

# HIGHWAY TO JUSTICE

SPRING 2023

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

## JAIL STANDARDS FOR DEFENDANTS WITH OPIOID SUBSTANCE DISORDERS

*Judge Robert Anchondo*

*ABA Region 6 Judicial Outreach Liaison  
County Criminal Court at Law Number 2  
El Paso, TX*

Should corrections facilities be required to provide a drug-impaired driver who suffers from a substance-use disorder with medically-assisted treatment? That question was answered in the affirmative, in *Pesce v. Coppinger*, 355 F. Supp. 3d 35 (D. Mass. 2018), wherein a federal district court, in reliance on the Americans with Disabilities Act (ADA) and the Eighth Amendment, ordered that a Massachusetts jail provide an inmate, Geoffrey Pesce, with prescribed methadone while he served a jail sentence.

Preceding his incarceration, Pesce, in active recovery for opioid addiction for over two years, received methadone treatment prescribed by his doctor. Pesce, serving a period of mandatory incarceration for a drug-impaired driving offense, sued the Sheriff of Essex County and the Superintendent of Essex County House of Corrections, alleging that the Defendants' policy of denying inmates access to methadone for the treatment of opioid use disorder violates the ADA and the Eighth Amendment. Pesce sought injunctive relief requiring the Defendants to supply him with access to physician-prescribed methadone treatment, which the corrections facility had denied him.

Prior to and during his incarceration, Pesce struggled with opioid use disorder (OUD), a chronic disease. According to the Center for Disease Control and Prevention (CDC), OUD claimed the lives of at least 220 Americans every day in 2021.<sup>1</sup> Essex County, where Pesce resides, experienced the second highest number of opioid-related deaths of any county in Massachusetts since 2013. In addition, Massachusetts suffers from an opioid-related death rate 120 times higher for people released from jails and prisons, as compared to the rest of the adult population.<sup>2</sup>

In its decision, the *Pesce* court acknowledged that chronic diseases, including OUD, involve cycles of relapse and remission. Without treatment or other recovery efforts, OUD may cause disability or early death. Before entering active recovery, Pesce's battle with OUD resulted in his loss of employment, his surrender of custody of his son, and effectively rendered him homeless. Pesce overdosed on opioids at least six times, and on multiple occasions, paramedics administered Narcan to save his life. He made numerous attempts to overcome his addiction, including enrollment in at least four detoxification programs and submitting to medication-assisted treatment, including Suboxone and Vivitrol. None of Pesce's efforts, however, resulted in maintenance of long-term recovery. Pesce's doctor, in a sworn affidavit filed in the lawsuit, stated that he had prescribed medication-assisted treatment (MAT) with methadone to address Pesce's OUD. The doctor also averred that MAT represents the standard of care for treatment of OUD, which involves the use of FDA-approved pharmaceutical medications, including methadone, buprenorphine, and naltrexone, in combination with counseling, behavioral therapy and other interventions for the treatment of substance use disorders. According to Pesce's doctor, "without methadone treatment, he would no longer be in remission from active addiction and his tolerance for opioids would diminish."

Before serving the imposed term of incarceration, and knowing that the jail policies prohibited the administration of MAT, Pesce attempted to taper down his prescription methadone use in anticipation of experiencing forced withdrawal during incarceration. When he reduced his methadone dosage from 120 mg per day to 20 mg per day, Pesce became sick, suffered from insomnia, and felt anxious, unmotivated, fatigued, and depressed. In his affidavit, Pesce's physician stated that sudden, involuntary withdrawal of treatment would cause Pesce "severe and needless suffering, jeopardizing his long-term recovery and is inconsistent with sound medical practice." By denying medically necessary methadone treatment, the doctor opined the jail would place Pesce at a high risk of overdose and death upon his release

*continued, page 2*

*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. Kate Huffman at [ohiojohuffman@gmail.com](mailto:ohiojohuffman@gmail.com) with a copy to the staff liaison, [lisa.yoon@americanbar.org](mailto:lisa.yoon@americanbar.org). Please contact Ms. Yoon for editorial guidelines.

The deadline for submission of articles for the Summer 2023 issue is June 7, 2023.

# JAIL STANDARDS FOR DEFENDANTS WITH OPIOID SUBSTANCE DISORDERS

continued from page 1

from incarceration and stated that disruption of MAT has “long-term consequences for inmates during and after their incarceration,” including inability to successfully resume methadone treatment after release, loss of opioid tolerance and risk of fatal overdose upon exposure to even small amounts of certain drugs, especially in the first thirty days after returning to society.

The court determined that Pesce’s medical needs outweighed any harm or security concerns of the jail. Acknowledging that the prison expressed legitimate concern for the safety and security of its inmates, the potential risks to the institution’s security were outweighed by Pesce’s medical needs, particularly since the methadone would be administered in the presence of prison officials. Lastly, the court found that the public interest was better served by ensuring that Pesce received proper medical care while in prison.

Most jails and prisons prohibit methadone and buprenorphine use during incarceration, citing concerns that any drugs permitted in a detention center present safety and security risks. However, the *Pesce* decision should force law enforcement and corrections officials to view the landscape on addiction treatment differently. In 2020, the National Sheriff’s Association published *Jail-Based Medication-Assisted Treatment: Promising Practices, Guidelines, and Resources for the Field*, a resource guide to assist managers of jail facilities in providing access to buprenorphine and methadone.<sup>3</sup> While the *Pesce* decision represented the first instance where a federal judge in Massachusetts ordered a prison to supply methadone to an inmate in recovery, other corrections facilities must either provide access to MAT or face legal action.

Corrections facilities must head the words of former Massachusetts Attorney General, Martha Coakley and Rachel Hutchinson who argue, “as the opioid epidemic grows, the way we view addiction is changing . . . (T)he corrections system offers an opportunity to engage individuals who might not have strong connections to the health system. Indeed, instead of posing a threat to those struggling with substance use disorder, the corrections system could prove to be a critical point of intervention to address an individual’s health needs.”<sup>4</sup>

### Endnotes:

1. <https://nida.nih.gov/research-topics/trends-statistics/overdose-death-rates>
2. *Pesce* at 40.
3. <https://www.sheriffs.org/jail-based-mat>.
4. Arlan Fuller, *Shifting Tides: District of Massachusetts Orders Correctional Facility to Provide Opioid Treatment* - Boston Bar Association, Boston Journal, Spring 2019, Vol. 63, No. 2 (2019).

# SELF-CARE IS NOT SELFISH! 9 WAYS JUDGES CAN PRACTICE SELF-CARE

Scott R. Mote, Esq.  
Executive Director of the Ohio Lawyers Assistance Program  
Columbus, Ohio

The experiences of clients in specialized dockets, particularly trauma involvement influencing the client's progress, may have a profound effect on the well-being of the judge and treatment team members. Judges, like lawyers, are responsible for helping others solve problems, but may overlook personal well-being when focusing on the needs of others.

Self-care represents a basic human necessity. It means taking care of all parts of yourself—accepting your flaws and weaknesses, and taking charge of your emotional, mental and physical well-being. Practicing self-care is not selfish or narcissistic, but focuses on taking steps to be the best you can be by living a healthy and meaningful life. Self-care is essential for building resilience around stress in your life and helps in coping with anxiety, burnout, stress and depression. Consider committing to self-care by incorporation these nine practices into your life:

## Be kind to yourself

Have you heard it? The negative thought that pops into your head when you make a mistake, when you say the wrong words, when you are late? It might tell you that you are stupid, that you are ugly, that you are not good at your job. Learn to recognize these thoughts and challenge them. Replace negative thoughts with something positive. For example, if you double-booked meetings, and the voice tells you that you are unorganized and a failure, tell yourself that you will do a better job of keeping your calendar up to date. Just as we start to believe our negative thoughts, if those negative thoughts are replaced with positive affirmations, the positive affirmations will become the focus.

## Eat a balanced diet

A person who eats mostly refined (processed) foods, ingests more than 45 teaspoons of sugar a day, and consumes more than 45% of calories from fat is more likely to suffer health problems than a person who eats mostly fruits, vegetables, whole grains, proteins and legumes. Health issues include a higher risk of heart attack, diabetes, arthritis, sleep disorders, depression, cancer, allergies, gout . . . the list goes on. Those who choose to eat healthy have better confidence, live longer, have fewer accidents and experience a higher energy level.

The focus of a healthy diet should be four key ingredients daily: protein, good fats, complex carbohydrates and water. You should also invest in a good multi-vitamin.

## Exercise regularly

Multiple studies have shown that people who exercise regularly (five times a week for at least 30 minutes) have:

- More energy
- Sharper memory
- Improved mood
- Better concentration
- Stronger resilience
- Higher self-esteem and self-confidence
- Better sleep
- Less depression
- Less anxiety
- Less stress

*continued, page 4*

## Dates to Remember

April is National Distracted Driving  
Awareness Month

April 3 – 10  
Distracted Driving  
*U Drive. U Text. U Pay.*



April 20  
Drug-Impaired Driving Campaign  
*If You Feel Different, You Drive Different*

**IF YOU FEEL DIFFERENT  
YOU DRIVE DIFFERENT**

May 15 – June 4  
Occupant Protection  
Click It or Ticket



## Contact Info

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

### Judicial Fellow:

Hon. Kate Huffman: [ohiojolhuffman@gmail.com](mailto:ohiojolhuffman@gmail.com)

### Tribal Courts Fellow:

Hon. J. Matthew Martin: [abajudicialfellow@gmail.com](mailto: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](mailto:emehnert@hm-law.us)

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

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

Hon. Ronald Ramsey, Region 4 (Tennessee, Alabama, Georgia, South Carolina, and Florida): [judgeramseysr@gmail.com](mailto:judgeramseysr@gmail.com)

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

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

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

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

# SELF-CARE IS NOT SELFISH! 9 WAYS JUDGES CAN PRACTICE SELF-CARE

continued from page 3

An ideal week of adequate exercise consists of three cardiovascular workouts for 45 minutes and weight training twice a week. Examples of cardio include walking, jogging, swimming, bicycling and hiking.

If specific time for a workout proves difficult to schedule, exercise throughout the day by focusing on smaller intervals to equal a total of 30 minutes, as long as your heart rate increases each time. Take the stairs, walk or go to the gym during your lunch break, park your car farther away from the entrance—these small steps can add up. Better yet, invite a colleague to join you on your fitness journey. Having a buddy can increase your chances of committing to exercise.

### Get quality sleep

We all have days where we are sleepy, but beware of fatigue—a mental or physical state of extreme tiredness and lack of energy. Examples of fatigue include experiencing efforts to try desperately to stay awake, nodding off for a second or a minute, or just have an overall feeling of being tired. Symptoms of fatigue include trouble concentrating, making decisions, problem-solving, listening and relating to others, all requirements of being a good judge. A lack of sleep can result in a greater chance of feeling burned out, an increased risk of heart attack, high blood pressure, stroke and obesity.

The good news is that those who already incorporate a healthy diet and exercise into their daily schedules tend to find that sleep comes easier for them. To get at least eight hours of sleep, try to build a habit of going to bed at the same time every night and waking up at the same time every day. A consistent bedtime stimulates the body's sleep-wake cycle. If you have trouble falling asleep, some supplements like over-the-counter melatonin have been shown to help (but always consult with your doctor first).

### Meditate

Meditation is a practice that focuses the mind on a particular object, thought or activity. The benefits of meditation are plenty. It can reduce stress, control anxiety, enhance self-awareness, lengthen your attention span and improve sleep.

### Go outside

When you stay inside all day, work long hours and rarely take any breaks, you shut yourself out of your natural habitat—nature. A study found that people who moved from a city to a rural area saw a reduction in depression, and people who moved away from a rural area into a city saw an increase in depression. When researchers compared those running on a treadmill in the gym with people who run in nature, those running in nature were found to experience a higher reduction in depression symptoms. When faced with a natural landscape, people develop a sense that personal concerns are very small, and that the world is so much larger than the individual. Nature helps us see the bigger ways we are connected to everything around us. Life is not just about going to the office and building up your retirement account, but so much more than that! So get outdoors, exercise and enjoy the view. Your mood will thank you for it.

### Be grateful

Instead of focusing on the things we lack or the challenges in our lives, it is important to make gratitude a part of our regular health routine. Many studies have shown that displaying gratitude helps us become healthier, happier and more successful. Showing

*continued, page 5*

# SELF-CARE IS NOT SELFISH! 9 WAYS JUDGES CAN PRACTICE SELF-CARE

continued from page 4

or practicing gratitude can be done in several ways—say thank you to someone; write a hand-written thank-you note; keep a gratitude journal; thank yourself.

## Take breaks from electronics

Although technology addiction is not yet listed in the Diagnostic and Statistical Manual (DSM—5), the book that clinicians and psychiatrists in the United States use to diagnose disorders and mental illnesses, many experts believe that spending too much time online can lead to problems, such as stress, anxiety, sleep disorders and depression.

If you are feeling stressed or anxious, it might be time for a digital detox—committing to refraining from technology for a specific amount of time. A digital detox does not mean totally disengaging from devices—that would be impossible. We all have work to do, and we likely need technology to do it. A digital detox could be for a weekend, a couple days or even a few hours a day. Consider creating a schedule or timeframe for your technology use. Putting down the devices might seem impossible to do, but it can and should be done, especially if technology time is getting in the way of other responsibilities.

## Live in the present

Living in the present, or mindfulness, is not just a popular phrase, but instead represents an evidence-backed lifestyle that psychologists recommend for those struggling with anxiety. Being in the present moment, or the “here and now,” means being aware and mindful of what is happening at that very moment. You are not distracted by events from the past and you are not worrying about the future. You are centered in the here and now. All of your attention is focused on the present moment, which helps relieve stress and anxiety.

As you focus more on self-care, try to build a self-care plan. You can do this by assessing your needs and considering your stressors. Once you identify obstacles to your well-being, you can devise self-care strategies to address them. Remember to take small steps and schedule time for self-care. Your body, mind and loved-ones will thank you for it.

# THANK YOU, JUDGE AXEL!

In December, 2022, Judge Neil Axel entered a much-deserved retirement from his work as the American Bar Association National Judicial Fellow, and as editor of *Highway to Justice*. A graduate of Syracuse University and the American University’s Washington College of Law, Judge Axel’s storied legal career spans almost 50 years. Upon admission to the bar in 1974, Judge Axel entered private practice, handling criminal, personal injury and family law matters for almost twenty-two years. In 1997, he was appointed to the District Court of Maryland, a court of limited jurisdiction. During his sixteen years of active judicial service, Judge Axel presided as the Judge-in-Charge of Drug and DUI Treatment Courts in Howard County, Maryland for seven years.

While on the bench, Judge Axel served on a variety of judicial committees, including the Maryland Judicial Conference Committee on Problem Solving Courts, the Maryland Drug Treatment Court Oversight Committee, the District Court Civil Committee, the

## Contact Info continued

### State 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:

**Illinois:** Hon. Mark Shaner:  
[mshaner2ndcirjud@gmail.com](mailto:mshaner2ndcirjud@gmail.com)

**Indiana:** Hon. Earl G. Penrod:  
[penrodinjol@gmail.com](mailto:penrodinjol@gmail.com)

**Kentucky:** Hon. John McCarty:  
[judge.mccarty@gmail.com](mailto:judge.mccarty@gmail.com)

**Louisiana:** Hon. Jules D. Edwards III:  
[jules.edwards.iii@gmail.com](mailto:jules.edwards.iii@gmail.com)

**Minnesota:** Hon. Kerry Meyer:  
[meyermnjol@gmail.com](mailto:meyermnjol@gmail.com)

**Missouri:** Hon. Casey Clevenger:  
[sjolclevenger@gmail.com](mailto:sjolclevenger@gmail.com)

**Nevada:** Hon. Michael Montero:  
[judge.monteronvjol@gmail.com](mailto:judge.monteronvjol@gmail.com)

**New Mexico:** Hon. Kevin L. Fitzwater:  
[kevin.fitzwater2@gmail.com](mailto:kevin.fitzwater2@gmail.com)

**North Carolina:** Hon. Joseph Buckner:  
[judgejoebuckner@gmail.com](mailto:judgejoebuckner@gmail.com)

**North Dakota:** Hon. John W. Grinsteiner:  
[John.grinsteiner@ndsu.edu](mailto:John.grinsteiner@ndsu.edu)

**Ohio:** Hon. Patrick Carroll:  
[carrolljol26@gmail.com](mailto:carrolljol26@gmail.com)

**Oklahoma:** Hon. Rodney (Rod) Ring:  
[joloklahoma@gmail.com](mailto:joloklahoma@gmail.com)

**Oregon:** Hon. Eric Bergstrom:  
[ericbergstrom084@gmail.com](mailto:ericbergstrom084@gmail.com)

**Pennsylvania:** Hon. Michael Barrassé:  
[mbarrassé@gmail.com](mailto:mbarrassé@gmail.com)

**South Carolina:** Hon. W. Mattison Gamble:  
[mgamble@sumtercountysc.gov](mailto:mgamble@sumtercountysc.gov)

**Tennessee:** Hon. Donald Parish:  
[donaldparish1@yahoo.com](mailto:donaldparish1@yahoo.com)

**Texas:** Hon. Laura Weiser:  
[lweiser@yourhonor.com](mailto:lweiser@yourhonor.com)

**Virginia:** Hon. Michael Cassidy:  
[mcassidy@vacourts.gov](mailto:mcassidy@vacourts.gov)

continued, page 6

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](mailto:lisa.yoon@americanbar.org)

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

Judicial Inquiry Board of the Commission on Judicial Disabilities, the Special Committee to Review ABA Revised Code of Judicial Conduct, and the Judicial Institute of Maryland.

In addition to his involvement in the legal community, Judge Axel has lent his talents to numerous civic organizations and boards. To name just a few, Judge Axel served as the Co-Chairperson of the Family and Sexual Violence Coordinating Council for Howard County, Maryland for ten years, and volunteered on the Board of Directors, including two years as Chairperson, for Special Olympics Maryland. His dedication to addressing substance abuse concerns is evidenced in his work on the Governor's Advisory Council on Drug Abuse and the Howard County (Maryland) Drug Abuse Advisory Council.

A primary focus for Judge Axel throughout his legal and judicial career has been on improving access to justice and increasing opportunities for innovative solutions to substance abuse concerns affecting the safety of the public and those involved in the criminal justice system. Shortly before taking senior status in 2013, Judge Axel accepted the appointment as the first Regional Judicial Outreach Liaison (JOL) for NHTSA Region 3. As Region 3 JOL, he assisted judges in Delaware, Maryland, Virginia, North Carolina, West Virginia, Kentucky, and the District of Columbia on impaired driving topics until 2016. In early 2018, Judge Axel succeeded Judge Earl Penrod as the ABA Judicial Fellow. During his tenure as Judicial Fellow, Judge Axel was instrumental in the expansion of the JOL program from approximately ten regional and state JOLs to as many as thirty JOLs around the country. "The expansion of the JOL program would not have been possible without Judge Axel's efforts," said Caroline Cash, NHTSA Highway Safety Specialist. While serving as the ABA Judicial Fellow, Judge Axel traveled to nineteen states and the District of Columbia, presenting more than ninety programs on impaired driving and related topics for judges and other stakeholders. Judge Matthew Martin, the ABA Tribal Fellow, recently applauded Judge Axel's work to assist in providing resources to the tribal communities in their efforts to address impaired driving, observing that "Judge Axel consistently focused on increasing outreach to the most marginalized communities in the country. His support of the tribal court judges has been unwavering." Judge Axel's duties as Judicial Fellow included serving as editor of *Highway to Justice*, contributing articles on impaired driving to numerous publications, as well as developing and implementing a six-part judicial curriculum on impaired driving.

Since 2013, Judge Axel has taught on the faculty of the National Judicial College, and currently serves as the Chair of the NJC Faculty Council. During his storied career, Judge Axel has been honored with numerous awards for his service, including the Washington College of Law Distinguished Alumnus Award (1999), the Maryland State Bar Association Judge Anselm Sodaro Judicial Civility Award (2005), the Howard County Bar Foundation Award for Excellence (2009), and the ABA Judicial Division Franklin N. Flaschner Award as the nation's outstanding specialized court judge (2016). Judge Axel also received the National Highway Traffic Safety Administration Public Service Award in 2020.

Many of us in the judicial ranks have benefited greatly from Judge Axel's leadership and counsel. He continues to teach and mentor judges across the country. Judge Axel recently remarked, "(e)arly on in my practice, I learned the value and importance of continuing education, and became actively involved in attending and teaching numerous courses. That is something that I have continued throughout my judicial career." He remains on the bench in Maryland as a senior judge, presiding over cases fifty to seventy days a year.

Judge Axel and his wife of 46-years, Val, enjoy traveling and look forward to many more adventures. They have two children and "retirement" will provide an opportunity to

*continued, page 7*

spend more time with their five-year-old granddaughter, Sloan. In his spare time, Judge Axel enjoys reading, playing golf and pickleball. Please join all associated with the JOL program in wishing Judge Axel well in this new phase of life and in thanking him for his work to educate judges, the legal community, and other stakeholders on the dangers of impaired driving.

## DON'T FORGET

### Resources for responding to the COVID-19 pandemic:

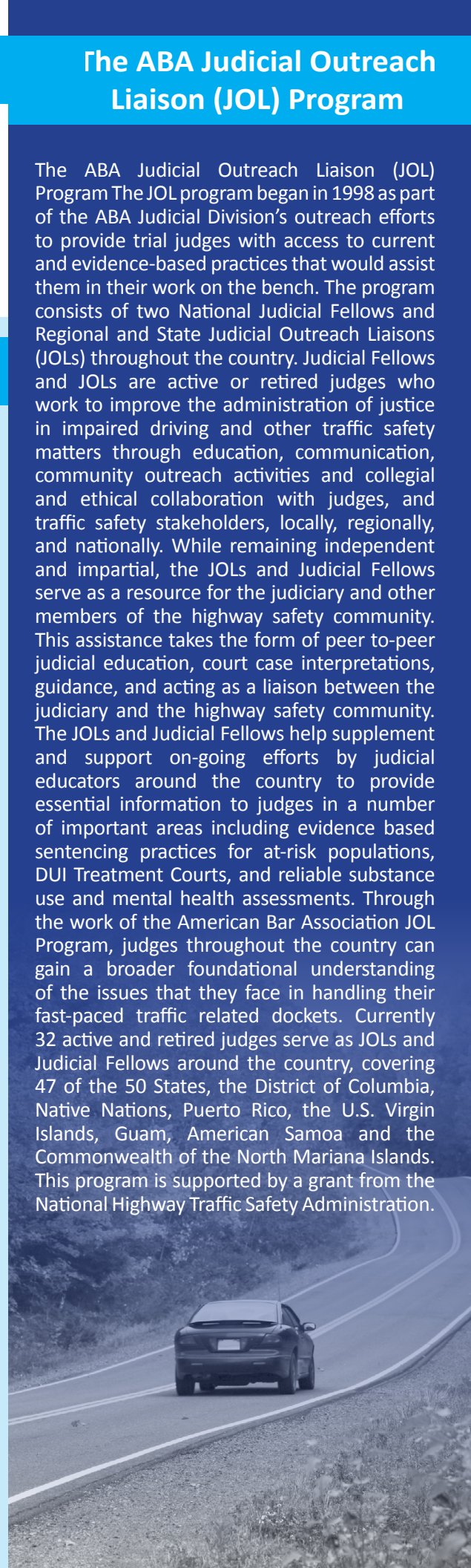
- **SAMHSA's Guidance for Medication-Assisted Treatment (MAT) Opioid Treatment Programs**  
<https://www.samhsa.gov/medication-assisted-treatment>
- **Up-to-Date Information for the Substance Use Disorder Treatment field from SAMHSA**  
<https://www.samhsa.gov/>
- **Centers for Disease Control and Prevention**  
<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/](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/](http://www.americanbar.org/groups/judicial/publications/judicial_division_record_home/highway-to-justice/)
- **National Judicial College**  
[www.judges.org](http://www.judges.org)
- **Governors Highway Safety Association: Alcohol Impaired Driving**  
[www.ghsa.org/issues/alcohol-impaired-driving](http://www.ghsa.org/issues/alcohol-impaired-driving)
- **AAA Foundation for Traffic Safety**  
[www.aaafoundation.org/](http://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.



# UPCOMING WEBINARS AND NJC COURSES



AMERICAN **BAR** ASSOCIATION  
Judicial Division



THE NATIONAL  
JUDICIAL COLLEGE

Est. 1963

## **Search and Seizure in Drug Impaired Driving Adjudication**

**May 3, 2023 — 3pm Eastern**

**Duration: 60 minutes online course**

Access to justice has increasingly become the focus in courts across the country. This webcast will focus on the delicate balancing act of imposing pre-trial conditions on impaired drivers in traffic courts and the obstacles they often face in complying. This course will explore innovative and creative approaches to these cases while in the pre-trial stage and ways to avoid often crippling legal financial obligations and cost prohibitive conditions before final adjudication. This course will also address some of the practical challenges presented in imposing some conditions.

**Register here:** <https://www.judges.org/courses/search-and-seizure-in-drug-impaired-driving-adjudication/>

## **The Traffic Case: A Course for Nonlawyer Judges**

**May 22-25, 2023 — The National Judicial College, Reno, NV**

**Conference Fee: \$199**

Nonlawyer judges may preside over cases involving impaired driving, which is a crime in all 50 states.

Criminal matters such as impaired driving where incarceration is a potential sentence can have issues concerning due process, the 6<sup>th</sup> Amendment, and the right to a fair trial. This course is specially designed to give nonlawyer judges a solid foundation in evidence admissibility, the flow of a trial from beginning to end, case management, sentencing and more.

**Register here:** [The Traffic Case: A Course for Nonlawyer Judges - The National Judicial College](#)

## **Impaired Driving 2023: Where Are We?**

**October 11, 2023 — FREE 60-minute Online Course at 3pm Eastern**

As Bob Dylan sang in 1964, “the times they are a changing.”

Now, almost 50 years later, the same can be said for the issues that trial judges face in handling impaired driving cases. Increases in the number of drug-impaired driving cases on our highways have added new challenges for trial judges as they deal with evidentiary challenges, legalization, emerging caselaw, and evidence-based sentencing practices in this evolving area of the law.

This fast-paced course will highlight what today’s impaired driver looks like, and will identify various issues and challenges that trial judges face in their handling of impaired driving cases.

**Register here:** [Impaired Driving 2023: Where Are We? - The National Judicial College \(judges.org\)](#)

## **Impaired Driving Case Essentials**

**Nov 13-16, 2023 — Reno, NV**

**(This course is offered at no cost to eligible participants. Please contact the registrar’s office for eligibility.)**

This course provides you with an overview of sentencing practices and evidence-based options for impaired driving traffic offenses including those committed by younger drivers, older drivers, and hardcore DUI defendants. After this course, you will be able to analyze circumstances providing a legal basis for stops, searches, seizures, arrests, and the admissibility of testimonial or physical evidence.

**Register here:** [Impaired Driving Case Essentials - The National Judicial College \(judges.org\)](#)