

HIGHWAY TO JUSTICE

FALL 2022

From The ABA with support from the National Highway Traffic Safety Administration

THE FORGOTTEN POPULATION: THE FEMALE IMPAIRED DRIVER

*Judge Mary Katherine Huffman
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Traditionally alcohol consumption has been a male-dominated activity. In the United States, men drink more often and more heavily than women, consuming nearly three times as much alcohol per year as women.¹ Research and social awareness of impaired driving among females has historically gotten lost in the much larger pool of male offending. While men historically outpace women in drinking patterns, hospital and emergency room visits, arrests for impaired driving, and deaths related to alcohol use, the differences among the genders are shrinking.² Impaired driving arrests for women grew 92.6% between 1998 and 2012, while similar arrests for men increased by only 8.6% during the same period.³ In 2019 women made up about 25% of the alcohol-impaired drivers involved in fatal crashes. Experts attribute the increase in female impaired driving to changes in social norms about women and alcohol use, and the increase in miles driven by women.

Given the historical focus on the male impaired driver, recognizing the differences between the genders in alcohol use, life experiences, risks and needs prove to be important considerations in judicial decisions when encountering female impaired drivers.

Gender Differences

Men and women react differently to both acute and long-term alcohol consumption. Resulting from lower total body mass and thus body water content and metabolic differences, women experience higher blood alcohol concentrations than men after consuming equivalent amounts of alcohol.⁴ The number of drinks necessary to feel drunk is one-third lower among women than men.⁵ Hormonal fluctuations also affect the level to which a female becomes intoxicated.

Patterns of alcohol use also vary between the genders. Women generally initiate substance use at a later age than men, although a wide age

range of women drink and drive, generally between the ages of 20 and 50. Later onset of use, though, fails to ameliorate progression of negative effects of consuming alcohol.⁶ Women proceed more rapidly than men from onset of substance use to problematic experiences and serious medical consequences, including liver disease, hypertension, anemia and ulcers.⁷ Chronic alcohol abuse among women results in death rates between 50% and 100% higher than men with similar consumption patterns.⁸

Risk factors contributing to alcohol use in women include a family history of alcoholism, history of abuse or trauma, mental health concerns, and relationship issues.⁹ Of these risk factors, trauma represents the ultimate “gateway” to alcohol and other substance abuse. Women demonstrating substance use disorders report significantly higher rates of childhood sexual abuse compared to non-addicted women. Women involved in the criminal justice system, including impaired drivers, experience over-responsibility with their families, and primary caretaking responsibilities for their children, as compared to their male counterparts. The female impaired driving offenders is more likely to be unmarried - single, separated, divorced, or living with a partner with an alcohol problem, experience higher levels of education but lower paying jobs compared to male offenders, and suffer from significantly higher co-morbidity relative to males.¹⁰

Women Who Drink and Drive

A 2013 study of female impaired drivers revealed that almost all survey participants reported a major life stressor, such as a domestic incident, the end of a relationship, the loss of a job or custody of a child, or the serious illness or death of a parent or family member as the precipitating factor for their impaired driving arrest. While research attributes drinking and driving among men to higher propensities to engage in risky decisions, greater impulsivity, and aggression, women often drive more cautiously than men, with or without alcohol in their system.¹¹ Of women convicted of impaired driving, and diagnosed with alcohol use disorders, a substantial number present with other substance use disorders and most experience an additional psychiatric diagnosis.

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Highway to Justice is a publication of the American Bar Association (ABA) with support from 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 submit an article, please send it to the editor, Hon. Neil E. Axel at neilaxel49@gmail.com with a copy to the staff liaison, lisa.yoon@americanbar.org. Please contact Ms. Yoon for editorial guidelines.

The deadline for submission of articles for the Winter issue is November 30, 2022.

More than three quarters of the surveyed women report using one or more prescription medications for anxiety, depression, post-traumatic stress disorder, and other disorders.

Generally, the entree for men into substance use treatment, including treatment for alcohol dependence, flows from involvement with the criminal justice system, while referrals to treatment for women emanate from social services or mental health professionals. Women in need of substance use disorder treatment engage in services less often than men, and treatment underutilization is particularly notable among adult women with alcohol use disorder.¹² Barriers to treatment engagement for women include greater perceived stigma from seeking services, childcare and family responsibilities, and lack of family support.¹³

Tips for Court Supervision of Female Impaired Drivers

Research suggests that women subject to court supervision for impaired driving offenses benefit from:

1. a comprehensive, gender-specific approach to supervision, including customized treatment to meet the risks and needs of the client;
2. educational opportunities informing on gender-specific risk factors and effects of alcohol use;
3. increasing recovery capital through access to gender-specific treatment and work to engage a sober support network of females;
4. access to appropriate and necessary medical and mental-health services;
5. encouragement to explore with clinical professional trauma-related experiences;
6. assistance with stressors and barriers to success, including childcare concerns and transportation; and
7. programming to identify and educate on unhealthy relationship boundaries and behaviors.

Recognizing these gender differences in impaired drivers, and the different life experiences of women can assist judges in making sentencing decisions tailored to the individual offender to more effectively address issues of treatment so to help reduce DUI recidivism in the female population.

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4. R. Kathryn McHugh, Victoria R. Votaw, Dawn E. Sugarman, and Shelly F. Greenfield, *Sex and Gender Differences in Substance Use Disorders*, 66 *Clin Psychol Rev.* 12 (2018).
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8. S.C. Wilsnack, L.J. Bechman, eds., *Alcohol Problems in Women: Antecedents, Consequences, and Intervention*, New York: Guilford Press, 1984.

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9. Robyn D. Robertson, Erin Holmes and Kyla Marcoux, *Female Drunk Drivers: A Qualitative Study*, The Traffic Injury Research Foundation (2013).
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11. Michael R. Elliott, Jean T. Shope, Trivellor E. Raghunathan, and Patricia F. Waller, *Gender Differences Among Young Drivers in the Association Between High-Risk Driving and Substance Use/Environmental Influences*, 67 *J Studies Alcohol* 252 (2006); Paul L. Zador, Sheila A. Krawchuk and Robert B. Voas, *Alcohol-related Relative Risk of Driver Fatalities and Driver Involvement in Fatal Crashes in Relation to Driver Age and Gender*, 61 *J Studies Alcohol* 387 (2000).
12. A.A. Alvanzo, C.L. Storr, R. Mojtabai, K.M. Geren, L.R. Pacek, L.N. LaFalir, and R.M. Crum, *Gender and Race/Ethnicity Differences for initiation of Alcohol-Related Service Use Among Persons with Alcohol Dependence*, 140 *Drug Alcohol Depen* 214 (2007).
13. A.D.O. Verissimo and C.E. Grella, *Influence of Gender and Race/Ethnicity on Perceived Barriers to Help-Seeking for Alcohol or Drug Problems*, 75 *J. Subst Abuse Treat* 54 (2017).

CASE NOTE: MARYLAND HIGH COURT HOLDS ODOR OF MARIJUANA ALONE IS SUFFICIENT TO CONSTITUTIONALLY PERMIT INVESTIGATIVE DETENTION

Honorable Neil Edward Axel
Senior Judge, District Court of Maryland
ABA Judicial Fellow
Columbia, Maryland

Around the country there is a growing trend to either decriminalize or legalize the possession and use of recreational and medical marijuana. This trend is evidenced by the legalization or decriminalization of marijuana in 34 States and the District of Columbia, and in the establishment of medical marijuana programs in 37 States and the District of Columbia. As the use of marijuana continues to rise, and as the penalties for its use declines, courts are grappling with the implications of legalization on the limits of permissible police action under the Fourth Amendment based on the odor of marijuana. As the caselaw is developing around the country, it is important to recognize what type of police action is being undertaken based on the odor of marijuana—an investigative detention, a search of the person, a search of an automobile, or an arrest. Recent cases in the State of Maryland have helped define the limits of police activity based on the odor of marijuana. The most recent case was decided earlier this Summer when Maryland’s highest court addressed what the odor of marijuana alone means, and to what extent it allows law enforcement officials to take coercive action. Although Courts around the nation have taken differing approaches, Maryland’s approach may provide some guidance as to the permissible limits of police activity based on the odor of marijuana.

To set the stage, Maryland has decriminalized the possession of less than 10 grams of marijuana. Instead, possession of less than 10 grams is a civil infraction punishable by a \$100 fine, but possession of 10 or more grams remains a criminal misdemeanor subjecting offenders to possible incarceration. So, on November 15, 2019, two police officers stopped a group of five young men as the group was getting ready to leave an apartment building in Capitol Heights, Maryland. A 15-year-old juvenile, identified as “D.D.,” was one of the five members of the group. The officers had been called to the building based on a complaint involving the odor of marijuana. When they arrived,

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Dates to Remember

October & November

National Teen Driver Safety Week: 10/16-10/22



Halloween & Thanksgiving Holiday Travel
IMPAIRED DRIVING:
Buzzed Driving Is Drunk Driving



If You Feel Different, You Drive Different

**IF YOU FEEL DIFFERENT
YOU DRIVE DIFFERENT**

CASE NOTE: MARYLAND HIGH COURT HOLDS ODOR OF MARIJUANA ALONE IS SUFFICIENT TO CONSTITUTIONALLY PERMIT INVESTIGATIVE DETENTION

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the officers smelled a strong odor of marijuana coming from the group and directed them to sit down, thereby seizing them for purposes of the Fourth Amendment. This starts the case of *In re D.D.*, 479 Md. 206, 277 A.3d 949 (2022).

While frisking D.D. for weapons, police found a loaded gun and he was charged with various firearms offenses. He moved to suppress the gun. After reviewing its earlier opinions, and those from other jurisdiction, the Maryland Court of Appeals held that the odor of marijuana alone may give rise to a reasonable suspicion that criminal activity may be afoot, and thus provided a basis for the brief investigatory detention of D.D.¹

The Court noted that although that odor, without more, does not provide **probable cause to arrest** a person for a criminal possession of marijuana, it does meet the less stringent standard of **reasonable suspicion** necessary to justify an investigatory stop. The Court noted that this distinction makes sense given the “differing levels of intrusiveness of the two Fourth Amendment events.” Once the investigatory stop has been made, however, absent additional circumstances that would be quickly ascertained by the officer, the individual should be free to leave promptly. As the Court explained:

As to an investigatory detention based on the odor of marijuana, if the officer does not quickly obtain additional information that provides probable cause to believe that the person has committed a . . . criminal offense, the officer must allow the person to go on their way. The public interest in investigating and prosecuting criminal offenses, balanced against an individual’s freedom of movement and reasonable expectation of privacy in their person, leads us to conclude that the odor of marijuana by itself justifies a brief investigatory detention, but . . . not an arrest.

Although there is no particular amount of time that is *per se* reasonable or unreasonable, the Court emphasized that “such detentions must be brief, especially in light of the reality that many individuals who choose to possess marijuana do so under the criminal threshold of 10 grams.”

This is not the first time the Maryland appellate courts have addressed this issue, and other fact patterns and variations on this theme include:

- *Bowling v. State*, 227 Md.App. 460 (2016): A positive alert of a certified drug dog is sufficient to establish **probable cause to search a motor vehicle**, despite the decriminalization of small amounts of marijuana and the dog’s inability to distinguish between the odor of less than 10 grams of marijuana and 10 or more grams.
- *Pacheco v. State*, 465 Md. 311 (2019): Based on the odor of fresh burnt marijuana and a joint (with less than 10 grams), (1) there was **probable cause to search the vehicle**, but (2)

no probable cause to arrest defendant for possession of marijuana. The Court held that the distinction drawn here was between probable cause that the vehicle contained contraband or evidence of a crime versus probable cause that the individual had committed or was committing a misdemeanor in his or her presence. The Court concluded that, although circumstances may justify the search of a vehicle, the same circumstances “do not necessarily justify an arrest and search incident thereto.” The Court drew this distinction due to “the heightened expectation of privacy one enjoys in his or her person as compared to the diminished expectation of privacy one has in an automobile.”

- *Norman v. State*, 452 Md. 373 (2017): An odor of marijuana alone emanating from a vehicle with multiple occupants does not give rise to reasonable articulable suspicion that the vehicle’s occupants are armed and dangerous and subject to frisk.
- *State v. Lewis*, 470 Md. 1 (2020): The odor of marijuana, without more, does not provide law enforcement officers with the requisite **probable cause to arrest** and perform a warrantless search of that person incident to the arrest. Instead, law enforcement officers must have probable cause to believe a person possesses a criminal amount of marijuana to arrest that person and conduct a search incident thereto.
- *Robinson v. State*, 451 Md. 94 (2017): The odor of burnt marijuana emanating from the passenger compartment of a vehicle, by itself, established probable cause to search the vehicle’s trunk under the automobile exception to the warrant requirement.

Collectively, these cases may provide guidance as other States grapple with the various Fourth Amendment implications of the legalization and decriminalization of marijuana under a number of circumstances. Care must be exercised in focusing on the level of protection offered by the Fourth Amendment depending upon the basis for the State action, and the appropriate standard to be applied - reasonable articulable suspicion vs. probable cause. Further, State appellate decisions have been addressing these Fourth Amendment issues in a number of different ways as this case law continues to evolve. The discussion of the Maryland cases in this case note is intended to suggest only the constitutional parameters as this case law continues to evolve, and not intended as binding authority under the constitution or case law of any other State.

1. Having found the initial detention of D.D. to be lawful, the Court then determined that the resulting frisk of D.D. was lawful under *Terry v. Ohio*, 392 U.S. 1 (1968) based upon a totality of the circumstances, and the seizure of the gun was held to be lawful. The additional circumstances in this case included evasive behavior, body language, the discovery of what was claimed to be a BB gun on one of D.D.’s companions, D.D.’s baggy clothing, concern that the group was trespassing, and the fact that the officers were outnumbered five to two.

Contact Info

To learn more about judicial outreach in your State and Region, please contact one of the following:

Judicial Fellow:

Hon. Neil E. Axel: neilaxel49@gmail.com

Tribal Courts Fellow:

Hon. J. Matthew Martin: abajudicialfellow@gmail.com

Regional Judicial Outreach Liaisons:

Below is the contact information for the network of active and retired judges who serve around the country as resources and educators on highway safety issues:

Hon. Eric M. Mehnert, Region 1 (Maine, Massachusetts, New Hampshire, Vermont, and Rhode Island): emehnert@hm-law.us

Hon. Richard Nunes, Region 2 (Connecticut, New Jersey, New York, Pennsylvania, Puerto Rico, and Virgin Islands): rnunesq1@gmail.com

Hon. A. Robinson Hassell, Region 3 (North Carolina, Kentucky, Virginia, West Virginia, Maryland, Delaware, and District of Columbia): judgehassell@gmail.com

Hon. Ronald Ramsey, Region 4 (Tennessee, Alabama, Georgia, South Carolina, and Florida): judgeramsey@att.net

Hon. Karen Khalil, Region 5 (Minnesota, Wisconsin, Illinois, Indiana, Michigan, and Ohio): region5jol@gmail.com

Hon. Robert S. Anchondo, Region 6 (Texas, New Mexico, Louisiana, Oklahoma, Mississippi, and Indian Nations): rsanchondo@aol.com

Hon. Alan Blankenship, Region 7 (Iowa, Missouri, Arkansas, Kansas, and Nebraska): Alan.Blankenship79@gmail.com

Hon. Scott E. Pearson, Region 8 (Colorado, North Dakota, South Dakota, Nevada, Utah, and Wyoming): region8jol@gmail.com

Vacant, Region 9 (Arizona, California, Hawaii, and Pacific Territories)

Hon. Mary Jane Knisely, Region 10 (Montana, Idaho, Oregon, Washington, and Alaska): maryjaneknisely@gmail.com

CHANGING OF THE GUARD IN THE JUDICIAL OUTREACH LIAISON PROGRAM

This Fall, the Judicial Outreach Liaison (JOL) program will see the “retirement” of one of the program’s two Judicial Fellows and two long-serving State JOLs. Each of these individuals has served their communities with distinction providing a judicial perspective on highway safety issues and engaging in judicial outreach and collaborations that have improved the administration of justice in impaired driving cases. We thank each of these distinguished judges for their time, their service, and their dedication to the administration of justice:



Judge Patrick Bowler (Michigan): Judge Bowler served for 24 years on the Grand Rapids District Court bench where he was a leader in the development of drug and sobriety courts that helped to reduce recidivism and improve communities in impaired driving cases in Michigan. Following his retirement, Judge Bowler continued to work to improve outcomes in impaired driving cases and in 2012 became the State JOL for Michigan. In this capacity, Judge Bowler continued to serve the community as a leader in peer-to-peer education both in Michigan and around the country.

Throughout his career, Judge Bowler has been a strong advocate for treatment courts and the implementation of evidence-based sentencing practices in impaired driving cases. Although retiring as the Michigan JOL, he will continue as a diehard Michigan State University Spartan fan.



Judge Leon Burns (Tennessee): After serving for 38 years as a Criminal Court Judge for the 13th Judicial District in Tennessee, Judge Burns was not done with being a force for change. In 2014, Judge Burns was selected as the State JOL for Tennessee where he has helped develop and present continuing judicial education programs for the trial judges in Tennessee. Just as he conducted himself with dignity and with honor as a judge, he did so as the Judicial Outreach Liaison for Tennessee. His deep connections in the Tennessee judiciary served him well as the State JOL as he worked to engage the judiciary in the staying abreast of new developments and best practices in the handling of impaired driving cases. With his newfound free time, Judge Burns will continue to pursue his love of travel and hiking.



Judge Neil Edward Axel (Maryland): In 2018, Judge Axel was selected to succeed Judge Earl Penrod as the ABA’s National Judicial Fellow for highway safety issues. Judge Axel brought more than 20 years of judicial experience and 4 years of experience as the Regional JOL for Region 3 to this position. During his tenure, he provided guidance and leadership to the program as it expanded across the country, and was a frequent speaker at judicial conferences around the country on issues related to impaired driving. As Judicial Fellow, Judge Axel served as the national spokesperson for the program.

In 2016, Judge Axel received the American Bar Association Judicial Division Franklin N. Flaschner Award for judicial excellence, character, and leadership. Although “retiring” from the Judicial Fellow Position, Judge Axel plans to continue to serve as a Senior Judge on the District Court of Maryland, as a faculty member at The National Judicial College, and as an occasional speaker at judicial conferences.

While remaining independent and impartial, Judicial Outreach Liaisons and Judicial Fellows serve as resources for the judiciary and other members of the highway safety community dealing with highway safety related court cases, particularly those involving impaired driving. In particular, they serve as subject matter experts and help to bring current and up-to-date information to the judges who serve their communities. They provide and promote

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CHANGING OF THE GUARD IN THE JUDICIAL OUTREACH LIAISON PROGRAM

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peer-to-peer judicial education related to sentencing and supervision of DWI offenders, evidentiary issues, legal updates, and alcohol/drug testing and monitoring technology.

There are now Judicial Outreach Liaisons covering all 50 States, the District of Columbia, and the Tribal Nations. Contact information for all the current Judicial Fellows, and Regional and State JOLs is found elsewhere in this issue. For more information about implementing a State JOL program, NHTSA's 2019 publication, *Best Practices for Implementing a Judicial Outreach Liaison Program*, provides valuable information and can be found at:

https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/14161-bestpracticesforsjols_032519_v10-withblanks-tag.pdf.

We wish each of our retiring JOLs and Judicial Fellow the very best in their retirements. They have formed friendships and relationships within the program and will be missed.

DON'T FORGET

Resources for responding to the COVID-19 pandemic:

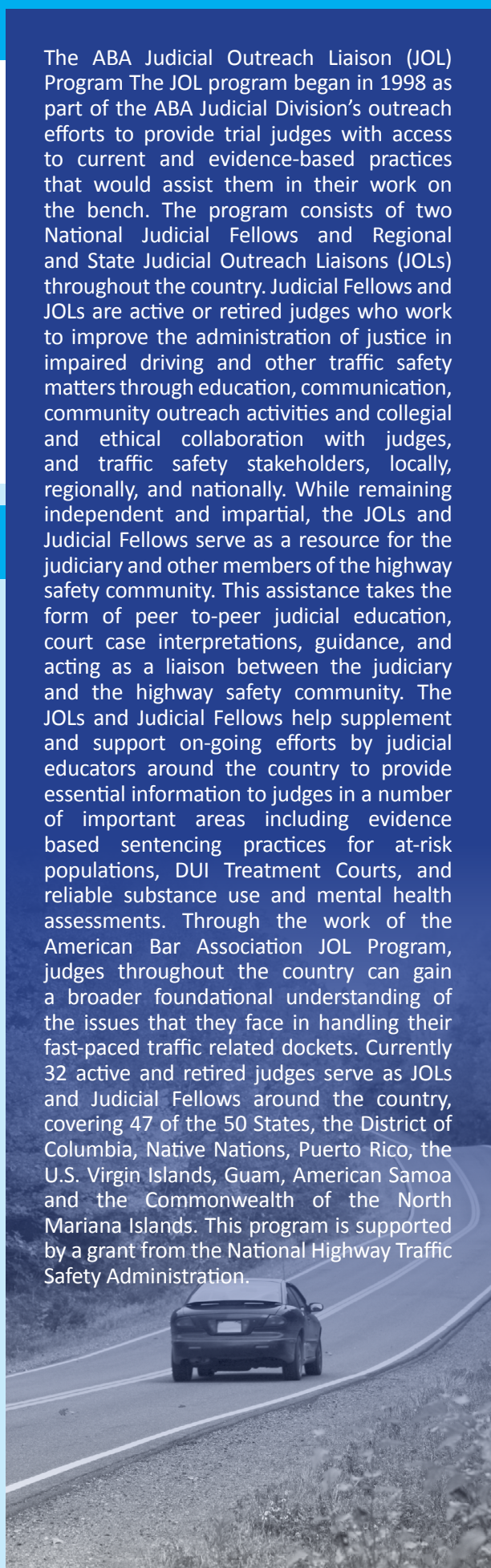
- **SAMHSA's Guidance for Medication-Assisted Treatment (MAT) Opioid Treatment Programs**
<https://www.samhsa.gov/medication-assisted-treatment>
- **Up-to-Date Information for the Substance Use Disorder Treatment field from SAMHSA**
<https://www.samhsa.gov/>
- **Centers for Disease Control and Prevention**
<https://www.cdc.gov/>

Valuable resources for traffic court judges can be found at:

- **National Highway Traffic Safety Administration**
<https://www.nhtsa.gov/>
- **American Bar Association/Judicial Division/NCSCJ**
https://www.americanbar.org/groups/judicial/conferences/specialized_court_judges/
- **Highway to Justice - Archives**
www.americanbar.org/groups/judicial/publications/judicial_division_record_home/highway-to-justice/
- **National Judicial College**
www.judges.org
- **Governors Highway Safety Association: Alcohol Impaired Driving**
www.ghsa.org/issues/alcohol-impaired-driving
- **AAA Foundation for Traffic Safety**
www.aaafoundation.org/
- **National Center for State Courts**
<https://www.ncsc.org/>
- **National Center for DWI Courts**
<https://www.dwicourts.org/>

The ABA Judicial Outreach Liaison (JOL) Program

The ABA Judicial Outreach Liaison (JOL) Program The JOL program began in 1998 as part of the ABA Judicial Division's outreach efforts to provide trial judges with access to current and evidence-based practices that would assist them in their work on the bench. The program consists of two National Judicial Fellows and Regional and State Judicial Outreach Liaisons (JOLs) throughout the country. Judicial Fellows and JOLs are active or retired judges who work to improve the administration of justice in impaired driving and other traffic safety matters through education, communication, community outreach activities and collegial and ethical collaboration with judges, and traffic safety stakeholders, locally, regionally, and nationally. While remaining independent and impartial, the JOLs and Judicial Fellows serve as a resource for the judiciary and other members of the highway safety community. This assistance takes the form of peer to-peer judicial education, court case interpretations, guidance, and acting as a liaison between the judiciary and the highway safety community. The JOLs and Judicial Fellows help supplement and support on-going efforts by judicial educators around the country to provide essential information to judges in a number of important areas including evidence based sentencing practices for at-risk populations, DUI Treatment Courts, and reliable substance use and mental health assessments. Through the work of the American Bar Association JOL Program, judges throughout the country can gain a broader foundational understanding of the issues that they face in handling their fast-paced traffic related dockets. Currently 32 active and retired judges serve as JOLs and Judicial Fellows around the country, covering 47 of the 50 States, the District of Columbia, Native Nations, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa and the Commonwealth of the North Mariana Islands. This program is supported by a grant from the National Highway Traffic Safety Administration.



WELCOME TO THE ABA JUDICIAL OUTREACH LIAISON PROGRAM!



Honorable Eric M. Mehnert—ABA Region 1 Judicial Outreach Liaison (Maine, Massachusetts, New Hampshire, Vermont, and Rhode Island). Judge Mehnert has served as the Chief Judge of the Penobscot Nation Tribal Court since 2008. He presides over the Nation's Criminal and Civil Courts as well as the Nation's Wellness Court. He tells anyone who will listen that it is the best job he ever had, and ever hopes to have. He has also served as the Wellness Court Judge for the Hopi Tribe in Arizona.

He was appointed in 2016 to establish the Tribe's Wellness Court which is now fully active. In 2018 he helped to establish the Lac Courte Oreilles Band of Ojibwe's Wellness Court which is also fully active.

He serves as a Contract Judge for the Bureau of Indian Affairs where he is a member of a team reviewing Tribal Courts to assist in meeting the due process requirements of the Tribal Law and Order Act and Special Domestic Violence Criminal Jurisdiction under the re-authorization of the Violence Against Women Act.

He is a member of the Maine, Massachusetts & Federal Court bars, as well as being admitted to practice before the United States First Circuit Court of Appeals, and the United States Supreme Court. He has extensive jury trial and appellate experience in both the State and Federal Courts.

Prior to his appointment to the Penobscot Nation Tribal Court Eric was a senior partner in Hawkes & Mehnert, LLP. In his thirty-seven year career he focused his litigation practice on civil rights; employment discrimination, housing discrimination and defending the rights of those who have been institutionalized. Eric has also served as the Chief of Enforcement of the Commonwealth of Massachusetts's Commission against Discrimination overseeing a staff of 45 investigators and 15 attorneys in prosecuting discrimination actions throughout the Commonwealth. He has served on the Maine Advisory Group to the US Commission on Civil Rights; The Board of Directors of the Maine Civil Liberties Union and the Executive Board of the Portland Branch of the NAACP.



Richard E.A. Nunes, Esq.—ABA Region 2 Judicial Outreach Liaison (Connecticut, New Jersey, New York, Pennsylvania, Puerto Rico, and Virgin Islands).

Richard E.A. Nunes is currently employed by the Bergen County, Office of The Public Defender. He serves as the sole staff attorney assigned to Bergen County's Juvenile Court.

From November 2006 - July 2014, Mr. Nunes served as a jurist on the Newark Municipal Court Bench. In November 2006, he was installed as a Newark Municipal Court Judge, and in 2007, he was assigned to the Court's Criminal Arraignment Court. There he arraigned defendants, conducted bail hearings, revised time payment orders, accepted pleas and presided over trials of various case types. In 2008, Mr. Nunes was appointed as the Newark Municipal Court's Acting Chief Judge, and in 2011, he was appointed as the Court's Chief Judge.

Mr. Nunes was honored to serve as the Chief Judge of the Newark Municipal Court. It is the largest municipal court in the State of New Jersey and one of the largest in the United States. It has twelve full time judges and over one hundred employees. The Court is in operation seven days a week and conducts evening and day sessions on weekdays. The Court addresses over 500,000 traffic, DWI, criminal, domestic violence, housing, and city ordinance cases annually.

As Chief Judge, Mr. Nunes worked diligently on behalf of the Court, not only to provide effective case management and customer service but he also implemented procedures to stop recidivism by addressing its underlying root causes. As such, he implemented the first Community Court

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Contact Info *continued*

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Below is the contact information for the network of active and retired judges who serve around the country as resources and educators on highway safety issues:

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Virginia: Hon. Gordon Wilkins:
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Introducing: *The Tribal Traffic Safety Bulletin*

The American Bar Association Judicial Division's Judicial Outreach Liaison and Judicial Fellows Program is producing a new publication: *The Tribal Traffic Safety Bulletin*. This newsletter will be shared twice a year, and will feature pieces written by Judicial Outreach Liaisons, Judicial Fellows, judges, and other program stakeholders. The newsletter will be focusing on highway safety matters in native lands. The Judicial Outreach Liaison and Judicial Fellows program is producing this newsletter because of the increased interest in impaired driving, seatbelt use, and motor carrier safety issues on native lands. We are excited to share this new way for our team to communicate news and other information our valued partners and stakeholders on this topic.

If you are interested in being on the listserv, please reach out to ABA Project Manager, Lisa Yoon at lisa.yoon@americanbar.org

Visit link for previous issues: <https://www.americanbar.org/groups/judicial/publications/tribal-traffic-safety-bulletin/>

UPCOMING WEBINARS/CONFERENCES AND NJC COURSES continued from page 7

in the State of New Jersey, Newark Community Solutions, which is a problem-solving Court for nonviolent offenders that focus on the root causes and needs of the defendant while addressing the wrongs the defendant caused in the community. Newark Community Solutions has its own onsite Clinic, as well as a Veterans and Mental Health Initiative.

Prior to Mr. Nunes' installment as a Judge, he was employed for nine and a half years by the Office of the Public Defender in its Bergen Region. At the Bergen County Public Defender's Office, Mr. Nunes initially worked in the Trial Section as an Assistant Deputy, Public Defender participating in all aspects of criminal trial practice including its motion practice, jury trials, Krol hearings and violation of probation hearings. He later assisted in the implementation of Bergen County's first Drug Court where he became its first Public Defender.

Mr. Nunes began his secondary education at the College of the Holy Cross where he received a Dr. Martin Luther King, Jr. Scholarship. He graduated from the College of the Holy Cross with a Bachelor's Degree in Political Science and a Concentration in African Studies. Mr. Nunes earned his Juris Doctorate at Seton Hall University School of Law and then served as a Law Clerk to the Honorable Rudolph N. Hawkins, P.J.S.C.

UPCOMING WEBINARS/CONFERENCES AND NJC COURSES



AMERICAN BAR ASSOCIATION

Judicial Division

Impaired Driving in a Shifting Landscape: New Realities in Indian Country After McGirt, Cooley, and Castro-Huerta

Our Tribal Court judicial fellow, Judge J. Matthew Martin, Judge Mary Jane Knisely, Prof. Lauren Van Schilfgaarde (Cochiti Pueblo member), and Sara Elizabeth Hill (Cherokee Nation member) join this panel that uses impaired driving as a lens to interpret three of the most significant federal Indian law cases in decades. Learn how criminal jurisdiction, one of the judicial expressions of sovereignty, is, once again, at the forefront of conflict between states and ascendent Native nations.

Watch On Demand for Free: <https://www.americanbar.org/events-cle/ecl/ondemand/425417370>



DWI Court Enhancement: A Self-Study Web Course

This online self-study web course takes the new or seasoned DWI Court professional through basic DWI Court information. You will become acquainted with the Guiding Principles for DWI Courts, DWI Court target population, case management techniques such as clinical assessment, treatment, community supervision and many more elements directly related to their day-to-day court activities.

Register: <https://www.judges.org/courses/dwi-court-enhancement-self-study-web-course/>

Are Per Se Standards for Enforcing Marijuana-Impaired Driving Scientifically Legitimate? A Lightning Course

This "Lightning Course" is designed to take the average learner about 20 minutes to complete, and will educate judges on the science, and lack thereof, behind legislated per se limits of marijuana in impaired-driving cases. This course was funded by a grant from the State Justice Institute (SJI). The State Justice Institute was established by federal law in 1984 to award grants to improve the quality of justice in state courts, and foster innovative, efficient solutions to common issues faced by all courts.

Register: <https://www.judges.org/courses/are-per-se-standards-for-enforcing-marijuana-impaired-driving-scientifically-legitimate/>