

Patrick T. Barone, Esq.

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DUI DEFENSE LITIGATION EXPERIENCE

The Barone Defense Firm (www.baronedefensefirm.com), Birmingham, Michigan
Principal Attorney, Founding Member; May 1992 – Present

EDUCATION

J.D., 1991, Detroit College of Law / Michigan State University, Lansing, Michigan
B.S. - Biology, 1987, Oakland University, Rochester, Michigan

LECTURES PRESENTED

- Breaking Through to Not Guilty – New Trial Tactics for DUI / DWI Cases, Lorman Education Services; Birmingham, Michigan (national teleconference), May 7, 2008.
- Forensic Issues, The IICLE DUI Academy, Chicago, Illinois, March 28, 2008.
- SCRAM Legal Update, 15th Annual Mastering Scientific Evidence, Dallas, Texas, March 27, 2008.
- Forensic Issues, The IICLE DUI Academy, Peoria, Illinois, March 18, 2008.
- Preliminary Breath Testing, DataMaster and Alcohol Metabolism, Guest Speaker, Dearborn Bar Association, November 27, 2007.
- Defending the Breath Test Case, Advanced Criminal Defense Practice, CDAM, Nov. 2, 2007.
- Drunk Driving Update, 2007 Oakland County District Court Bench/Bar Conference, April 20, 2007.
- Panel Presentation - Validity of Breathalyzer and Michigan Case Law Update, Michigan License Beverage Association, September 18, 2006.
- DUI-DWI Seminar, Legal Brand Marketing; Los Angeles, California, Aug. 26, 2006.
- Drunk Driving Defense - Standardized Field Sobriety Testing, Detroit/Wayne County Criminal Advocacy Program; Detroit, Michigan, Oct. 7, 2005.
- Drug Recognition Testimony: Don't Let Your Client Get "Fryed" by an Unqualified Expert, Lorman Education Services; Detroit, Michigan, Oct. 29, 2004.
- New Tips, Tricks and Trends in Drinking & Driving Litigation, Oakland County Bar Association; Pontiac, Michigan, Oct. 29, 2004.
- Bottlenecking the Prosecution in a DUI Case: What Every Citizen Should Know if They are Pulled Over, Michigan Licensed Beverage Association; Kalamazoo, Michigan, Oct. 4, 2004.
- Felony Driving Issues, Detroit/Wayne County Criminal Advocacy Program; Detroit, Oct. 10, 2003.
- Defending the Drunk Driving Case with Blood Intoxication Evidence, Lorman Education Services; Detroit, Michigan, July 25, 2003.

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ACADEMIC APPOINTMENTS

- Adjunct Professor – Thomas M. Cooley Law School; teaching “Drunk Driving Practice,” (appointed to the adjunct faculty March 2008).

PUBLICATIONS

BOOKS

- Defending Drinking Drivers, James Publishing, (2006 – Present).
- The DUI Book – A Citizen’s Handbook on Defending a Drunk Driving Case, Headlines Marketing, (2006).

EDITORSHIPS

- DWI Journal: Law & Science, Whitaker Newsletters, Executive Editor (Dec. 2006 – Present).

ARTICLES

- *An OWI Conviction May Bar International Travel*, SADO Criminal Defense Newsletter/DUI Defense Column, Vol. 31, No. 5, February, 2008.
- *Breaking Through to the Two-Word Verdict*, SADO Criminal Defense Newsletter/DUI Defense Column, Vol. 31, No. 4, January 2008.
- *Keeping Your Head Above Water in DUI Boating Cases: A Lawyer's Guide to Michigan's Drunk Boating Laws*, Michigan Bar Journal, Dec. 2007, Volume 86, No. 12.
- *Using Software to Assist the Jury in Understanding Alcohol Metabolism Calculations*, SADO Criminal Defense Newsletter/DUI Defense Column, Vol. 31, No. 3, December 2007.
- *Identification of Transdermal Alcohol*, DWI Journal: Law and Science, Vol. 22, No. 11, October 2007.
- *Good Trial Practice is Simply a Complicated Exercise in Restraint*, DWI Journal: Law and Science, Vol. 22, No. 10, October 2007.
- *May I Have Your Attention Please? Getting a Two-Word Verdict from a Two-Word Attention Span*, DWI Journal: Law and Science, Vol. 22, No. 9, September 2007.
- *The Current Status of Source Code Litigation*, DWI Journal: Law and Science, Vol. 22, No. 7, July 2007.
- *Two New Bills to Toughen Drunk Driving Laws*, SADO Criminal Defense Newsletter/DUI Defense Column, Vol. 30, Nos. 10 – 11, July - August, 2007.
- *The Brave New World of DUI Defense*, DWI Journal: Law and Science, Vol. 22, No. 6, June 2007.
- *New Breath Testing Rules Offer Accused Less Protection Against Unreliable Evidence*, SADO Criminal Defense Newsletter/DUI Defense Column, Vol. 30, No. 8, May 2007.

PUBLICATIONS [continued]

ARTICLES

- *Asking the Jury for Justice*, DWI Journal: Law and Science, Vol. 22, No. 5, May 2007.
- *DUI Discovery and the “126-Day” Rule: A Defense Attorney’s Perspective*, SADO Criminal Defense Newsletter/DUI Defense Column, Vol. 30, No. 7, April 2007.
- *Persuading Juries Using the Six Principles of Influence*, DWI Journal: Law and Science, Vol. 22, No. 4, April 2007.
- *Using Your Client’s Disability to Cripple the State’s Case*, DWI Journal: Law and Science, Vol. 22, No. 3, March 2007.
- *Serum Blood Defenses in DUI Cases: Why Serum Doesn’t Tell the “Whole” Story*, DWI Journal: Law and Science, Vol. 22, No. 2, Feb. 2007.
- *Heidi’s Law Removes 10 Year Look-Back for Felony Drunk Driving*, SADO Criminal Defense Newsletter/DUI Defense Column, Volume 30, No. 5, Feb. 2007.
- *Representing the Out of State Driver*, SADO Criminal Defense Newsletter/DUI Defense Column, Vol. 30, No. 4, Jan. 2007.
- *Using Common Metaphors and Analogies to Win at Trial*, DWI Journal: Law and Science, Vol. 22, No. 1, Jan. 2007.
- *Crafting Winning Arguments for Your Next OWI Trial*, SADO Criminal Defense Newsletter/DUI Defense Column, Vol. 30, No. 3, Dec. 2006.
- *Does Anstey Suggest an Expanded Role for Michigan’s DUI Juries?*, CDAM The Right to Counsel, Vol. 13, No. 3, Fall 2006.
- *False Positives or Faulty Science – SCRAM Strikes Back*, SADO Criminal Defense Newsletter/DUI Defense Column, Vol. 30, No. 2, Nov. 2006.
- *“Get Your Program Here” DUI Breath Tests, Computers, and Dismissals – Part II, For The Defense*, Tennessee Association of Criminal Defense Lawyers, Vol. 21, No. 4, Aug. – Sept. 2006.
- *DUI Boating Offenses in Michigan: Which Defenses Might Float?*, Michigan Beverage Institute Journal, Vol. 23, Issue 8, Aug. 2006.
- *“Get Your Program Here” DUI Breath Tests, Computers, and Dismissals – Part I, For The Defense*, Tennessee Association of Criminal Defense Lawyers, Vol. 21, No. 4, June – July 2006.
- *Source Code Defenses: Taking the ‘Byte’ Out of Breath Testing*, DWI Journal: Law and Science, Vol. 21, No. 6 & 7, July 2006.
- *Why the Greenfield Opinion is a “Brown Field” for DUI Defendants*, Criminal Defense Newsletter, Vol. 29, No. 10, July 2006.

PUBLICATIONS [continued]

ARTICLES

- *The Sauce on Source Codes: Obtaining DUI Dismissals from Software Non-Disclosures*, Michigan Beverage Institute Journal, Vol. 23, Issue 5, May 2006.
- *Justice Delayed is Justice Denied: Due Process Violations in SCRAM Cases*, DWI Journal: Law and Science, Vol. 21, No. 4, April 2006.
- *Unlocking the Mystery Behind Breath Testing: The Right of Access to Source Codes*, 20 Michigan Lawyer's Weekly 714, April 17, 2006.
- *Michigan's Drinking Drivers Denied Justice when the Supreme Court Places Speed Above Due Process*, The Right To Counsel, Vol. 12, No. 5, at 11, 19, Winter 2005-2006.
- *Keeping Retrograde Extrapolation Out of Your Next OWI Trial*, The Right to Counsel, Vol. 12, No. 3, at 13, Fall 2005.
- *Understanding Modern Drunk Driving Law Enforcement, A Laymen's Primer on Standardized Field Sobriety Testing*, Michigan Beverage Institute Journal, Vol. 22, Issue 10, Oct. 2005.
- *Do "Standardized" Field Sobriety Tests Reliably Predict Intoxication?*, Michigan Bar Journal, Vol. 84, No. 7, July 2005.
- *DWI - Alcohol Monitoring Bracelets: Junk Science or Important Scientific Breakthrough?*, The National Association of Criminal Defense Attorneys Champion, Vol. 29, No. 4, at 41-44, May 2005.
- *Using the Confrontation Clause to Win DUI Cases*, Illinois State Bar Association's Traffic Laws & Courts, Vol. 14, No. 2, Jan. 2005.
- *Examining Michigan's New MIP Law*, Michigan Beverage Institute Journal, Vol. 21, Issue 9, Sept. 2004.
- *Crawford Objections in DUI Cases: Paper Won't Cut it Anymore*, The Right to Counsel, Vol. 10, No. 3, at 8-11, Fall 2004.
- *Using PowerPoint to Prove Your Point at Trial*, Illinois State Bar Association's Tort Trends, Vol. 39, No. 6, June 2004.
- *Michigan's New .08 Law Tightens Noose Around Drinking Drivers*, Michigan Beverage Institute Journal, Vol. 21, Issue 5, May 2004.
- *Losing Blood and Liberty on America's Highways: A Case Review*, Criminal Defense Newsletter, Vol. 27, No. 8, May 2004.
- *.08 and Other Changes: 2003 Changes to Michigan's Drunk Driving Laws*, Michigan Bar Journal, Vol. 83, No. 2, Feb. 2004.
- *Understanding Quantitative Blood Alcohol Testing in Drunk Driving Cases*, Michigan Bar Journal, Vol. 82, No. 8, Aug. 2003.

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ADVANCED TRAINING IN DUI DEFENSE & LITIGATION

- Speaking Like a Leader – Learning How to Break Through, Birmingham, MI, January 29, 2008.
- Discovering the Story, Gerry Spence’s Trial Lawyer’s College, Thunderhead Ranch, Dubois, Wyoming, Sept. 27-30, 2007.
- National College for DUI Defense, Summer Trial College, July 19-21, 2007, Harvard Law School, Cambridge, MA.
- Mastering Scientific Evidence in DUI/DWI Cases, Sponsored by Texas Criminal Defense Lawyer's Association and the National College for DUI Defense, Dallas, Texas, April 19 - 21, 2007 (by DVD).
- Psychodramatic Skills for the Trial Lawyer, Gerry Spence’s Trial Lawyer’s College, Sleeping Lady Lodge, Leavenworth, WA, March 22 – 25, 2007.
- National College for DUI Defense, Winter Session, Tucson, Arizona, Jan. 18-20, 2007.
- DWI Means Defend With Ingenuity, Making Over Your DUI Practice, co-sponsored by NACDL/NCDD and presented in Las Vegas, Oct. 12-14, 2006 (via digital audio).
- National College for DUI Defense, Summer Trial College, July 20-22, 2006, Harvard Law School, Cambridge, MA.
- Mastering Scientific Evidence in DUI/DWI Cases, Sponsored by Texas Criminal Defense Lawyer's Association and the National College for DUI Defense, Dallas, Texas, March 30 – April 1, 2006 (via DVD).
- The Moment of Change, Intervention, sponsored by Foundations Associates and presented in Santa Monica, California, Feb. 20-22, 2006.
- Practice Makes Perfect: The Art of Perfecting DUI Defense, National College for DUI Defense, 2006 Winter Session, Jan. 20-22, 2006.
- Under the Microscope: Beating DUIs with Science, co-sponsored by NACDL/NCDD and presented in Las Vegas Sept. 29 – Oct. 1, 2005.
- Mastering Scientific Evidence in DUI/DWI Cases, sponsored by Texas Criminal Defense Lawyer's Association and the National College for DUI Defense, Dallas, Texas, April 28 - 30, 2005 (via DVD).
- BAC DataMaster and Basic Science of Evidential Breath Alcohol Testing, Sponsored by National Patent Laboratories and held Feb. 10-12, 2005.
- National College for DUI Defense, "Duty, Honor & Success," Winter Session, Jan. 20-22, 2005.
- DWI Means Defend With Ingenuity, Presenting a Gold Medal Defense, NACDL/NCDD 2004 DUI Seminar (via digital audio).
- National College for DUI Defense, 2004 Summer Trial College, July 21-24, 2004, Harvard Law School, Cambridge, MA.

ADVANCED TRAINING IN DUI DEFENSE & LITIGATION [continued]

- NHTSA/IACP Standardized Field Sobriety Testing Instructor Certification Course, March 9-13, 2004, Atlanta, Georgia.
- NHTSA/IACP Standardized Field Sobriety Testing Practitioner Certification Course, January 16-18, 2005, Atlanta, Georgia.
- DWI Means Defend With Ingenuity, Superheroes of DUI Defense, NACDL/NCDD 2003 DUI Seminar, (via audiotape).
- National College for DUI Defense, 2005 Summer Trial College, July 20-24, 2003, Harvard Law School, Cambridge, MA.
- Mastering Scientific Evidence in DUI/DWI Cases, sponsored by Headlines Marketing and the National College for DUI Defense, Atlanta, Georgia, April 10 - 12, 2003.
- 7th Annual NACDL DUI Seminar – DWI Means “Defend With Ingenuity: Superheroes of DUI Defense,” Las Vegas, Oct. 16 – 18, 2003 (via digital audio).
- DWI Means Defend With Ingenuity, Skills That Win Cases: NACDL/NCDD 2002 (via digital audio).
- 5th Annual NACDL DUI Seminar – DWI Means “Defend With Ingenuity,” Las Vegas, Oct. 4-6, 2001 (via digital audio).
- Drunk Driving Defense Update, 2001, Institute of Continuing Legal Education (via audiotape).
- Criminal Procedure and Practice, 2001, Institute of Continuing Legal Education (via audiotape).
- OUIL 3rd and Repeat Offender Statutes After One Year, Oakland County Bar Association, Nov. 21, 2000.
- Drunk Driving Defense Update 2000, Institute of Continuing Legal Education, Sept. 29, 2000.
- Preserving Federal Appellate Issues at the Trial Court Level, Oakland County Bar Association, Sept. 19, 2000.
- College on Problems of Drug Dependence, 62nd Annual Scientific Meeting, San Juan, Puerto Rico, June 17-22, 2000.
- The Defense of Entrapment and the Use of Confidential Informants, Oakland County Bar Association, with Judge Wendy Potts, Oakland County Circuit Court, May 15, 2000.
- Difficult DUI's & Tragic Consequences, NACDL/NCDD DUI Seminar, Las Vegas, Nevada, 2000 (via digital audio).
- DWI Means "Defend with Ingenuity," NACDL/NCDD DUI Seminar, Las Vegas, Nevada, 1999 (via digital audio).
- Sentencing Guidelines, Oakland County Bar Association, Dec. 21, 1999.

ADVANCED TRAINING IN DUI DEFENSE & LITIGATION [continued]

- Polygraphs and Datamasters, Institute of Continuing Legal Education, Dec. 3, 1999.
- U.S. Supreme Court Criminal Law Update, Wayne County Criminal Advocacy Program, Dec. 3, 1999.
- Legal Research using the Internet, State Appellate Defender Office, Nov. 18, 1999.
- Conduct of Criminal Trials, Oakland County Bar Association, Nov. 16, 1999.
- Serology and DNA Evidence, Wayne County Criminal Advocacy Program, Nov. 1999.
- Bring Your Case to Life for Judges and Juries: Winning Ways to Use Demonstrative Evidence, Wayne County Criminal Advocacy Program, Oct. 22, 1999.
- Rules of Evidence, Oakland County Bar Association with Judge Jessica R. Cooper of Oakland County Circuit Court presenting, Oct. 19, 1999.
- Handling the Waived-Juvenile Case, Wayne County Criminal Advocacy Program, Oct. 15, 1999.
- 1999 Drunk Driving Defense Update, Institute of Continuing Legal Education, October 12, 1999.
- Pretrial Motions in Criminal Law, Oakland County Bar Association with Judge Steven Andrews of Oakland County Circuit Court presenting, June 15, 1999.
- Preliminary Examinations, Oakland County Bar Association with Judge Brian MacKenzie of the Novi District Court presenting, April 20, 1999.
- The Ultimate, in DUI Defense, Mastering Science, Maximizing Success NACDL/NCDD DUI Seminar, Las Vegas, Nevada, 1998 (via digital audio).
- Michigan Sentencing Guidelines: Issues, Strategy and Challenges, Oakland County Bar Association, Nov. 18, 1998.
- Advanced Criminal Defense Practice Conference; CDAM, Traverse City, Michigan, Nov. 6-8, 1998.
- Drunk Driving Defense Update, Institute of Continuing Legal Education, Sept. 1998.
- Trying the Drunk Driving Case, Institute of Continuing Legal Education, Sept. 1998.
- Defending DUI Cases: Insights from the Masters, NACDL/NCDD, Las Vegas, Nevada, 1997 (via digital audio).
- Michigan Appellate Advocacy/Orientation, State Appellate Defender Office, Nov. 2-3, 1994.

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SPECIAL AWARDS, CERTIFICATIONS & EXPERT QUALIFICATIONS

- Michigan SuperLawyer, 2007.
- Award of Excellence by Dui-Help.com, 2006.
- Expert Witness - Police Officers' Field Sobriety Testing Protocols, 34th District Court before Judge Oakely (2006).
- Certified by NPAS, the manufacturer of the DataMaster, as competent to operate and perform calibration checks and essential diagnostic verifications on Michigan's breath testing machine; Jan. 2005.
- Certified instructor and practitioner of the Standardized Field Sobriety Tests in accordance with the standards set forth by the International Association of Chiefs of Police (IACP) and the National Highway Traffic Safety Administration (NHTSA); Jan. 2005 and March 2004, respectively.

PROFESSIONAL MEMBERSHIPS & ACTIVITIES

- Michigan State Bar Association, 1991.
- Illinois State Bar Association, 1992.
- Oakland County Bar Association.
- State Bar of Michigan, Criminal Law Section.
- Association of Trial Lawyers of America.
- National College of DUI Defense (sustaining member).
- National Association of Criminal Defense Lawyers.
- TEC – Detroit.
- Circuit Court Committee (by special appointment), Oakland County Bar Association, 1991 – 1999.
- Prior Roster Attorney, Michigan Appellate Assigned Counsel System.
- Prior Mentor, Oakland County Circuit Court Criminal Assigned Counsel System.