

Protecting Your Court's Community During the Holidays

Judge Brian MacKenzie
Judicial Fellow, Michigan

There is general agreement that alcoholics and those who abuse alcohol are more likely to drive while intoxicated during a major holiday. According to the *International Journal of Epidemiology*, alcohol abuse during major holidays is likely to be two to three times greater than on an ordinary weekend.¹ Alcoholics, in particular, are likely to engage in binge drinking during these times. The problem of alcoholic binge drinking is so widespread, in fact, that physicians have named one of the resulting health problems "the holiday heart."²

This increased use of alcohol during holidays has a direct impact on highway safety. In 2005, a study by the National Highway Traffic Safety Administration found the following:

The data for the period 1975-2002...have shown that in the United States, the numbers of motor vehicle fatalities were usually higher in six holiday periods: New Year's, Memorial Day, the 4th of July, Labor Day, Thanksgiving, and Christmas. Recent analyses also indicate that July 4th and 3rd are the two days with the first and the second highest crash fatalities based on the data from the Fatality Analysis Reporting System (FARS), 1986-2002 [4-7]. These analyses also indicate that January 1 and October 31 (Halloween) were the two days with the most pedestrian fatalities.³

Fearing that the increased risk to public safety that occurs during a normal holiday would be magnified on the Millennial New Year, a community coalition in Oakland County, Michigan, which included district courts, Mothers Against Drunk Drivers, Oakland County Community Corrections, and Jail Alternatives for Michigan (JAMS), started a program now called Courts Holiday Enforcement for the Community (CHEC).⁴

The idea was simple. Increase the level of scrutiny on individuals convicted of drunk driving who pose a public safety risk during the Millennial New Year. The courts instituted a review of defendants who had been sentenced to probation, and who appeared to present the greatest threat of drinking during the holiday. Selected defendants were ordered to test for alcohol and illegal drugs both in the morning and in the evening of New Year's Eve and New Year's Day. JAMS, a private alcohol/drug testing company, and Oakland Community Corrections set up alcohol/drug testing sites across the county and Mothers Against Drunk Driving (MADD) volunteers provided support to paid staff at testing sites. Each defendant was charged five dollars a day for the tests so new no tax dollars were expended.

In total, 1302 defendants were ordered to appear and test. Twelve hundred and fourteen (1214) defendants complied with court orders. Only nine of the defendants who appeared to test were positive for alcohol. Those who tested positive for alcohol, or who did not test, were required to appear at a probation violation hearing, and if found in violation, were sent for an updated risk and needs assessment. Using that updated assessment, the judge revised the sentence to include jail, and/or increased probation conditions, with increased frequency of alcohol/drug testing and more intensive alcohol counseling.

Because 93% of chosen at-risk individuals maintained their sobriety during the Millennial New Year period, the courts and organizations involved in CHEC felt that the program was a success. Extensive television and newspaper coverage of the program, which praised the coalition and Oakland County district courts for caring about community safety, seemed to confirm that assessment.

These positive program results caused many of the courts involved to expand the plan to include other holidays. Initially, Memorial Day weekend, the 4th of July, Labor Day weekend, and the Thanksgiving holiday period were added. Later, Halloween, St. Patrick's Day, and Super Bowl Sunday weekend were included as well.

By the end of 2007, the seventh year of the program, the 52-1 District Court alone had ordered 35,777 tests on the designated holidays. Eighty-five percent of defendants appeared for all of the tests as ordered. Only 13% missed one or more of the required tests, and only 2% of defendants tested were found to be positive for alcohol. None tested positive for illegal drugs.

Courts throughout Michigan have now adopted the CHEC program, or some variation thereof. As a consequence, demand has escalated for alcohol/drug testing sites. JAMS, which before CHEC had two only offices, now has nineteen throughout southeast Michigan. A number of new companies providing the same service have also opened. This proliferation in testing sites gives the courts the ability to order more daily and weekly testing with less inconvenience for, and therefore more compliance by, the defendants.

MADD has remained involved and supportive of this program. Their open cooperation has generated a greater sense of public trust in the local courts. It has also provided an opportunity to involve MADD in other programs, like sobriety court (nationally called DWI drug court).

The benefits of CHEC go beyond the effort to reduce traffic fatalities during any given holiday. Twice-daily testing provides a structure for defendants (who appear and test) which helps them surmount the triggers to binge. CHEC has also helped to expand organizational alliances that enhance court services and improve court/community relations.

ENDNOTES

- 1 Mäkelä P., Martikainen P., Nihtilä E., "Temporal variation in deaths related to alcohol intoxication and drinking" *International Journal of Epidemiology* Volume 34, number 4, February 28, 2005.
- 2 Ettinger, P. O., Wu C. F., De La Cruz C., Weisse A. B., Ahmed S. S., Regan T. J., Arrhythmias and the "holiday heart": Alcohol-associated cardiac rhythm disorders. *American Heart Journal* 95, 555-562, 1978.
- 3 "Trend and Pattern Analysis of Highway Crash Fatality by Month and Day" National Highway Traffic Safety Administration, DOT HS 809 855, March 2005.
- 4 In Michigan District Courts are limited jurisdiction courts whose jurisdiction includes traffic matters.

Anonymous Tips

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circumstances, to establish reasonable suspicion. See *Bloomingdale v. State*, 842 A.2d 1212, 1217-22 (Del.2004); *State v. Prendergast*, 103 Haw. 451, 83 P. 3d 714, 723-24 (2004); *State v. Walshire*, 634 N.W. 2d 625, 630 (Iowa 2001); *State v. Crawford*, 275 Kan. 492, 67 P. 3d 115, 119-20 (2003); *State v. Lafond*, 802 A. 2d 425, 429-30 (Me. 2002); *State v. Golotta*, 178 N.J. 205, 837 A. 2d 359, 366-69 (2003); *State v. Scholl*, 684 N.W. 2d 83, 85-86 (S.D. 2004); *Boyea*, 765 A. 2d at

Local Solutions

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While several of the courts attending focused on specific target populations based upon the age of the offender, one court opted instead to merge the traditional target populations of juvenile substance abusers with adults under the age of 25 who are charged with parental neglect. This decision was in part driven by the number of offenders they sought to include in their program. However, by addressing both of these groups, they will be affecting a greater portion of the population recent studies find the most likely to engage in risky behaviors.

One of the findings of the driver behavior study in Minnesota was that age was a significant covariate in the reported frequency of driving while intoxicated, with younger drivers reporting a higher frequency of intoxicated driving.⁹ This finding, along with the finding of the University of Georgia study that middle school students engaged in intoxicated driving would support a decision to target this younger population.¹⁰ One of the recommendations of the Minnesota study was developing a model to change driver attitudes, thereby reducing risky driving behaviors. Changing the perception of risk in this population would be in accordance with those recommendations.

868. The Eighth Circuit Court of Appeals, the only federal appellate court to address the issue, concurs. *United States v. Wheat*, 278 F. 3d 722, 731-34 (8th Cir. 2001), *cert. denied*, 537 U.S. 850, 154 L. Ed. 2d 81 123 S. Ct. 194, (2002).

Conclusion

As trial court judges we are regularly required to decide whether a law enforcement officer had justification, in the form of articulable suspicion or probable cause, to stop a reported impaired driver. The sufficiency of an officer's observations of a defendant's driving, in light of training and experience, are certainly important.

One of the primary lessons learned from the think-tank session was that the overriding obstacles of transportation, availability of services and funding can be overcome, but require the coordinated effort of existing local resources. Thus, the model for every community may be different. The courts that were successful in their operations were those that had mined their community resources and coordinated efforts. For example, in those jurisdictions where the courts, treatment providers and support groups had coordinated appointment times with court sessions, or other reasons to come to town, they were able to reduce the obstacle caused by a lack of transportation.

Likewise, thinking outside of the box had turned up transportation services offered by school districts, correctional facilities, other defendants and church groups and discount vouchers from traditional public transportation sources such as Dial-a-Ride. County extension services, health departments and universities were approached to determine what resources they could provide, resulting in some interesting activities for the drug court clients such as cooking classes for parents charged with neglect. Successful jurisdictions recognized and utilized the broad base of support that already existed within their communities.

To learn more about programs offered by NHTSA, please contact one of the following:

Hon. Karl Grube, Judicial Outreach Liaison, Region 4 (Alabama, Florida, Georgia, South Carolina, Tennessee): kgrube@jud6.org
Hon. Lynda Joyce Howell, Region 9 (Arizona, California, Hawaii, Pacific Territories): Lynda.howell@phoenix.gov
Hon. Mike Padden, Judicial Outreach Liaison, Region 10 (Alaska, Idaho, Oregon, Washington, Montana): m_john_p@msn.com
Hon. John Priestester, Judicial Fellow, venspriester@prodigy.net
Hon. Brian MacKenzie, Judicial Fellow, mackenzieb@oakgov.com

But officers cannot be in all places to personally observe all drivers. For this reason, tips from informants who call 911 or otherwise report apparent erratic driving must also be acted upon and acted upon promptly. Because an intoxicated or erratic driver poses a significant risk of death or injury to himself and to the public, that factor, by itself, is substantial when evaluating the reasonableness of a traffic stop. It is so substantial that appellate courts are thankfully increasingly recognizing that less officer corroboration is necessary concerning reports of impaired drivers even when those reports come in the form of an anonymous tip.

ENDNOTES

1. NHTSA – Fatal Analysis Reporting System < http://www-fars.nhtsa.dot.gov/Main/index.aspx>
2. Where Is the Most Dangerous Place to Travel Over the Holiday? Science Daily, June 29, 2007. <www.sciencedaily.com/releases/2007/06/070628183236.htm> Accessed Nov 18, 2008
3. Rakauskas, Michael E., et al. Rural and Urban Safety Cultures: Human-Centered Interventions Toward Zero Deaths in Rural Minnesota. St. Paul: Minnesota Department of Transportation Office of Research Services, 2007
4. Mullenburg, Jessica, et al. "Prevalence of Impaired Driving Behaviors in a Diverse, Rural, Southern Middle School" Accident Analysis & Prevention Volume 39, Issue 6, November (2007): pgs. 1080-1087.
5. NHTSA, 2005 Rural Crash Fatalities by State Center for Transportation Studies. Nov 19, 2007. <http://www.ruralsafety.umn.edu/state/2005/index.html> Accessed Nov 24, 2008
6. NHTSA Traffic Safety Fact Sheet 2006 Rural Urban Comparison DOT HS 810 812, 2007
7. Hoffman, Hon. Harvey J. Michigan's DWI Courts Show Reduction in Recidivism. "Highway to Justice" Washington, D.C.: American Bar Association. Fall 2008, Pp 1
8. National Drug Court Institute. Drug Court Planning Initiative Training Manual. Alexandria, VA 2004
9. Rakauskas, Michael E., et al. Rural and Urban Safety Cultures: Human-Centered Interventions Toward Zero Deaths in Rural Minnesota. St. Paul: Minnesota Department of Transportation Office of Research Services, 2007
10. Mullenburg, Jessica, et al. "Prevalence of Impaired Driving Behaviors in a Diverse, Rural, Southern Middle School" Accident Analysis & Prevention Volume 39, Issue 6, November (2007): pgs. 1080-1087.



HIGHWAY TO JUSTICE



From The ABA and The National Highway Traffic Safety Administration

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Underage Drinking

Judge (Retired) Ronald E. Bogle,
North Carolina

Even the most sober judge can be forgiven for losing their way under the relentless barrage of alcohol industry consumption messaging. Today's youth, in particular, are primary targets of the billions spent on industry advertising. With teens consuming approximately 20% of alcohol products sold, it is understandable, with nearly \$25 billion in teen sales at risk, the lack of meaningful industry prevention response.

Underage drinking, of course, is not a new behavior. It is not just that teens drink – it is the manner in which they drink. From the bench, I am often astonished by the extraordinary level of consumption many teens achieve. Where alcohol blackouts were once considered a sign of advanced alcoholism, this troubling result is not an uncommon experience among many underage drinkers. With 40% of university students identified as binge drinkers, it is not surprising that the National Institute on Alcohol Abuse and Alcoholism (NIAAA) now identifies the majority of the nation's alcoholics (53%) as young adults, age 26 or less, with most drinking as teens. Another ominous harbinger for the future – on average, a child today takes their first standard drink of alcohol at age 12.

With what we now know about the health threat alcohol poses to youth, it is

long overdue for courts to take a serious look at underage drinking. Its clearly defined threat, potential long-term harm, and associated undesirable high-risk behaviors demand our fullest attention. Like tobacco products before it, compelling research confirms that we can no longer consider underage alcohol offenses as mere indiscretions or a "rite of passage."

Killing more teens than all other drugs combined, alcohol, an addictive drug, is firmly established as the teen drug of choice. Nearly half of those deaths occur in traffic-related fatalities and the remainder from a variety of other causes. The legal community, including law enforcement officers, prosecutors, probation officers, and judges, must consider alcohol offenses for what both law and science reveals them to be – a genuine threat to the youth of our nation.

We know the tragic results that can occur when alcohol is mixed with the use of a motor vehicle. Both offenders and innocent victims have paid a terrible price. But the huge societal cost of alcohol abuse is not confined simply to motor vehicle operation. To the contrary, a common theme in virtually every courtroom traces

results from some undesirable consequence to alcohol. This could include assaults, homicides, sexual assaults, domestic violence, child abuse, broken families, ruined careers, bankruptcy – the list is endless.

Yet, some treat underage alcohol offenses casually, more concerned about placing a blemish on personal history. Though understanding such largess, more must be done with underage drinking offenses than the "business as usual" approach. While not seeking to "criminalize" youthful misconduct, courts must give greater priority and recognition to the process as an opportunity for a genuine public health intervention.

Working with a local underage drinking prevention coalition, we were selected to receive National Highway Transportation Safety Administration (NHTSA) funding for a one-year high visibility law enforcement demonstration project, targeting high school age alcohol offenders and adult providers. Joined with a vigorous advertising campaign, this effort was very effective in mobilizing a community consensus, particularly among parents, supporting the need for greater use of law enforcement to prevent underage drinking.

Underage drinking is a complex problem, and it is certain that the solution cannot be found in the courtroom alone. Notwithstanding efforts by a few to lower

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Underage Drinking

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the drinking age, the problem is not the law, but courts have an important role to play in becoming a more effective part of the solution.

Presented with, perhaps, the earliest and best opportunity for effective intervention in what could become a lifetime of challenge, judges and prosecutors must understand the risk that alcohol poses to youth, now and later. While acutely aware of the undesirable, often illegal, behaviors associated with alcohol, we must recognize, too, the resultant health risk alcohol poses to the still-developing bodies and brains of teens. Damage to the brain, heart, liver, lungs, circulatory system, genetic makeup, growth dysfunction, metabolic syndrome, and others are well-documented from teen abuse of alcohol.

Faced with the potential lifetime of alcohol abuse or dependency, courts must become more engaged when judging youth charged with alcohol offenses. The results of our efforts could carry beneficial outcomes far beyond that moment in time.

Editor's Note

Highway to Justice is a publication of the American Bar Association ("ABA") and the National Highway Traffic Safety Administration ("NHTSA"). The views expressed in *Highway to Justice* are those of the author(s) only and not necessarily those of the ABA, the NHTSA, or the government agencies, courts, universities or law firms with whom the members are affiliated.

We would like to hear from other judges. If you have an article that you would like to share with your colleagues, please feel free to submit it for inclusion in the next edition of *Highway to Justice*. To do so, please forward the article to Judge John Priester, Division of Administrative Hearings, Iowa Department of Inspections & Appeals, 3rd Floor Wallace State Office Building, Des Moines, IA 50319, or email to venspriester@prodigy.net.

Michigan Looks for Local Solutions In Response to Rural Fatal Crash Statistics

Judge Phyllis McMillen, Michigan

In 1975, the National Highway Traffic Safety Administration (NHTSA) set in motion a process that is now coming to bear on rural jurisdictions throughout the country: The Fatality Analysis Reporting System (FARS).¹ FARS is a compilation of data on all crashes involving motor vehicles, which result in the death of a person within 30 days. The system contains coded data elements that characterize the crash, allowing analysis of the roadway, vehicles, and persons involved in the crash. NHTSA maintains the database as a part of its mission to reduce the number of motor vehicle crashes, fatalities, and the resultant economic costs.

The National Center for Excellence in Rural Safety (CERS) at the University of Minnesota has utilized the data contained in FARS to plot fatal traffic accidents throughout the entire United States, allowing for the analysis of these fatal crashes. Statistics reported by CERS note that while only 21 percent of Americans live in rural areas, 57 percent of traffic deaths occur on rural roads.² Statistics for your state can be found at www.ruralsafety.umn.edu.

Several factors might contribute to the higher fatal crash rate in rural areas, including road design and availability of emergency medical services. However, in further studies, researchers have explored the role of driver behavior and attitudes in rural fatal crashes. In a study conducted in six representative counties in Minnesota, researchers examined the differences between urban and rural drivers in terms of risk-taking and attitudes toward safety interventions.³ The study found that attitudes of rural drivers were riskier than those of urban drivers toward two of the most dangerous risk factors in traffic safety: seatbelt non-compliance and alcohol consumption.

As more studies are completed, it becomes even more apparent that special attention must be paid to rural

populations. Specifically, there is a need for interventions aimed at affecting attitudes about drinking and driving. In an alarming study conducted by the University of Georgia, 17 percent of middle school students surveyed in the Mississippi Delta reported that they had driven an automobile after drinking, layering illegal underage drinking on top of illegal underage driving.⁴ These findings suggest that prevention and intervention must begin long before high school.

The incidence of rural fatal crashes in Michigan for the year 2005 was equal to the national average of 57 percent and reflected a 9 percent increase over the year 2004.⁵ The percentage had increased to 61 by 2006.⁶ These figures provide motivation to look into alternative methodologies for affecting driver behavior. As discussed in "Michigan's DWI Courts Show Reduction in Recidivism," written by Judge Harvey Hoffman for the Fall 2008 edition of *Highway to Justice*,⁷ some jurisdictions in Michigan have been successful in reducing the incidence of drinking and driving through the use of the therapeutic drug court model.

However, this success has not spread to all parts of the state, and the drug court model has been utilized far less often in rural areas. Transportation, availability of services, and funding all make the establishment of a therapeutic drug court in a rural jurisdiction challenging. In October of this year, the Michigan Association of Drug Court Professionals took action in addressing the issue. A think-tank session was organized, bringing together a number of rural jurisdictions from across the state.

Prior to the session, it was understood that the overriding issues would be transportation, availability of services, and funding. However, in order to be able to address the specific obstacles related to those overriding issues, the session discussions were broken down into the sub-topics addressed in the National Drug Court Institute core curriculum for drug court training: target population, the entry process, clinical screening and assessment, availability of a treatment continuum, ancillary services, drug and alcohol monitoring, case management and community supervision.⁸

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Stopping Drunk Drivers Based on Anonymous Tips: Emerging and Helpful Trends in Appellate Decisions

Senior Judge Karl B. Grube,
Judicial Outreach Liaison, Florida

A routine traffic stop constitutes a "seizure" within the meaning of the 4th and 14th Amendments to the U.S. Constitution and similar provisions under state Constitutions. *Delaware v. Prouse*, 440 U.S. 648, 99 S.Ct. 1391, 59L. Ed. 2d 660 (1979). Warrantless traffic stops (seizures) are per se unreasonable, unless they fall within one of the exceptions to the warrant requirement. *Katz v. U.S.*, 389 U.S. 347, 357, 88 S. Ct. 507, 19 L. Ed. 2d 578 (1967). One such exception is when an officer gains reasonable/articulable suspicion that an offense is being committed based on information supplied by a reliable informant. Tips from informants concerning impaired drivers are governed by the same principle. Anonymous tips from unidentified informants, however, are presumptively unreliable. Courts generally require police corroboration before allowing warrantless stops based on anonymous tips, *Alabama v. White*, 496 U.S. 325, 332, 110 S.Ct. 2412, 2417, 110 L. Ed. 2d 301 (1990).

Recently however, there appears to be an emerging trend among appellate courts to minimize the extent to which police are required to follow an alleged drunk driver to corroborate anonymous tips of impaired driving. This trend reflects appellate recognition of the dangerousness of impaired driving and the need to promptly follow up on tips of such activity.

The Traditional View is Changing

The traditional appellate view of law enforcement's burden in establishing reasonable suspicion of impaired driving, based on an anonymous tip, is illustrated by the case of *Chase v. Miller*, 510 N.W.2d 638 (N.D.1994). There the court said: "Although Chase confirmed the location and license number of the pickup before making the stop, he did not notice any

traffic violations, erratic driving, or anything that he thought was 'real unusual.' Chase's observations of innocent facts do not meet the requirement...that there be corroboration of suspicious conduct when an anonymous tip, short on reliability, is also short on specifics." *Chase*, 510 N.W. 2d at 644, 645. This view treats anonymous tips of impaired driving no differently than tips concerning non-violent, non-dangerous criminal activity. Such tips are presumptively unreliable unless and until corroborated.

Why Appellate Views Are Changing

The emerging appellate view is illustrated by the reasoning of courts such as Illinois' 4th District Appellate Court in *People v. Shafer*, 372 Ill. App. 3d 1044, 1052, 868 N.E.2d 359, 365, 311 Ill. Dec. 359, 365 (Ill. App. 4th Dist., 2007). The Court observed:

An intoxicated person behind the wheel of a car presents an imminent danger to the public that is difficult to thwart by means other than a *Terry* stop. See, for example, *United States v. Wheat*, 278 F.3d 722, 732 n. 8 (8th Cir. 2001). ("The rationale for allowing less rigorous corroboration of tips alleging erratic driving is that the imminent danger present in this context is substantially greater (and more difficult to thwart by less intrusive means) than the danger posed by a person in possession of a concealed handgun"); *State v. Tucker*, 19 Kan. App. 2d 920, 931, 878 P.2d 855, 864 (1994) ("[t]he risk of danger presented to the public by a drunken driver is so great that we cannot afford to impose strict, verifiable conditions on an anonymous tip before an investigatory stop can be made in response to such a tip"); *State v. Stolte*, 991 S.W.2d 336, 343 (Tex.App.1999) (describing the "immediate threat to public safety" caused by drunk drivers in upholding an investigative stop based on information provided by an informant's tip).

In *State v. Golotta*, 178 N.J. 205, 218, 837 A.2d 359, 366 (2003), the New Jersey Supreme Court referred to decisions from Iowa and Wisconsin, e.g. *State v. Walsbire*, 634 N.W.2d 625 (Iowa 2001); *State v. Rutzinski*, 623 N.W. 2d 516, 519 (Wis. 2001). It concluded:

We agree with those courts that have reduced the degree of corroboration



necessary to uphold a stop of a motorist suspected of erratic driving in these circumstances. Similar to the reasoning of those courts, our rationale is threefold. First, by its nature, a call placed and processed via the 9-1-1 system carries enhanced reliability not found in other contexts. Second, the conduct at issue is the temporary stop of a motor vehicle based on reasonable suspicion, not the more intrusive search of its contents or arrest of its driver, which would be governed by different rules. Third, an intoxicated or erratic driver poses a significant risk of death or injury to himself and to the public and, as such, that factor is substantial when evaluating the reasonableness of the stop itself.

Less Corroboration Because DWI is Different

The changing perception that less corroboration should be required because impaired driving is different was perhaps best summarized by the New Hampshire Supreme Court in *State v. Sousa*, 151 N.H. 297, 302, 855 A.2d 1284, 1288 (2004). It stated:

Since [*Florida v. J.L.*] a few intermediate state appellate courts have concluded that anonymous tips of drunk or erratic driving are unreliable, requiring police corroboration of the tip's incriminating details. See *Washington v. State*, 740 N.E. 2d 1241, 1246 (Ind. Ct. App. 2000), cert. denied, 753 N.E. 2d 7 (Ind. 2001); *State v. Boyle*, 793 So. 2d 1281, 1283-85 (La. Ct. App. 2001); *Com. v. Lubiejewski*, 49 Mass. App. Ct. 212, 729 N.E. 2d 288, 291 (2000); *Hall v. State*, 74 S.W. 3d 521, 525-27 (Tex. App. 2002).

By contrast, every state court of last resort that has directly addressed the issue has concluded that, in a drunk or erratic driving case, certain tips are sufficiently reliable and detailed, when viewed in the totality of the

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Judicial Fellows Named

The National Highway Transportation Safety Administration and the American Bar Association are pleased to introduce our newest Judicial Fellows.



Honorable Brian MacKenzie represents the National Conference of Specialized Court Judges. He currently sits as the presiding Judge of the 52nd District Court, 1st Division, located in Novi, Michigan.

In 2001, Judge MacKenzie was honored with the Paul H. Chapman Medal by the Foundation for the Improvement of Justice for Significant Contributions to the American Criminal Justice System. He has received numerous other awards from the State of Michigan and victims organizations for his community-based programs. Judge MacKenzie is the president of the Michigan Association of Drug Court Professionals, a member of the Congress of State Drug Courts, and sits on the Drug Treatment Court Advisory Committee for the State of Michigan. In addition, Judge MacKenzie was elected in 2006 to the Board of Governors of the American Judges Association. He has written and lectured extensively on such issues as drug treatment courts, domestic violence, community courts, and court-media relations.

Judge MacKenzie received his Juris Doctorate from Wayne State University Law School in 1974. Upon graduation, he became an assistant prosecuting attorney in the Wayne County Prosecutor's Office. In 1979, he joined the Michigan Attorney General's Office as an Assistant Attorney General, where he remained until he was appointed to 52-1 District Court in March of 1988. In 2008, he is running for re-election to his fifth term without opposition.

Judge MacKenzie is married to Karen MacKenzie. He has three children: Kate, David, and Breanna, and one grandson, the absolutely amazing Daniel.

Thanks to Judges Lawrence, Diamond and Zion

For the past two years, Judge Kent Lawrence and Judge Yvette Diamond have served as NHTSA/ABA Judicial Fellows. We greatly appreciate their contributions to this collaborative program. Judge Lawrence, State Court of Athens-Clarke County (Georgia) represented the National Conference of Specialized Court Judges. Judge Diamond, Maryland Office of Administrative Hearings, represented the National Conference of the Administrative Law Judiciary.

Judge James Zion has completed his term as our first Tribal Judicial Outreach Liaison. His work with the Indian Nation is greatly appreciated.

We thank each of these judges for their time, expertise and willingness to help provide a mutually beneficial working relationship between NHTSA and judges whose jurisdiction involves the adjudication of motor vehicle and pedestrian-related offenses. We wish each of them well and hope they will continue to educate others about traffic safety.



Honorable John M. Priester represents the National Conference of the Administrative Law Judiciary. John M. Priester grew up along the Mississippi River in Bettendorf, Iowa. He went to Marquette University in Milwaukee, Wisconsin, majoring in Political Science. John then completed his studies when he graduated With Distinction from the University of Iowa Law School in Iowa City, Iowa.

After serving a one year clerkship with the judges of the Iowa District Court for the 7th Judicial District, John was hired by the Iowa Public Defender's Office. He served two years in Mason City and three years in Iowa City as an Assistant Public Defender representing clients charged with both misdemeanors and felonies. He then spent one year as an Appellate Defender briefing and arguing cases to the Iowa Supreme Court and Court of Appeals.

In 1997 John was hired to be an Administrative Law Judge with the Iowa Department of Inspections and Appeals, Division of Administrative Hearings. His docket includes cases for the Iowa Department of Transportation, Public Health, Iowa Racing and Gaming Commission, Iowa Public Employees Retirement System, Board of Regents, Iowa Law Enforcement Academy, State Fair Board and the Department of Human Services.

John authored the article, "The Impact of Adverse Inferences in Administrative Hearings," published in the Spring 2002 Journal of the *National Association of Administrative Law Judges*. He has lectured at numerous continuing legal education conferences and has recently given a lecture to field sobriety instructors through the Iowa Law Enforcement Academy.

In his free time John travels the world with his wife Teresa Vens. He has trekked to the basecamp at Mount Everest in Nepal, Macchu Picchu in Peru and the Patagonia Trail in the southern tip of South America. He recently started his most rewarding trek-parenthood. Son Aidan Edward Vens recently turned one and continues to be the happiest boy around.

Crackdown 2009



May 18 – May 31, 2009