

The CDLA Brief

The monthly newsletter of the California DUI Lawyers Association

COVER STORY

Holiday Dinner and MCLE Sets Sail on the Berkeley Waterfront

Sleigh the APS Hearing: Blood, Breath and Refusal Cases. Wednesday, December 16, at Skates on the Bay.

DECEMBER 16 | SKATES ON THE BAY | BERKELEY

The official event flyer. Scan the code on it to register.

CDLA members and their guests are invited to an elegant holiday evening on the Berkeley waterfront. The night opens with cocktails and networking, then moves to dinner and a practical MCLE presentation.

Peter Johnson and Ryan Wilber lead *Sleigh the APS Hearing*, a program built on real DMV administrative per se scenarios. Peter brings DMV hearing and APS expertise, and Ryan covers refusal cases and strategy. Every attendee takes home a laminated APS reference guide for breath, blood and refusal cases.

One flat price covers everyone: \$99 per person, the same for members and their guests. Bring a spouse, a friend or a fellow attorney.

DATE Wednesday, December 16, 2026

PLACE Skates on the Bay
100 Seawall Drive
Berkeley, CA 94710*

6 TO 7 PM Cocktails and networking

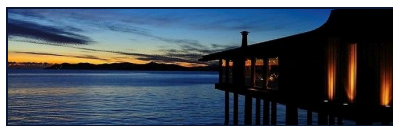
7 TO 9 PM Dinner and presentation

PRICE \$99 per person

REGISTER By December 9:
cadla.memberclicks.net/cdla-holiday-dinner-2026



The dining room at Skates on the Bay.



* Flying in? Oakland (OAK) is the closest airport, about 11 miles from Berkeley, and SFO is about 18 miles away. Both connect to Berkeley by BART, rideshare and taxi.

IN THIS ISSUE

- Pg 2** Legal developments, a member appeal win and September's DUI bills
- Pg 3** Education, remembering Don Bartell and our first Supreme Court admissions
- Pg 4** From the Executive Director, our partners and how to stay connected

MARK YOUR CALENDAR

What's Coming Up

- Nov. 9** Supreme Court admission ceremony, Washington, DC, for the twelve members being admitted
- Nov. 17** SB 574 Lunch & Learn on Zoom, 12:00 PM PT
- Dec. 9** Holiday Dinner registration closes
- Dec. 16** Holiday Dinner & MCLE, Berkeley
- Feb. 2027** AI MasterClass, Oakland Yacht Club, Alameda
- Apr. 15-18** 2027: DMV & Criminal Writs and Appeals MasterClass, Maui

MEMBER WINS

Congratulations to Our Members

Richard Middlebrook and Gabrielle Burnett won *Myers v. DMV* at the Fifth District. CDLA Member John Campanella won a Sacramento appeal reversing the denial of a motion to suppress. Read both on page 2.

CASE LAW SPOTLIGHT

Body-Camera Video Undercuts Breath-Test Reliability in *Myers v. DMV*

The Fifth District holds that footage of the observation period rebutted the reliability presumption, and the suspension could not stand.

FIFTH DISTRICT COURT OF APPEAL | F089241 | PUBLISHED MAY 6, 2026

Body-worn camera footage showed that the arresting officer twice left the motorist alone in the patrol car during the observation window. That evidence contradicted the officer's certification of Title 17 compliance.

The Fifth District held that the video rebutted the chemical-test reliability presumption. With no sufficient independent showing of re-

liability, DMV could not sustain the suspension.

The lesson for APS practitioners: treat the DS 367 as a claim to test, not a checked box.

CDLA is proud that two of its own, Richard Middlebrook, Esq., and Gabrielle Burnett, represented the successful motorist.

Read the opinion: law.justia.com (F089241)

TRY THIS ON YOUR NEXT APS FILE

- ✓ Compare the DS 367 to body-camera timestamps, booking video and the sequence of testing.
- ✓ Build the full 15-minute observation timeline from independently time-stamped evidence, including dispatch records and the breath-test printout.
- ✓ Mark every moment the officer was out of range, then ask: if Title 17 compliance is disputed, what else can DMV offer to prove reliability?

A documented gap can matter to the reliability analysis, but it is not an automatic win in every case.

LEGISLATIVE WATCH

September's DUI Bills: Read the Chaptered Text Before You Advise

SIGNED SEPTEMBER 25 AND SEPTEMBER 30

Governor Newsom signed SB 907 (Braun's Law), AB 1546, AB 1685 and AB 1687 on September 25. Together they change the consequences for specified DUI-related offenses. The details depend on the statute, the defendant's record and when each provision takes effect, so a headline summary will not answer a client's question.

Before you advise on a disposition, check the exact chaptered text, which priors qualify, the license consequences and the effective date. A one-page internal reference sheet keeps your office from relying on memory or a news release.

Governor's announcement: gov.ca.gov, September 25, 2026. SB 574 (signed September 30, effective January 1, 2027): see page 3.

BEFORE YOU QUOTE A RULE

- ✓ Which bill applies, and what does the chaptered text say?
- ✓ Do the client's priors qualify, and when does the provision take effect?
- ✓ What are the DMV consequences alongside the criminal disposition?
- ✓ Have our plea-advice and intake checklists been refreshed?

MEMBER WIN

Sacramento Appeal Reverses Denial of Motion to Suppress in Blood Draw Case

SACRAMENTO SUPERIOR COURT, APPELLATE PANEL | ORDER OF OCTOBER 13, 2026

On October 13, a three-judge appellate panel of the Sacramento Superior Court reversed the denial of a motion to suppress in a misdemeanor DUI case and directed the trial court to grant it. CDLA Member John Campanella of Sacramento represented the appellant.

The question was whether the People proved the blood draw was carried out in a reasonable, medically approved manner. The officer testified that he requested an on-call phle-

botomist, who drew blood at the jail from a kit.

The panel held that was not enough. Following *People v. Cuevas*, it found nothing in the record about signs of pain or discomfort, a sterile needle from a sealed package, or cleaning and bandaging the site. A finding, the court said, cannot rest on the absence of evidence.

Congratulations, John, on a win we can all learn from.

LISTEN FOR WHAT IS MISSING

- ✓ Did the officer testify about any signs of pain or discomfort?
- ✓ Was the needle from a sealed package?
- ✓ Was the site cleaned before, and cleaned and bandaged after?
- ✓ Was the draw consistent with the officer's own experience of prior draws?

The People carry the burden. Described here as a court order, not as precedent.

EDUCATION AND INNOVATION

The Learning Curve Is Moving. So Are We.

A free Lunch & Learn on November 17 and a full MasterClass in February.

SB 574 LUNCH & LEARN | AI MASTERCLASS

Artificial intelligence is already part of legal research, case preparation and practice management. Understanding the new legislation, the ethical considerations and your professional responsibilities is essential for California defense attorneys.

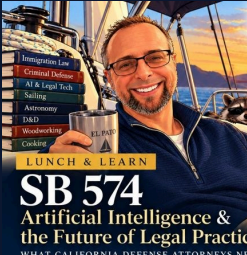
On Tuesday, November 17, at 12:00 PM PT, CDLA Board Member and AI expert Patrick Kolasinski, Esq., examines SB 574 and what it

means for the profession. The Lunch & Learn is live on Zoom and carries 1.0 MCLE credit. Then, in February 2027, the new AI MasterClass at the Oakland Yacht Club in Alameda takes the conversation further. Patrick joins Robert Serrato, JD, Ed.D., to move beyond AI headlines to useful applications, sound judgment and responsible adoption in legal practice. Space is limited, and tickets go on sale mid-November.

IN MEMORIAM

Remembering Don Bartell

Four years ago this October, CDLA lost Don Bartell, a beloved colleague and one of the leading voices in California DUI defense, and his absence is still felt. A Riverside trial lawyer who began practicing in 1984, Don wrote the treatise *Attacking and Defending Drunk Driving Tests*, co-argued leading DUI cases before the Court of Appeal and the California Supreme Court, and taught lawyers across the country. CDLA honored him with its Lifetime Achievement Award. His example lit the way for a generation of defense lawyers, our own President Lara Gressley among them. As twelve of our members prepare to stand before the Supreme Court, we remember a colleague who showed us what this profession can be.



LUNCH & LEARN

SB 574

Artificial Intelligence & the Future of Legal Practice

WHAT CALIFORNIA DEFENSE ATTORNEYS NEED TO KNOW

Tuesday, November 17, 2026 | **12:00 PM PT** | **1.0 MCLE Credit**

Join the California DUI Lawyers Association (CDLA) for a timely and practical Lunch & Learn with attorney, CDLA Board Member, and AI expert Patrick Kolasinski, as he examines California Senate Bill 574 (SB 574) and its implications for the legal profession.

As AI-powered tools become increasingly integrated into legal research, case preparation, and practice management, understanding the evolving legislation, ethical considerations, and professional responsibilities is essential for California defense attorneys.

- What SB 574 means for California attorneys
- How AI is changing the way we research, prepare, and manage cases
- Ethical and professional considerations
- Risks, opportunities, and practical strategies
- Positioning your practice to responsibly leverage AI

REGISTRATION OPTIONS

CDLA Members	Nonmember Attorneys	Join CDLA Today	Join CDLA Today
FREE	\$150	\$200	\$100
Registration required	per person	as a CDLA member and get this Lunch & Learn and all of them for a year!	as a Public Defender and get this Lunch & Learn and all of them for a year!

CDLA BOARD MEMBER | EDUCATION | COMMUNITY | EXCELLENCE IN CALIFORNIA DUI DEFENSE

Scan the code on the flyer to register.

Lunch & Learn Pricing

CDLA members	Free
Nonmember attorneys	\$150
Join CDLA, attorney	\$200
Join CDLA, qualifying PD	\$100

Joining today includes this Lunch & Learn and every Lunch & Learn for a year as part of your CDLA member attorney benefits.

cdla.memberclicks.net/sb574

ASSOCIATION NEWS | A FIRST FOR CDLA

Twelve CDLA Member Attorneys Join the Supreme Court Bar

A first for CDLA, with President Lara Gressley serving as movant.

NOVEMBER 9 | WASHINGTON, DC

On November 9, the CDLA member attorneys named here will be admitted to the bar of the Supreme Court of the United States in a ceremony in Washington, DC. It is the first group of CDLA members to be admitted, a new milestone for the association and an achievement worth celebrating together. Congratulations to all twelve, and to President Gressley, who will make the motion for the group.

ADMITTED NOVEMBER 9

Jesse Antonio Arana	Michael J. Kennedy
Alison Lee Bermant	Patrick Michael Kolasinski
Suzanne M. Ferguson	Richard Orville Middlebrook Jr.
Lynn Gorelick	Rebecka A. Monez
Kellee Parker Harris	Jeanne Marie Normandeau
Peter J. Johnson	Joshua James Price

LOOKING AHEAD | MAUI

DMV & Criminal Writs and Appeals, April 15 to 18, 2027

An intimate advanced MasterClass led by Richard Middlebrook, Esq., and Lara Gressley, Esq., at the Four Seasons Resort Maui at Wailea. Contact CDLA for waitlist information.

KUWATCH 2027 | SOUTHERN CALIFORNIA

Annual Conference Planning Is Underway

The goal is more than another conference date. We want meaningful education, stronger statewide attendance and the relationships that make our profession better.



Samantha Phillips
Executive Director

FROM THE EXECUTIVE DIRECTOR

Why Being in the Room Still Matters

One of the greatest strengths of CDLA is that attorneys practicing in different courts, counties and circumstances can learn from one another. We are independent practitioners and colleagues, but we do not have to work in isolation. Sometimes one conversation over dinner, one question on the ListServ or one new connection makes a real difference to the way we serve a client.

That is why I hope you will join us at the CDLA Holiday Dinner on December 16 at Skates on the Bay. It belongs to the entire CDLA community. Bring a spouse or a guest and make an evening of it.

The legal profession can be demanding, and enjoying each other's company is not a distraction from the work. It is part of sustaining the relationships that support it.

This month's issue reflects the balance I want CDLA to offer: useful legal analysis, relevant education, ways to stay current and meaningful ways to stay connected. Thank you for sharing your time and expertise with this community. I look forward to seeing many of you in December.

Samantha Phillips
Executive Director

WITH GRATITUDE

Our CDLA Partners

These companies invest in CDLA education, connection and advocacy, and they make everything in this issue possible. Please say hello when you see them.

DIAMOND PARTNERS

LifeSafer

IGNITION INTERLOCK

Interlock solutions and service resources for drivers navigating licensing requirements.

Breathe Easy Insurance

SR-22 INSURANCE

Insurance support, including SR-22 filing resources for clients facing driving-related requirements.

Keepr

ALCOHOL MONITORING

Portable breath-alcohol monitoring tools and reporting built for accountability and compliance.

GOLD PARTNER

SCORPION

Marketing, digital presence and technology solutions for law firms and legal professionals.

SILVER PARTNERS

Drive Safer

Propelr

Murphy Jones

Premier Bail Bonds

Meet all of our partners at californiaduilawyers.org/partners

STAY CONNECTED BETWEEN ISSUES

Join the Conversation on Facebook

Join our Facebook group for CDLA members to trade ideas with colleagues across California.

Members group:

facebook.com/groups/CDLmember

Public page:

facebook.com/CDLAssoc

ListServ: ask a focused question, share authority and protect client facts. CDL-Member@cadla.memberclicks.net

KNOW SOMEONE WHO SHOULD BE HERE?

Pass This Issue Along

Forward it to a colleague, a public defender in your county, or the attorney who keeps saying they will join next year.

Join CDLA: californiaduilawyers.org