

# HIGHWAY TO JUSTICE

WINTER 2023

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

## EDITOR'S NOTE: TRAFFIC SAFETY RESOURCE PROSECUTORS

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

This issue features articles from the Traffic Safety Resource Prosecutors (TSRPs) in Michigan and Illinois. TSRPs are part of a nationwide network of highway safety stakeholders dedicated to reducing highway crashes and impaired driving recidivism. This network also includes Law Enforcement Liaisons (LELs), Regional and State Judicial Outreach Liaisons (JOLs), Toxicology Fellows, Probation Fellows, and others who provide peer-to-peer training and expertise in the handling of impaired driving cases.

Each State has one or more TSRPs who are current or former prosecutors who provide training, education, and technical support to traffic crimes prosecutors and law enforcement agencies throughout their respective

States. A list of TSRPs around the country can be found at: <https://ndaa.org/programs/ntlc/traffic-safety-resource-prosecutor-list/>.

In this issue, Kenneth Stecker and Kinga Canike, TSRPs from Michigan discuss the importance of language when talking about the motor vehicle crashes that occur on our highways. Our next article is written by Illinois' TSRP, Jennifer Cifaldi, and highlights new and emerging caselaw in Illinois that demonstrates the challenges that courts around the country are facing in determining the permissible limits of warrantless searches and seizures when police detect the odor of marijuana in the age of legalization.

Finally, with this issue, we are honored to announce the selection of a new American Bar Association Judicial Fellow. As of the beginning of this year, Judge Mary Katherine Huffman of the Ohio Second District Court of Appeals succeeds Judge Neil Edward Axel as the ABA's Judicial Fellow. As part of her responsibilities, she will also serve as the new Editor of *Highway to Justice*.

## CALL THEM CRASHES, NOT ACCIDENTS

*By Kenneth Stecker, Esquire  
Michigan Traffic Safety Resource Prosecutor  
Lansing, Michigan*

*By Kinga Canike, Esquire  
Michigan Traffic Safety Resource Prosecutor  
Lansing, Michigan*

On average, someone is killed in a drunk driving crash every 53 minutes, and every two minutes, someone is injured because of this entirely preventable crime.<sup>1</sup> At any given point, there are potentially two million people on the roads who have had three or more drunk driving offenses.<sup>2</sup> These drunk drivers intentionally choose to drive drunk, knowing that they may seriously injure or kill another innocent driver or passenger. Newspaper headlines and articles are typically written with the following words:

"Woman who killed best friend in drunk driving accident sobs as she gets sentenced to probation."<sup>3</sup>

"Tragedy struck last Friday evening as three people were killed in an accident on I-69 in Pike County. Initial investigation indicates that drugs played a role in the accident, in which Brian Paquette of Newport News, Virginia drove his SUV the wrong direction in both the northbound and southbound lanes of the interstate."<sup>4</sup>

Even appellate court opinions commonly use the following language:

"This case arises out of a fatal motor vehicle accident that occurred on March 20, 2017, at the intersection of Woodward Avenue and State Fair Avenue in Detroit, Michigan. At the time of the accident, defendant was

*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 Spring 2023 issue is March 1, 2023.

# CALL THEM CRASHES, NOT ACCIDENTS

continued from page 1

allegedly driving reckless while she had cocaine in her body and lacked a valid driver's license."<sup>5</sup>

"A car being driven by defendant collided with a sports utility vehicle, killing three of its passengers. The accident occurred after defendant led police on a chase at speeds more than ninety miles per hour. After the accident, defendant's blood alcohol level was 0.135."<sup>6</sup>

"Defendant's conviction arose from his involvement in a car accident that killed one person and seriously injured another. The accident occurred when defendant, the driver of a Dodge Ram pickup truck traveling at a high rate of speed in a residential area, while under police surveillance, disregarded a red signal at an intersection and collided with a minivan that had entered the intersection on a green light."<sup>7</sup>

How powerful is this word "accident?" The word suggests something of the unforeseen, an event that could not have been anticipated and for which no one can be blamed.<sup>8</sup> From reading the above headlines and court opinions, one can envision that these events were undesirable and unfortunate happenings, and unintentional occurrences on the part of the intoxicated drivers.

In essence, it was something that could not be predicted or avoided by the intoxicated driver; it was just something that happened. It is clear, however, that is not the case. These events are not "Acts of God," but predictable results of specific actions. They are "crashes!" Using the word "accident" in describing these tragedies implies the resulting injuries are unavoidable and that society should merely accept these injuries, fatalities, and damage as an inescapable or inevitable part of our daily lives. This is not a novel idea. Distinguishing between "accident" and "crash" dates back to a 1997 campaign launched by the National Traffic Safety Administration (NHTSA).<sup>9</sup> "Changing the way we think about events, and the words we use to describe them, affects the way we behave," wrote Pamela Tatiana Anikeeff, Ph.D., NHTSA Senior Behavioral Scientist, on August 11, 1997, describing NHTSA's new "crashes are not accidents" campaign:

"Motor vehicle crashes and injuries are predictable, preventable events. Continued use of the word "accident" promotes the concept that these events are outside of human influence or control. . . ."<sup>10</sup>

Since 1997, NHTSA and its employees no longer use the word "accident" in any of its materials or communications with media or other groups.<sup>11</sup> Many law enforcement agencies, including both New York and San Francisco Police Departments, abandoned use of the word "accident" recognizing it could deter the focus on traffic safety necessary to reduce death rates.<sup>12</sup> "Words have impact, words evoke images and stir emotions."<sup>13</sup>

Additionally, in November 2019, the Michigan Department of Transportation released a video explaining the distinction between a crash and an accident.<sup>14</sup> Their website encourages people to go to [www.crashnotaccident.com](http://www.crashnotaccident.com), where they can sign a pledge promising to help educate others about why "crash" is a better word than "accident." The site includes links to share a poster on social media. The poster states:

"Before the movement to combat drunk driving, intoxicated drivers would say 'it was an accident' when they crashed their cars. Planes don't have accidents. They crash. Cranes don't have accidents. They collapse. And as a society, we expect answers and solutions. Traffic crashes are fixable problems, caused by dangerous streets and unsafe drivers. They are not accidents. Let's stop using the word 'accident' today."

continued, page 3

# CALL THEM CRASHES, NOT ACCIDENTS

continued from page 2

Law enforcement officers and prosecutors investigating and/or prosecuting a drunk/drugged driving crash, distracted driving crash, or a reckless driving crash should avoid using the word “accident” in police reports and during all courtroom proceedings. We all have a responsibility for road safety, and as we go forward, we need to continue to reassess our efforts to combat the threat to safety on our roads. One simple way we can make a difference is by eliminating the word “accident” and to use the appropriate word “crash.”

*Authors’ Note: For more information on this article and PAAM training programs, contact either author by e-mail at [steckerk@michigan.gov](mailto:steckerk@michigan.gov) or [canikek@michigan.gov](mailto:canikek@michigan.gov). Please consult your prosecutor before adopting practices suggested by reports in this article. Discuss your practices that relate to this article with your commanding officers, police legal advisors, and the prosecuting attorney before changing your practice.*

1. <http://www.madd.org/drunken-driving/about/>
2. *Id.*
3. New York Daily News, “Woman who killed best friend in drunk driving accident sobs as she gets sentenced to probation,” December 5, 2014.
4. <http://www.wagnerreese.com/blog/car-accident/wrong-way-driver-killsthree-on-i-69/>
5. *People v. Stock*, case number 340541, decided December 26, 2019 (Michigan Court of Appeals) (Unpublished).
6. *People v. Gonzalez*, case number 199230, decided August 11, 1998 (Michigan Court of Appeals) (Unpublished).
7. *People v. Darden*, case number 314562, decided June 12, 2014 (Michigan Court of Appeals) (Unpublished).
8. <https://www.michigan.gov/mdot/travel/safety/road-users/crash-not-accident>.
9. <http://www.tphlink.com/injury-prevention.html>.
10. “Crashes Aren’t Accidents Campaign,” by Pamela Anikeef, NHTSA Now, V. 3, No. 11, August 11, 1997.
11. <http://www.tphlink.com/injury-prevention.html>
12. <http://www.h-nlaw.com/blog/accident-best-way-describe-car-crash/>
13. Hughes, Brandon (July 2008). Word Choice Matters: Crash vs. Accident. The Alabama Prosecutor.
14. More information and the video can be found on a new webpage: [www.Michigan.gov/CrashNot](http://www.Michigan.gov/CrashNot) Accident.

## Dates to Remember

Happy New Year!

February 12th

Super Bowl LVII

IMPAIRED DRIVING:

Fans Don’t Let Fans Drive Drunk

March 17th

St. Patrick’s Day

IMPAIRED DRIVING:

Buzzed Driving Is Drunk Driving

Designate A Sober Driver



## 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/>



## 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)

# WHEN “SMELLED WEED, SEARCHED CAR” IS CALLED INTO QUESTION: ILLINOIS APPELLATE COURTS AT ODDS WITH EACH OTHER AS OFFICERS HANG IN THE BALANCE

By Jennifer Cifaldi, Esquire

Illinois Traffic Safety Resource Prosecutor

University of Illinois–Springfield

Quincy, Illinois

In June of 2019, the State of Illinois passed the Cannabis Regulation and Tax Act allowing adults 21 years of age and older to possess small amounts of cannabis for recreational use.<sup>1</sup> It is a violation of the law, however, to have open cannabis in a motor vehicle, to smoke cannabis in a vehicle,<sup>2</sup> to operate a motor vehicle while impaired by cannabis,<sup>3</sup> or to have 5 nanograms or more of delta-9 tetrahydrocannabinol in one’s blood while driving or being in actual physical control of a motor vehicle.<sup>4</sup> So where does that leave police when it comes to search and seizure? Does the odor of cannabis alone provide probable cause to support a warrantless search of a motor vehicle? Would it matter if it were the odor of burnt cannabis versus raw cannabis? Would it matter if the traffic stop was based on suspicion of impaired driving? Thus far recent cases have not addressed impaired driving stops but two Illinois Appellate District Courts from 2022 have taken opposing positions on the more general question of probable cause to search leaving officers in a wait-and-see holding pattern until the Illinois Supreme Court weighs in.

Since 1985, Illinois officers could readily rely upon the concept of “smelled weed, searched car” thanks to the case of *People v. Stout*, 106 Ill.2d 77, 477 N.E.2d 498 (1985). In *Stout*, the Court held that officers had probable cause to search a vehicle based solely on the odor of a controlled substance. In doing so, the Court noted that “distinctive odors can be ‘persuasive evidence’ of criminal activity.”<sup>5</sup>

The cannabis landscape has changed dramatically in Illinois since then. By 2014, medical cannabis was allowed for certain medical conditions<sup>6</sup>. By July of 2016, Illinois decriminalized possession of less than 10 grams of cannabis making it a civil infraction punishable by a \$100-200 fine.<sup>7</sup> When looking for probable cause to search a motor vehicle, when does an officer know that what he or she is smelling is a criminal amount versus a civil infraction? Or what if the officer is detecting is nothing more than the odor from a shirt worn by someone who previously used? As the laws and punishments regarding possession of cannabis evolved, the defense challenges as to probable cause for officers to search vehicles based on odor began.

Following decriminalization, early appellate cases in Illinois continued to follow *Stout*. For example, in the case of *In Re O.S.*, 2018 IL App 1st 171765, 112 N.E.3d 621 (2018) the 1st District Appellate Court upheld a search of a juvenile in a vehicle which smelled like cannabis, holding that the odor of cannabis remains indicative of criminal activity despite the fact that it had been decriminalized. In *People v. Rice*, 2019 IL App 3d 170134, 125 N.E.3d 546 (2019) the 3rd District Appellate Court noted that “decriminalization is not equal to legalization” and upheld a warrantless search of the vehicle based on the odor of burnt cannabis, relying on *In Re O.S.* Following enactment of Illinois’ medical cannabis law and the decriminalization of possession of small amounts of cannabis, the Illinois Supreme Court was faced with the same issue in *People v. Hill*, 2020 IL 124595, 162 N.E.3d 260 (2020). The Court, however, declined to address the continued validity of *Stout* since the trial record showed that more than just the odor of raw cannabis was considered. Instead, the Court addressed whether the totality of the circumstances supported a finding of probable cause.

Because these earlier opinions had the concept of “smelled weed, searched car” hanging by a thread, the 3rd District Appellate Court’s ruling late last year in *People v. Stribling*, 2022 IL App 3d 210098 (2022) should have come as little surprise. The court agreed with the

*continued, page 5*

# WHEN “SMELLED WEED, SEARCHED CAR” IS CALLED INTO QUESTION: ILLINOIS APPELLATE COURTS AT ODDS WITH EACH OTHER AS OFFICERS HANG IN THE BALANCE

continued from page 4

trial court and held that a vehicle search based on the odor of burnt cannabis without any other corroboration was not supported by sufficient probable cause. Specifically, the Court held that “the Supreme court’s holding in *Stout* is no longer applicable to post-legalization fact patterns.” This holding was followed two months later in another opinion from the 3rd District Appellate Court in the case of *People v. Redmond*, 2022 IL App 3d 210524 (2022). In *Redmond*, the Court similarly held that the odor of burnt cannabis alone is insufficient to lead a reasonable officer to conclude there was a reasonable probability that a vehicle contained contraband or evidence of criminal activity giving rise to probable cause to search.

Immediately following the *Stribling* and *Redmond* decisions, however, the 4th District Appellate Court ruled in the case of *People v. Molina*, 2022 IL App 4th 220152 (2022) that the 3rd District erred in its decisions in *Stribling* and *Redmond* and that *Stout* remains good law. While *Molina* dealt with the odor of raw cannabis, the Court also held that cannabis and alcohol should not be treated the same because there is no crime for having an illegal amount of alcohol in a vehicle like there is with cannabis.

This conflict in the Appellate Districts illustrates the different approaches taken by appellate courts around the country as they grapple with how to apply 4th amendment jurisprudence in a post-legalization world. Moving forward, and until the Illinois Supreme Court resolves the conflict within the appellate districts, the safest approach for officers is to do more than just “smell weed, search car” if they want to ensure that their searches comport with the 4th amendment and avoid risking an adverse ruling on admissibility of the evidence obtained from such searches. The circumstances surrounding an impaired driving stop may provide the additional probable cause to search the vehicle, but officers will need to be able to articulate those circumstances since the presence of cannabis may be evidence of the crime of impaired driving.<sup>8</sup> It’s also important to remember that sometimes, even in impaired driving investigations, there isn’t anything more than just an odor prior to a search. And if that’s the case, we will just have to wait to see how the Illinois Supreme Court rules.

1. 410 ILCS 705/1-5(a): In the interest of allowing law enforcement to focus on violent and property crimes, generating revenue for education, substance abuse prevention and treatment, freeing public resources to invest in communities and other public purposes, and individual freedom, the General Assembly finds and declares that the use of cannabis should be legal for persons 21 years of age or older and should be taxed in a manner similar to alcohol.
2. 625 ILCS 5/11-502.15.
3. 625ILCS5/11-501(a)(4).
4. 625ILCS5/11-501(a)(7). It is worth noting that this *per se* prohibition does not apply to the lawful consumption of cannabis by a qualifying patient licensed under the Compassionate Use of Medical Cannabis Program Act who is in possession of a valid registry card issued under that Act unless that person is impaired by the use of cannabis.
5. 106 Ill.2d 77, 87, 477 N.E.2d 498,502 (1985).
6. 410 ILCS 130/1 et seq.
7. 720 ILCS 550/4
8. Of course, constitutionally valid consent may also provide the basis for a warrantless search of the vehicle or its occupants.

## 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:  
[siolclevenger@gmail.com](mailto:siolclevenger@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)

**New York:** Thomas J. Carr, Esq.:  
[tjcarr@nycourts.gov](mailto:tjcarr@nycourts.gov)

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

**Ohio:** TBD

**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. Gordon Wilkins:  
[gordonwilkins16@gmail.com](mailto:gordonwilkins16@gmail.com)

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

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

## OHIO JUDGE SELECTED AS ABA JUDICIAL FELLOW



Judge Mary Katherine Huffman of the Ohio Second District Court of Appeals has been selected as the next American Bar Association Judicial Fellow effective January 1, 2023. Judge Huffman succeeds Judge Neil Edward Axel who served as Judicial Fellow since 2018. Prior to her selection as Judicial Fellow, she served as the ABA Judicial Outreach Liaison for the State of Ohio.

A life-long resident of Ohio, Judge Huffman received her B.A. in political science from Wright State University and her law degree from the University of Dayton School of Law, graduating summa cum laude from each institution. She received the Distinguished Alumni Award from the University of Dayton Law School in 2007. Judge Huffman

also received an M.A. in Judicial Studies from the University of Nevada in 2015 and a Certificate in Judicial Development General Jurisdiction Trial Skills. In 2019, she earned a Certificate in Judicial Development Dispute Resolution Skills from the National Judicial College.

Judge Huffman served for more than 20 years as a judge of the Montgomery County Common Pleas Court prior to her election to the Court of Appeals late last year. While serving on the Commons Pleas Court, Judge Huffman oversaw that court's Recovery IS Empowering Court (R.ISE.; formerly known as Women's Therapeutic Court) docket that focuses on reducing crime by providing support to women whose drug using behavior contributed to their criminal conduct. The RISE docket is a highly structured program, lasting six months to five years, which encourages sobriety through weekly Court appearances, intensive supervision by the Criminal Justice Services Department, urine testing, involvement in treatment, and programming to support important life skills. Since the program's establishment in 2014, the R.ISE. court has had over 430 participants.

Contributing time outside the courtroom for the improvement of the legal and judicial communities has always been a priority for Judge Huffman throughout her 30-year legal career. She has devoted time to the development of the legal community and provided her experience to the betterment of judicial standards through a number of projects and efforts. She is frequently appointed by the Ohio Supreme Court to mentor new lawyers and judges. She also teaches a variety of continuing education courses for judges.

Judge Huffman has served on the adjunct faculty of the University of Dayton School of Law since 2003, teaching a variety of courses. She also serves on the Specialized Courts Committee and the Criminal Law and Procedure Committee of the Ohio Judicial Conference, the Commission for the Rules of Practice and Procedure of the Ohio Supreme Court, and is a member of the Board of Trustees of the Ohio Judicial College.

Judge Huffman resides in Washington Township, Ohio with her husband Wayne, and is the mother of three adult children and has five grandchildren.





AMERICAN BAR ASSOCIATION  
Judicial Division



THE NATIONAL JUDICIAL COLLEGE

## The Traffic Case: A Course for Nonlawyer Judges

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

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 6th 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 Case Essentials

Nov 13–15, 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 \(judges.org\)](#)

## 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 \(judges.org\)](#)

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

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.

