. We focus on the eDiscovery portal, learning how to read, interpret the documents, and determine what their importance will be at trial.

Finally, the program looks at the Constitutional and legal issues regarding breath testing. What are the fundamental underpinnings of a prosecution and what are the evidentiary foundations needed to introduce a breath test measurement. In the alternative, what does the defense lawyer need to look for as an objective for a trial with a breath test case.

Breath tests are coming back, but breathe easy, this program has you covered!

Agenda

- Breath Test Measurement—the Science
- How Breath Test Machines Work
- Discovery and the New eDiscovery Portal
- The Defense and Prosecutor's Perspective
- Constitutional and Legal Issues Regarding Breath Testing
- "Ask the Experts" Q&A Session

Faculty

Joseph D. Bernard, Esq., *Law Offices of Joseph D. Bernard, PC, Springfield*, Chair

Joseph C. Anderson, Ph.D., *Anderson Bioscience, Seattle, WA*

Hon. Robert S. Murphy, Jr., *Springfield District Court, Commonwealth of Massachusetts*

Michael J. Russo III, Esq., *Northwestern District Attorney's Office, Commonwealth of Massachusetts*

Jimmie L. Valentine, Ph.D., *Steven Epstein DWI Defense Institute, New York, NY*

Dates & Location

Register at www.mcle.org

LIVE WEBCAST

Wednesday, May 25, 2022

12:00 noon–4:00 pm

Program Number: 2220249WBC

REBROADCAST

Thursday, June 9, 2022

1:00 pm–5:00 pm

Program Number: 2220249RBC

REBROADCAST

Friday, June 17, 2022

9:30 am–1:30 pm

Program Number: 2220249RB1

ON DEMAND WEBCAST

View after Friday, June 17, 2022

Program Number: 2220249WBA

Tuition *(includes written materials)*

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- Firms by number of Massachusetts attorneys:
 - 2-5 \$ 150 ■ 76-150 ... \$ 2,500
 - 6-10 250 ■ 151-250 .. 3,500
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REFERENCE # 22-022

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