

# HIGHWAY TO JUSTICE

SUMMER 2024

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

## COMBATting IMPAIRED DRIVING: MEET THE ABA MILITARY JUDICIAL FELLOW



Col. Osborn

The 18-30-year-old male is an overrepresented demographic in crash fatalities, and the same cohort makes up the largest population serving in the United States military. The American Bar Association recently recognized a unique opportunity to support its continued pledge to combat impaired driving by creating the position of National Impaired Driving Military Judicial Fellow.

In June 2024, the ABA named Colonel Tara Osborn, U.S. Army (Ret.) as the inaugural Military Judicial Fellow,

joining Judge J. Matthew Martin, the ABA Tribal Judicial Fellow, and Judge Kate Huffman, the ABA National Judicial Fellow, as an educator, writer, consultant and liaison for judges regarding all aspects of impaired driving. Col. Osborn's experience provides the unique opportunity to assist the state and regional JOLs navigate questions by state court judges related to servicemembers who appear in civilian courts.

ABA Tribal Courts Judicial Fellow J. Matthew Martin was effusive in his praise of Col. Osborn—"Col. Osborn is one of the most brilliant and diligent jurists I have ever known. The ABA is so fortunate to have her extensive leadership skill set in service of the Fellows/JOLs cohort."

Col. Osborn's duties as Military Judicial Fellow include promoting judicial education for military and civilian judges hearing impaired driving cases. She will provide education and resources on such topics as screening and assessments, evidence-based sentencing practices, sentencing and supervision practices and the unique concerns of military members involved in the justice system. Her new role also focuses on serving as a conduit to deliver resources, research and education opportunities to military commanders through individual outreach and as part of structured commander legal orientation courses and to judges through a variety of sources including the National Judicial College, National

Center for State Courts, and NHTSA and its cooperative partners. The military judicial fellow position provides Col. Osborn with the opportunity to identify and research issues of concern to judges and military commanders related to servicemembers involved with impaired driving incidents.

Col. Osborn retired after more than twenty-nine years of active military service as an Army lawyer, judge, and ultimately as the 21<sup>st</sup> Chief Trial Judge of the U.S. Army. In that role, she presided over felony criminal trials, which included capital cases, oversaw judicial operations at military installations worldwide, and led all active duty and reserve judges of the Army Trial Judiciary. Col. Osborn presided over the Fort Hood, Texas mass shooting capital case. Before her appointment to the trial bench, she completed a U.S. Army War College fellowship as Special Counsel to the Assistant Attorney General, Civil Division, at the U.S. Department of Justice in Washington, D.C.

During her active military service, Col. Osborn served in a variety of legal and operational assignments both in the U.S. and overseas. She is a combat veteran of the Persian Gulf War with service in Iraq and served two tours along the Korean Demilitarized Zone. She served at all levels of the Army Trial Judiciary; as a strategic planner on the Joint Staff in Washington, D.C.; Staff Judge Advocate of the 2<sup>nd</sup> Infantry Division in Korea; litigation attorney with both the U.S. Army Litigation Division and the Department of Defense Office of General Counsel; Chief of Criminal Law for III Corps and Fort Hood, Texas, and prosecutor with 1<sup>st</sup> Armored Division in Germany. Col. Osborn witnessed history in 1989 while stationed in Germany when the Berlin Wall fell, and in 2001 while stationed in Washington, D.C. when terrorists attacked on 9/11. Her military awards include the Legion of Merit, the Bronze Star Medal, the Valorous Unit Award, and the U.S. Department of State Superior Honor Award.

Col. Osborn brings over two decades of trial experience as a prosecutor, litigation attorney, and military judge to her role as Military Judicial Fellow. With broad experience in training lawyers and judges, she serves

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## Editor's Note

*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 Fall 2024 issue is September 1, 2024.

## COMBATting IMPAIRED DRIVING: MEET THE ABA MILITARY JUDICIAL FELLOW continued from page 1

on the faculty at the National Judicial College, where she teaches general jurisdiction, military law and capital litigation to judges nationwide. Appointed to an eight-year term as a member of the Military Justice Review Panel, Col. Osborn works on the blue-ribbon commission chartered by Congress to conduct independent reviews of the Uniform Code of Military Justice. An active leader in the American Bar Association (ABA), she is a Past Chair of the National Conference of Specialized Court Judges and currently serves as an ABA Presidential appointee to the Judges' Advisory Committee to the Standing Committee on Ethics and Professional Responsibility. She has taught extensively for the National Highway Traffic Safety Administration and the American Bar Association on the unique issues confronting judges in servicemember impaired driving cases.

Col. Osborn holds degrees from the University of South Carolina (B.A. and J.D.), the University of Virginia (M.P.A.), and the U.S. Army Judge Advocate General's School (LL.M.), and a Professional Certificate in Judicial Development from the National Judicial College. She is admitted to practice law in South Carolina and before the Court of Appeals for the Armed Forces, the U.S. Court of Appeals for the Fourth Circuit, and the U.S. Supreme Court. Col. Osborn divides her time between North Carolina and Washington, D.C.

Col. Osborn embarks on her role as ABA National Military Judicial fellow immediately and is anxious to work with others to affect safety on the roads. Remarking on her tasks ahead, Col. Osborn stated, "It's such an incredible honor to be selected as the first ABA National Military Judicial Fellow. I look forward to working with judges, military commanders, and national traffic safety stakeholders to improve the administration of justice in impaired driving cases among this unique population. Together we can save lives and enhance the welfare and readiness of our nation's fighting forces."

## FORENSIC TOXICOLOGY: A PRIMER

*Amy Miles, Regional Toxicology Liaison Program Manager  
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*Chris Heartsill, Region 7 Toxicology Liaison  
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*Kristen Burke, Region 9 Toxicology Liaison  
San Jose, CA*

Toxicological testing has been used in the United States criminal justice system since the early twentieth century. The early application of scientific knowledge of alcohol and its effects was focused on impaired driving due to the widespread use of both alcohol and automobiles. Alcohol is not only the longest-studied drug but also has the longest history of testing and scientific toxicological evidence used in the courtroom. With the invention of instruments capable of detecting and measuring alcohol in breath (i.e., Drunkometer, Breathalyzer, etc.), we have gained the ability to quantify alcohol in drivers for approximately 70 years. With research on the relationship between the concentration of alcohol and levels of impairment, legal limits have been established across the United States.<sup>1</sup> The 2022 National Survey on Drug Use and Health (NSDUH) found that 15.6

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million people (5.9%) reported driving under the influence of alcohol, a statistically significant increase from 13.4 million people (5.1%) in 2021.<sup>2</sup>

In addition to alcohol, forensic toxicologists face an ever-changing landscape of drugs in casework. The 2022 NSDUH survey also revealed that 13.6 million people (5.2%) in the U.S. reported driving under the influence of illicit drugs in the past year, a statistically significant increase from 11.9 million people (4.6%) in the 2021 survey.<sup>3</sup> Numerous impairing substances have been identified in toxicological casework with the opportunity to expand the scope. To guide what drugs should be tested for in impaired driving cases, the National Safety Council's Alcohol, Drugs, and Impairment Division published the "Recommendations for Toxicological Investigation of Drug-Impaired Driving and Motor Vehicle Fatalities-2021 Update".<sup>4</sup> Even with the guidance and the American National Standards Institute (ANSI) Academy Standards Board (ASB) document "Standard for the Analytical Scope and Sensitivity of Forensic Toxicological Testing of Blood in Impaired Driving Investigations" based on those recommendations, numerous challenges exist to providing comprehensive toxicological testing.

Toxicology laboratories may be funded by a variety of government (i.e., federal, state, county, city, regional, etc.) or private entities. The variability in funding has led to differences in staffing, equipment, testing, and reporting capabilities within the organizations conducting analysis in impaired driving cases. The lack of standardization coupled with stop-testing practices has led to incomplete data on drug-impaired driving.<sup>5</sup> The insufficient data can impact our national and local traffic safety partners in various ways, including substance abuse treatment, driver education on impairing substances, and the development of appropriate countermeasures.

As a primer to assist in understanding the terms that forensic toxicologists and our traffic safety partners may use in their reports, supporting documentation, research, and courtroom testimony, consider the following:

- Forensic Toxicology: Application of toxicology for the law
- Human Performance Toxicological Testing: Analysis of specimens for driving while impaired cases, drug-facilitated crimes, and other impairment cases to determine the presence (or absence) of chemical substances and their effects on the average individual
- Biological Specimen/Matrix: Specific biological fluid or tissue (e.g., blood, plasma, serum, urine, vitreous fluid, hair, and tissue) to be tested
- Court-ordered Toxicological Testing: Analysis of specimens from subjects involved in probation and parole, drug courts, or child protective services to determine the presence (or absence) of chemical substances and their effects on the average individual
- Analyte (Drug/Chemical Substance): Chemical substance to be identified and/or measured
- Analytical Scope: Selection of drugs, drug metabolites, and other chemicals covered in an analytical testing scheme
- Pharmacokinetics: The study of how the body interacts with drugs, including alcohol, and includes the movement of the drug into (absorption), through (distribution and metabolism), and out (elimination) of the body

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

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**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:

VACANT, Region 1 (Connecticut, Maine, Massachusetts, New Hampshire, Vermont, and Rhode Island)

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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)

- Pharmacodynamics: The study of how drugs affect the human body and their mechanisms of action
- Identification: Assignment to the most specific drug class attainable
- Interpretation: Explanations for the observations, data, and calculations
- Opinion: View, judgment, or belief that takes into consideration other information in addition to observations, data, calculations, and interpretations
- Qualitative method: Assay designed to determine the presence of an analyte within a sample relative to an established threshold
- Quantitative method: Assay designed to measure the concentration of an analyte within a sample
- Stop Testing: If the concentration of alcohol in a biological sample is above a set threshold (i.e., 0.08 g/dL), no further toxicological testing is conducted

Understanding the role alcohol and other drugs may play in impairment cases involves comprehensive toxicological testing, appropriate interpretation, and collaboration with traffic safety partners. How comprehensive each of these facets reaches will contribute to the ability to effectively and appropriately communicate this information, assist our traffic safety partners in appropriate countermeasures, and effectively combat the public health threat posed by impaired driving.

Unlike alcohol, the ability to correlate the concentration of any drug or its metabolite(s) to a specific level of impairment is not possible. Therefore, through the standards development process, the scientific community has provided guidance to forensic toxicologists and users of their data on what is scientifically appropriate to address in expert opinions and testimony.<sup>6</sup> Per the ANSI/ASB Best Practices Recommendation 037 "Guidelines for Opinions and Testimony," when asked to provide an opinion on the toxicological findings, a toxicologist:

- may discuss the toxicological impact of the presence, absence, and/or stability of drugs or other chemicals
- may address impairment for the average individual to the extent that effects are consistent with documented pharmacodynamic and toxicodynamic properties of the substance and within the context of a given case
- should not address behavioral intent based solely upon a drug concentration
- should not opine as to a specific individual's degree of impairment based solely on a quantitative result
- should not imply impairment of an individual based on analytical findings from urine, hair, or other matrices unless supported by the literature
- should not perform extrapolation calculations for drugs other than ethanol

Toxicological testing and testimony on the data that toxicologists generate stand as essential elements in the impairment investigation. Equally important, the data must accurately identify all drugs found in a motorist suspected of impaired driving. Further, when challenges related to data collection exist in toxicology laboratories, the information should be communicated to our traffic safety partners. Imperative to the integrity of the process lies in open lines of communication between all traffic safety partners and that we remain engaged in continuous interactions.

# FORENSIC TOXICOLOGY: A PRIMER

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This article serves as an initial primer on forensic toxicology, the challenges that toxicologists and government-funded laboratories face, and the obstacles preventing many of our labs from providing comprehensive data and represents the first in a series of articles designed to provide judges, court staff and practitioners with greater understanding of the interplay between forensic toxicology and impaired driving cases.

To learn more about the Regional Toxicology Liaison program, go to: <https://www.soft-tox.org/regional-toxicology-liaisons>

1. Alcohol Policy Information System, National Institute on Alcohol Abuse and Alcoholism, available at [https://alcoholpolicy.niaaa.nih.gov/?\\_gl=1\\*7a0d71\\*\\_ga\\*OTc3MjAzNzYxLjE3MTY0ODZyOTY.\\*\\_ga\\_E2D8B2PVE9\\*MTcxNjQ4NjM5NS4xLjAuMTcxNjQ4NjM5OC41Ny4wLjA](https://alcoholpolicy.niaaa.nih.gov/?_gl=1*7a0d71*_ga*OTc3MjAzNzYxLjE3MTY0ODZyOTY.*_ga_E2D8B2PVE9*MTcxNjQ4NjM5NS4xLjAuMTcxNjQ4NjM5OC41Ny4wLjA).
2. 2022 National Survey on Drug Use and Health (NSDUH), Substance Abuse and Mental Health Services Administration available at <https://www.samhsa.gov/data/release/2022-national-survey-drug-use-and-health-nsduh-releases#annual-national-report>.
3. *Id.*
4. A.L. D'Orazio, A.L.A. Mohr, A. Chan-Hosokawa, C. Harper, M.A. Huestis, J.F. Limoges, A.K. Miles, C.E. Scarneo, S. Kerrigan, L.J. Liddicoat, K.S. Scott, and B.K. Logan, *Recommendations for Toxicological Investigation of Drug-Impaired Driving and Motor Vehicle Fatalities-2021 Update*, 45 J Anal Toxicol. 529-536 (2021).
5. R.G. Atkins, T. Jodon, J.D. Conlon, and A. Schick, *Drug-Impaired Driving Data Collection: Report to Congress*, Department of Transportation. National Highway Traffic Safety Administration. Office of Behavioral Safety Research DOT HS 813 574, available at <https://rosap.ntl.bts.gov/view/dot/74245>.
6. ANSI/ASB Best Practice Recommendation 037 Guidelines for Opinions and Testimony in Forensic Toxicology, First Edition 2019, available at [https://www.aafs.org/sites/default/files/media/documents/037\\_BPR\\_e1.pdf](https://www.aafs.org/sites/default/files/media/documents/037_BPR_e1.pdf).

## TESTING CHALLENGES: NO BAC FOR THC

*Judge Scott Pearson  
ABA Region 8 RJOL  
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*Judge John Grinsteiner (retired)  
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A significant challenge to determining whether an individual has driven under the influence of THC lies in available and reliable measures of detecting impairment. Current available methods of testing drivers for or detecting THC, the active ingredient in cannabis, or any other impairing substance, includes blood, urine, breath and oral fluids. While a variety of methods exist to detect the presence of THC in a driver, all present unique challenges.

An invasive technique, collecting blood presents Fourth Amendment concerns and issues.<sup>1</sup> Additionally, a blood draw requires special training and handling of the specimen, but the collection may be forced by means of a search warrant under most circumstances and in most states.

Utilizing urine to detect THC presents unique challenges—the collection cannot be accomplished roadside, must be monitored to preserve integrity, but cannot be forced, and implies some

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## Contact Info continued

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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.

To submit an article, please send it to the editor, Hon. J. Matthew Martin at [abajudicialfellow@gmail.com](mailto:abajudicialfellow@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 Fall 2024 issue is September 1, 2024.

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)

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indignity for both the observer and the subject. THC in urine, though, likely represents a metabolite of THC that fails to demonstrate a level of impairment at the time of vehicle operation.

The least invasive collection technique of bodily substances, breath testing provides the shortest detection window for THC, and if a breath quantification for THC impairment existed, as it does for alcohol, detecting THC impairment could be relatively simple. To date, though, no such measure has been identified. Similar to a breath test, oral fluid testing also presents a short detection window, but provides a relatively quick process, can be completed roadside, and is not invasive. Standardized field sobriety tests (SFSTs) and drug recognition expert (DRE) evaluations may provide clues to THC impairment, but fail to provide conclusive proof of THC involvement.

While criminal justice practitioners possess broad experience with the standards for determining alcohol impairment, THC impairment represents an emerging challenge, particularly as more states legalize medical and/or recreational marijuana. Blood alcohol content (BAC) serves as an accurate measurement of alcohol impairment because the substance is a relatively simple one; alcohol is highly water soluble and spends much of its time in the body within the watery blood. Peak blood concentration of alcohol coincides with peak impairment. While BAC level represents a robustly-researched accurate measurement of the alcohol impairment of a driver, the presence of THC in a driver's body has not been shown to be a predictable measure of cannabis impairment.

The disconnect between THC blood concentration and impairment results from the nature of THC, a lipophilic or fat-soluble substance. THC travels via the bloodstream to the brain and then processed through the endo-cannabinoid receptor system. The body pulls the THC out of the bloodstream and deposits it in the fatty tissue of the body, including the brain, which is composed largely of fat. The THC slowly leaches from fatty tissue as a metabolite to the body's excretory system, resulting in elimination primarily through urine, sweat, the breath or the blood. Peak blood concentration of THC occurs prior to peak impairment. In short, unlike the very simple drug, alcohol, blood concentrations of THC and its metabolites fail to establish impairment at a particular time necessitating other proof or testimony demonstrating impairment from THC. The proof of THC impairment often takes the form of witness testimony establishing driving and driver behavior, results of standardized field sobriety tests, and drug recognition evaluations.

Unlike alcohol, the estimation of impairment from THC remains difficult. High concentrations of THC reach the blood and brain shortly after smoking starts, causing impairment, but blood concentration decreases quickly after smoking stops, since THC quickly leaves the blood to be distributed into fatty tissue.

The THC then can remain in the fatty tissue for a fairly long time, but small amounts will slowly leach out of fatty tissue and back into the blood, causing a continual low blood concentration long after ingestion. Because THC in the blood can result from both recent as well as past use, impairment cannot be inferred from blood levels. Early studies show maximal driving impairment twenty to forty minutes after smoking, and the risk of driving impairment may decrease after 2.5 hours,<sup>2</sup> at least in those who smoke 18mg Delta 9-THC or less (the dose often used experimentally to duplicate a single joint), but, unlike alcohol, no specific THC blood level correlates with impairment. Thus, no BAC for THC! Lacking a correlative BAC to determine impairment, the impact of cannabis use on the critical skills necessary to drive remains best detected from the physiological symptoms of impairment.

The method of THC consumption also demonstrates the inadequacy of blood THC levels in determining impairment. Smoking THC products results in quick absorption into the blood through the lungs, and thus a more direct route to the brain. For edibles that contain THC, peak blood levels occur around three hours after ingestion.<sup>3</sup> Because THC products consumed through oral ingestion must be absorbed through the digestive system, edible THC takes longer to travel through the body, to the blood and eventually to the brain. Thus, ingesting THC via edibles may result in increased consumption because of the delayed effect of use as the THC passes through the digestive system

and then into the blood and on to the brain. An edible high generally lasts much longer than smoking or vaping, anywhere from six to eight hours.<sup>4</sup> But, unlike alcohol, blood levels of THC fail to equate to a specific level of impairment.

Exiting a bar, the odor of alcohol, or an admission of drinking, fails to demonstrate impairment. Similarly, evidence of possession of marijuana or its consumption alone and without more remain insufficient to prove impairment. Support for the conclusion of impairment may be found in driving behavior and in physiological observations. Clues of impairment resulting from driver behavior may be found in four general areas—maintaining lane and speed, braking issues, vigilance, and judgment.<sup>5</sup> Clues of impairment resulting from suspect behavior include difficulty with motor vehicle controls, trouble exiting vehicle, challenges with retrieving and/or location documents, repeating questions/comments, changing answers, swaying or unsteadiness, odor of alcohol or drugs, glassy or red eyes, flushed face, unsteady gait, slurring, poor coordination, and slowed reactions.<sup>6</sup> SFSTs (walk and turn, one-leg stand, and horizontal gaze nystagmus (HGN)) may generate additional clues of impairment, as can the observations from a DRE who utilizes a nationally-standardized protocol for identifying drug intoxication that identifies seven different categories of drugs and the physical symptoms associated with each.

While no one test or measure currently exists to demonstrate driver impairment resulting from THC, a combination of bodily fluid testing and observations of driver behavior serve as potential evidence of the influence of THC on the critical skills necessary for safe operation of a vehicle.

1. See *Birchfield v. North Dakota*, 579 U.S. 438 (2016).
2. R. Andrew Sewell, James Polin, and Mehmet Sofuoglu, *The Effects of Cannabis Compared with Alcohol on Driving*, 18 *Am J Addict.* 185 (2009).
3. S.K. Aggarwal, M. Kyashna-Tocha, and G.T. Carter, *Dosing Medical Marijuana: Rational Guidelines on Trial in Washington State*, 9 *Medscape Gen Med* 52 (2007). See also R. Compton, U.S. Department of Transportation, National Highway Traffic Safety Administration, *Marijuana-Impaired Driving - A Report to Congress*, DOT HS 812 440 (July, 2017), available at <https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/812440-marijuana-impaired-driving-report-to-congress.pdf>.
4. L. Lemberger, J.L. Weiss, A.M. Watanabe, I.M. Galanter, R.J. Wyatt and P.V. Cardon, *Delta-9-Tetrahydrocannabinol: Temporal Correlation of the Psychologic Effects and Blood Levels After Various Routes of Administration*, 286 *New England J Medicine* 685 (1972).
5. U.S. Department of Transportation, National Highway Traffic Safety Administration, *The Visual Detection of DWI Motorists*, DOT HS 808 677 (March, 2010).
6. See W. M. Bosker, E.L. Theunissen, S. Conen, K.P.C. Kuypers, W.K. Jeffery, J.C. Walls, G.F. Kauert, S.W. Toennes, M.R. Moeller, and J.G. Ramaekers, *A Placebo-Controlled Study to Assess Standardized Field Sobriety Tests Performance During Alcohol and Cannabis Intoxication in Heavy Cannabis Users and Accuracy of Point of Collection Testing Devices for Detecting THC in Oral Fluid*, 223 *Psychopharmacology* 439 (2012).

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 now consists of three 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.



# 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**  
[National Conf. of Specialized Court Judges](#)

- **Highway to Justice Archives**  
[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/>

# UPCOMING WEBINARS AND NJC COURSES



THE NATIONAL  
JUDICIAL COLLEGE

## Behind the Uniform: Military Personnel and Impaired Driving

Thursday, August 8, 2024, at 1PM - 2:15 PM (Eastern) FREE ABA JOL CLE Webinar

(1 CLE credit hour)

**Speaker:** Colonel Tara Osborn, U.S. Army (Ret.), **Moderator:** Hon. Kate Huffman

The military defendant in impaired driving cases presents unique issues to the trial judge. We go “behind the uniform” to explore jurisdictional issues between civilian and military courts, a military justice system with worldwide reach, and the administrative consequences to servicemembers who drive while impaired that impact both their careers and the deployment of our fighting forces.

**Register here:** <https://www.americanbar.org/events-cle/mtg/web/443747907/>

## But It's Just Weed! Understanding the Effects of Cannabis Use on Justice-Involved Adults and Adolescents

Thursday, September 12, 2024, at 1-2:30 PM (Eastern) FREE ABA JOL CLE Webinar

(1 CLE credit hour)

**Speaker:** Dr. Kara Marciani, **Moderator:** Hon. Kate Huffman

With recreational marijuana now legal in more than half of the states, attorneys, judges and court staffs may want to learn more, beyond common perceptions, about cannabis and its effect on the brain and body. This webinar will provide an overview of the differences in the various strains of cannabis, the properties of cannabis, its impact on the body and brain of both adolescents and adults, and how it could impact the day-to-day work of attorneys and courts.

**Register here:** <https://www.americanbar.org/events-cle/mtg/web/444312638/>

## NJC's The Traffic Case: A Course for Nonlawyer Judges

November 4 - 7, 2024 (Monday-Thursday) - Reno, NV

(Up to \$1,500 available for travel reimbursement. Please contact the registrar's office for eligibility.)

Nonlawyer judges may preside over cases involving impaired driving, which is a crime in all 50 states. This course is offered at no cost to eligible participants.

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 Non-Lawyer Judges](#)