

# Drunk Driving & Drugged Driving Litigation

*A Continuing Legal Education Program*



Friday, October 13, 2017

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## **Drunk Driving & Drugged Driving Litigation: *Keeping Pace With a Rapidly Changing Landscape***

Friday, October 13, 2017  
NH Bar Association Seminar Room, Concord

### **Faculty Roster**

**Theodore M. Lothstein, Program Chair/  
CLE Committee Member**  
Lothstein Guerriero, PLLC  
Federal Place  
3 North Spring Street, Suite 101  
Concord, NH 03301  
603-513-1919  
Fax: 603-218-6503  
ted@lothsteinlaw.com

**Gregory M. Albert**  
NH Public Defender  
20 Merrimack Street  
Manchester, NH 03101  
603-669-7888  
Fax: 603-669-0616  
galbert@nhpd.org

**Michael R. Berube**  
NH Dept. of Safety Bureau of Hearings  
33 Hazen Drive  
Concord, NH 03305  
603-271-3486  
Fax: 603-271-6653  
michael.berube@dos.nh.gov

**Christopher B. Casco**  
NH Dept. of Safety Bureau of Hearings  
33 Hazen Drive  
Concord, NH 03305  
603-271-6517  
Fax: 603-223-8047  
christopher.casco@dos.nh.gov

**Robert J. Moses**  
Law Offices of Robert J. Moses  
69 Route 101-A, PO Box 8  
Amherst, NH 03031  
603-673-5260  
F: 603-673-3845  
bubkus@robertmosesatty.com

**Hon. Thomas A. Rappa, Jr.**  
2<sup>nd</sup> Circuit/ District Division-Plymouth  
26 Green Street  
Plymouth, NH 03264  
855-212-1234

**Colleen E. Scarneo**  
NH State Police Forensic Laboratory  
33 Hazen Drive  
Concord, NH 03305  
603-223-8987  
Fax: 603-271-5936  
colleen.scarneo@dos.nh.gov

**James A. Shepard**  
NH Dept. of Safety Prosecution - Troop D  
139 Ironworks Road  
Concord, NH 03301  
603-223-8807  
Fax: 603-271-0095  
james.shepard@dos.nh.gov

**John Ventura**  
North Hampton Police Department  
233 Atlantic Avenue  
North Hampton, NH 03862  
603-964-8621  
jventura@northhampton-nh.gov



## **Drunk Driving & Drugged Driving Litigation: *Keeping Pace With a Rapidly Changing Landscape***

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### **Faculty**

**Theodore M. Lothstein, Program Chair/CLE Committee Member** is a partner at Lothstein Guerriero, PLLC in Concord, NH where he focuses on criminal litigation in state and federal court, DWI and motor vehicle defense, and appellate litigation. Ted earned his Bachelor's Degree from Duke University in 1989, earned his J.D. at the University of Connecticut School of Law in 1993, and then clerked for Associate Justice Robert Berdon of the Connecticut Supreme Court. From 1994 to 2008, Ted worked as a staff attorney, litigation support attorney and assistant appellate defender for the New Hampshire Public Defender and Appellate Defender. Over the past two decades, Ted has taught CLE presentations on various aspects of criminal defense, DWI defense and appellate advocacy before hundreds of criminal defense lawyers and prosecutors. He has briefed or argued many cases in the NH Supreme Court and First Circuit Court of Appeals, including 41 published decisions. Ted is a member of the NH Bar Association's Legislation Committee and Federal Practice Section, the National College of DUI Defense, the National Association Criminal Defense Lawyers, the NH Association of Criminal Defense Lawyers and the NH Association for Justice.

**Gregory M. Albert** is a staff attorney for the NH Public Defender's Office in Manchester, NH. He earned his B.A. from Bloomsburg University in 2010 and his J.D. from Franklin Pierce Law Center (now UNH School of Law) in 2010.

**Michael R. Berube** is an attorney/hearings examiner for the New Hampshire Department of Safety, Bureau of Hearings in Concord, NH. He has been with the department for 11 years. Michael graduated from Vermont Law School in 1997. He began his career as an attorney for SEIU Local 254 in Boston, Massachusetts where he represented union members in all stages of the collective bargaining process. Michael then represented the Massachusetts Department of Corrections in all civil matters before the state and federal courts. Additionally, he prosecuted sexually dangerous persons petitions in Suffolk and Middlesex Superior Courts pursuant to M. G. L. C. 123A, Section 9. Furthermore, Michael was an assistant northeastern district attorney for the Northeastern District in Massachusetts.

**Christopher B. Casco** is an attorney for the New Hampshire Department of Safety where he holds the position of administrator of the Bureau of Hearings. As administrator, he oversees a staff of 8 attorney/hearings examiners who conduct all hearings for the Department of Safety and 6 Department of Safety prosecutors. Chris is the former chief hearings examiner, and has worked as a hearings examiner and prosecutor for the department. He has been with the department for 16 years. Prior to that, he worked as an assistant Rockingham County attorney. As a prosecutor, he handled motor vehicle violation, misdemeanor and felony cases and has conducted bench and jury trials in both the Circuit and Superior Courts with an emphasis on DWI cases. Chris has also handled appeals of hearings in the Superior Courts. He chairs the New Hampshire Motor Vehicle Industry Board and often testifies before the New Hampshire legislature for the department. Chris frequently lectures on administrative license suspension hearings at the police academy, at police departments, and at attorney training seminars and CLE programs. He has taught legal courses at the NH Technical Institute and Granite State College and is also a published author. His writings include Chapter 8: ALS in the *Misdemeanor DUI Prosecution Manual*, (NH Department of Justice, 2012), and a novel, *The Elimination Plan*, (Piscataqua Press, 2012). Chris earned his B.A. from Plymouth State College in 1992 and his J.D. from Massachusetts School of Law in 1995.

**Robert J. Moses** is a trial attorney in private practice in Amherst, New Hampshire whose practice includes both jury and non-jury litigation in the Circuit and Superior Courts of New Hampshire, representation before State administrative agencies as well as appellate practice before the New Hampshire Supreme Court. His concentration is on issues relating to criminal law with emphasis on driving while intoxicated and the administrative license suspension process. Bob attended Boston University, earned his J.D. from Suffolk University and undertook postgraduate studies in trial practice at the Harvard Law School. In addition to having lectured at continuing legal education seminars, he has taught at the New Hampshire Police Standards and Training Council and the New Hampshire State Police Academy.

**Hon. Thomas A. Rappa, Jr.** is the presiding justice of the 2<sup>nd</sup> Circuit Courts in Plymouth, Littleton and Haverhill, NH, hearing cases in all three divisions. Judge Rappa has served on the bench since 1988. For approximately seventeen years, prior to going on the bench full time, he also had a private practice in Woodsville, NH with a focus on domestic law, civil litigation, real estate and some criminal defense. Judge Rappa has previously taught at Franklin Pierce Law Center (now UNH School of Law), Plymouth State College (now Plymouth State University) and Granite State College (formerly the College for Life Long Learning). Judge Rappa earned his B.A. from Middlebury College and his J.D. from Franklin Pierce Law Center.

**Colleen E. Scarneo** is a forensic toxicologist at the New Hampshire State Police Forensic Laboratory in Concord, NH, and has worked in the field of forensics for 27 years. Her primary responsibility is to provide expert witness testimony in forensic toxicology investigations involving mostly driving while under the influence (DUI) of alcohol and/or drugs and drug-facilitated sexual assault cases. Throughout her career, Colleen has reviewed thousands of alcohol and drug test results relative to an individual's human performance and behavior, written more than five-hundred expert witness disclosure reports and has testified as an expert forensic toxicologist in more than one-hundred impaired driving cases. Colleen has also testified before the New Hampshire House of Representatives and Senate Judiciary committees on legislation that helped to change the state's DUI law making it illegal to drive while under the influence of not only alcohol and/or controlled drugs, but also prescription drugs, over-the-counter drugs and any chemical substance, natural or synthetic which impairs a person's ability to drive. Colleen is an active member of the Society of Forensic Toxicologists, as well as the Northeastern Association of Forensic Scientists and is certified by the American Board of Forensic Toxicology as a Diplomate in Forensic Toxicology. Colleen currently co-chairs the SOFT/AAFS Drugs and Driving Committee. She is also a member of the National Safety Council's Alcohol, Drug and Impairment Division and serves on the Drugs: Technology, Pharmacology and Toxicology Committee.

**James A. Shepard** is a prosecutor for the NH Dept. of Safety's Prosecution Unit NHSP Troop D in Concord, NH. He earned his B.A. from Rutgers University in 1996 and his J.D. from the University of Maryland in 2005. He prosecutes over 150 DWI cases per year. He also volunteers for the DOVE Project in the North Country and maintains a small private practice.

**John Ventura** practices criminal law at Ventura Law, LLC in Durham NH. In addition, he has 13 years of experience in law enforcement and is also a lieutenant with the Wakefield Police Department. He prosecutes district court cases for the Wakefield Police, North Hampton Police and South Hampton Police in NH. John earned his B.S. in both Business Administration and Nutritional Sciences from the University of New Hampshire in 1992 and his J.D. from Massachusetts School of Law in 2014. He is an instructor for New Hampshire Police Standards and Training, the coordinating district prosecutor for Carroll County, and a member of Justice Nadeau's working group for NH's Felonies First initiative.

# Drunk Driving & Drugged Driving Litigation: Keeping Pace with a Rapidly Changing Landscape

NH Bar Association Seminar Room, Concord, NH  
October 13, 2017

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*Attorney Theodore M. Lothstein*

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*Attorney James A. Shepard*  
*Attorney John Ventura*

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*Attorney Michael R. Berube*  
*Attorney Christopher B. Casko*

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*Attorney Theodore M. Lothstein*

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*Attorney Theodore M. Lothstein*

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