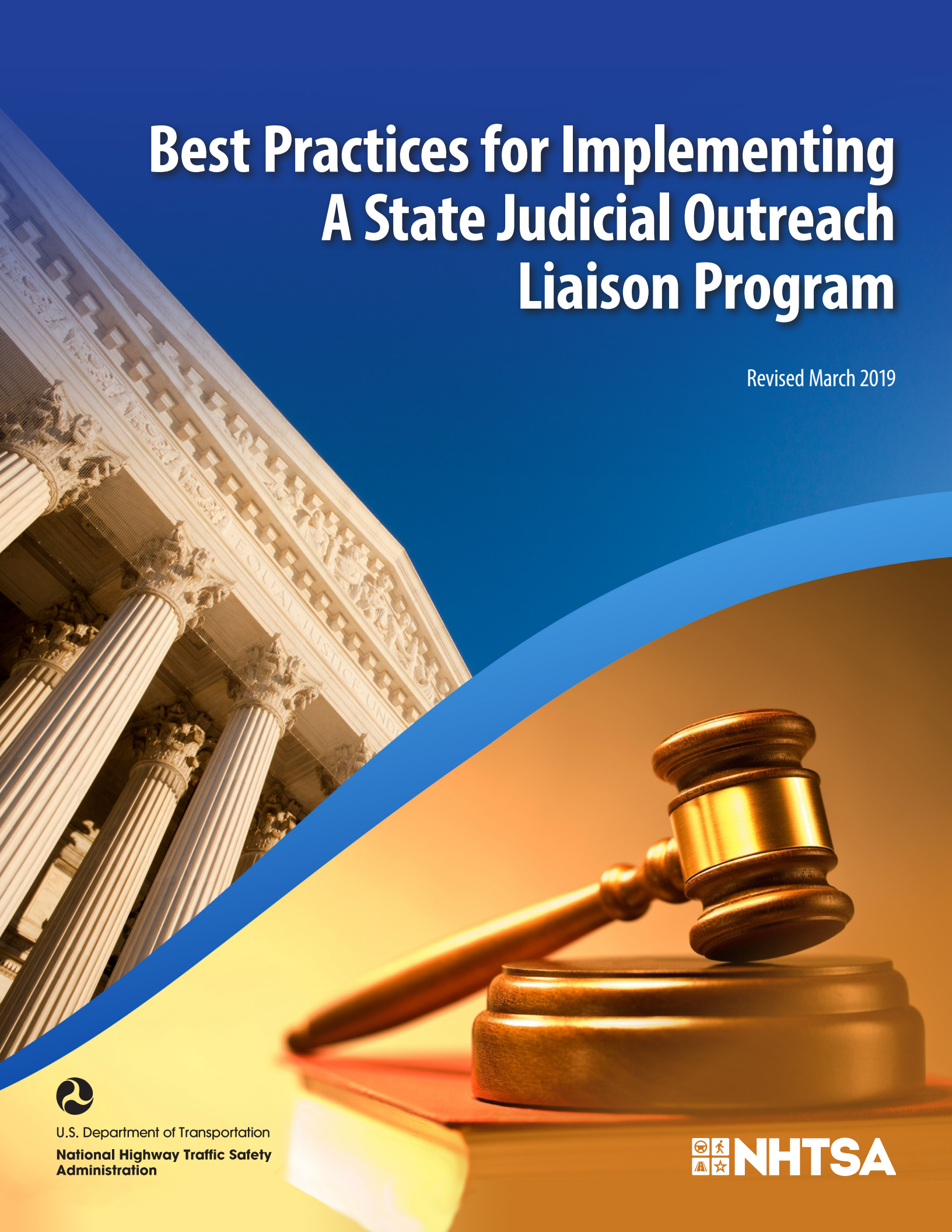


Best Practices for Implementing A State Judicial Outreach Liaison Program

Revised March 2019



U.S. Department of Transportation
**National Highway Traffic Safety
Administration**



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Suggested APA Format Citation:

Axel, N. E., Knisely, M. J., McMillen, P., Weiser, L. A., Kinnard, K., Love, T., & Cash, C. (2019, March). *Best practices for implementing a state judicial outreach liaison program*. Revised March 2019. (Report No. DOT HS 812 676). Washington, DC: National Highway Traffic Safety Administration.

This report was previously published under the title *Guidelines for Creating State Judicial Outreach Liaisons*, Report No. DOT HS 811 783, in July 2013. This edition was revised and re-titled in March 2019.

Technical Report Documentation Page

1. Report No. DOT HS 812 676	2. Government Accession No.	3. Recipient's Catalog No.	
4. Title and Subtitle Best Practices for Implementing a State Judicial Outreach Liaison Program		5. Report Date March 2019	
		6. Performing Organization Code	
7. Authors Judge Neil E. Axel, Judge Mary Jane Knisely, Judge Phyllis McMillen, Judge Laura A. Weiser, Kari Kinnard, Troy Love, Caroline Cash		8. Performing Organization Report No.	
9. Performing Organization Name and Address National Highway Traffic Safety Administration Impaired Driving Division 1200 New Jersey Avenue SE Washington, DC 20590		10. Work Unit No. (TRAIS)	
		11. Contract or Grant No.	
12. Sponsoring Agency Name and Address National Highway Traffic Safety Administration 1200 New Jersey Avenue SE Washington, DC 20590		13. Type of Report and Period Covered Revised March 2019	
		14. Sponsoring Agency Code	
15. Supplementary Notes Caroline Cash was the COR for this project.			
16. Abstract This report was previously published under the title <i>Guidelines for Creating State Judicial Outreach Liaisons</i> , Report No. DOT HS 811 783, in July 2013. This edition was revised and re-titled in March 2019. It now has two parts. Part I is for the State Highway Safety Office (SHSO) and includes information on the scope and purpose of the State Judicial Outreach Liaison (JOL) program. Part II is focused on launching the program and includes information helpful to both the SHSO and the new State JOL. The criminal justice system plays a critical role in deterring unsafe driving behaviors and assigning appropriate consequences for impaired driving and other traffic offenses. From arrest to prosecution to sentencing, it is important that all stakeholders in the criminal justice system are aware of the efforts being made to reduce traffic fatalities. To that end, peer-to-peer training, education, and outreach are used in promoting proven and promising practices. NHTSA has supported the development of a network of criminal justice professionals who utilize peer-to-peer education.			
17. Key Words Regional Judicial Outreach Liaison, JOL, RJOL, State Judicial Outreach Liaisons, SJOL, LEL, Law Enforcement Liaison, impaired driving, judicial education, Traffic Safety Resource Prosecutor, TSRP		18. Distribution Statement Document is available to the public from the National Technical Information Service, www.ntis.gov .	
19 Security Classif. (of this report) Unclassified	20. Security Classif. (of this page) Unclassified	21 No. of Pages 30	22. Price

Form DOT F 1700.7 (8-72)

Reproduction of completed page authorized

Table of Contents

BACKGROUND 1

 Judicial Outreach Program: Judicial Fellows and Regional Judicial Outreach Liaisons 2

 State Judicial Outreach Liaisons 2

PART I 2

 Fiscal Considerations for SHSOs 2

 SJOL Qualifications and Duties 3

 Qualifications 3

 Duties 3

 Ethical and Legal Considerations for SJOLs 5

 Developing the Work Plan 5

PART II 6

 Starting Out as a New SJOL 6

 Data 6

 Reach Out to the Judicial Community 7

 Developing the Work Plan 8

 Additional Resources for SJOLs 8

CONCLUSION 9

Appendix A - Sample Introductory Letter A-1

Appendix B - Sample Work Plan B-1

Appendix C - Judicial Outreach Program Contact List C-1

BACKGROUND

In 2017, 37,133 people died in motor vehicle traffic crashes in the United States and an estimated 2.5 million people were injured. Of the 2017 motor vehicle fatalities, 29 percent occurred in alcohol-impaired crashes in which a driver or motorcycle rider had a blood alcohol concentration (BAC) of .08 grams per deciliter or more. Additionally, in NHTSA's most recent National Roadside Survey conducted in 2013 and 2014, about 22 percent of drivers surveyed tested positive for potentially impairing drugs.

The criminal justice system plays a critical role in deterring unsafe driving behaviors and assigning appropriate consequences for impaired driving and other traffic offenses. From arrest to prosecution to sentencing, it is important that all stakeholders in the criminal justice system are aware of the efforts being made to reduce traffic fatalities. To that end, peer-to-peer training, education, and outreach have been found to be most effective in promoting proven and promising practices. NHTSA has supported the development of a network of criminal justice professionals who utilize peer-to-peer education, including the following.

- Regional Judicial Outreach Liaisons (RJOLs)
- State Judicial Outreach Liaisons (SJOLs)
- Judicial Fellows
- Probation Fellows
- Law Enforcement Liaisons (LELs)
- Traffic Safety Resource Prosecutors (TSRPs)

This network has been developed in cooperation with national organizations that represent these communities, including the following.

- The American Bar Association (ABA)
- The National Association of Drug Court Professionals (NADCP)
- The National Center for State Courts (NCSC)
- The National Judicial College (NJC)
- The National Association of Prosecutor Coordinators (NAPC)
- The International Association of Chiefs of Police (IACP)
- The National Sheriffs' Association (NSA)
- The American Probation and Parole Association (APPA)
- The National District Attorneys Association (NDAA)

Over time, States have created counterpart positions to meet the specific needs of their jurisdictions. The latest evolution of this trend is the SJOL. The purpose of this document is to provide best practices for implementing an SJOL program. In addition, Judicial Fellows and Regional Judicial Outreach Liaisons are referenced throughout the document to provide an understanding of their roles and how they interact with SJOLs.

Judicial Outreach Program: Judicial Fellows and Regional Judicial Outreach Liaisons

Judges are responsible for sentencing impaired drivers, and therefore, are in a unique position to have an impact on offenders who are arrested for impaired driving and other illegal driving practices. Arrest and conviction alone have proven insufficient to deter repeat impaired drivers, who are among America's deadliest motorists. Drivers with prior driving while impaired (DWI) convictions are overrepresented in fatal crashes and have a greater relative risk of fatal crash involvement. Using newly developed screening tools (e.g., Impaired Driving Assessment, Computerized Assessment and Referral System [CARS]), judges can identify those people most likely to re-offend, and direct interventions and technology proven to reduce recidivism. The Judicial Outreach Program, which includes Judicial Fellows and RJOLs, was established to inform this process by bringing the latest research to judges on the front line. As part of a cooperative agreement between NHTSA and the ABA, JOLs and Judicial Fellows function as teachers, writers, consultants, and liaisons, to share the latest research and best practices on addressing impaired driving offenders with the judges in their regions or States. In addition to informing sentencing and interventions in this manner, JOLs and Judicial Fellows can, upon request, also provide important insight to policymakers attempting to improve impaired driving traffic safety.

State Judicial Outreach Liaisons

Each State has its own highway safety laws, judicial and political cultures, and leadership dynamics. Building on the successes achieved under the current NHTSA/ABA cooperative agreement on national and regional levels, several States have SJOLs, and others have expressed interest in creating SJOLs. The theory underlying the creation of an SJOL is that local judges, whether sitting or retired, are in better positions to understand and to respond to local highway safety concerns and are more likely to have close working relationships with local stakeholders, than are the national Judicial Fellows or the RJOLs. In addition, SJOLs serve as direct resources to State and local judges and have access to or knowledge of national resources that benefit them.

PART I

Fiscal Considerations for State Highway Safety Offices

With a focus on impaired driving, some activities of an SJOL may in some cases be funded using highway safety grant funds received from NHTSA. It is recommended that SHSOs exploring the creation of SJOL programs consult their NHTSA Regional Offices for program and financial guidance and other potential grant resources.

Funding for SJOLs comes from respective SHSOs. The amount of funding needed to establish an SJOL position varies depending on the availability of the judge and the amount of work to be performed. SJOLs may be employed on a part-time, full-time, or as-needed basis. (ABA Judicial Fellows and RJOLs serve on a part-time basis and are paid a flat, monthly stipend.) SHSOs should research the going rate of pay for judges in their States, along with the desired level of

experience and education, and plan for a rate of pay commensurate with the level of effort they expect from the SJOL.

A second fiscal consideration is travel. A large portion of the SJOL work must be conducted in person at meetings and conferences. Transportation, hotel, and per diem costs need to be adequately budgeted. The travel cost will be easier to estimate when the number of court visits, trainings, and meetings is clearly identified in the work plan. Based on the experience of the Judicial Fellows and RJOLs, reserving portions of travel budgets for unplanned trips is highly recommended. Once the SJOL is established in the State, more requests for the SJOL will occur.

SJOL Qualifications and Duties

Qualifications

- Juris doctorate or an equivalent degree from a law school accredited by the American Bar Association or the Supreme Court of the State
- A sitting or retired member of the State judiciary
- Extensive experience in handling impaired driving or other traffic-related cases
- Knowledge or willingness to learn about DWI courts and alcohol ignition interlock systems
- A strong desire to increase public safety using research-based practices to reduce impaired driving

Duties

While remaining independent and impartial, the SJOL serves as a statewide resource for the judiciary and other members of the highway safety community dealing with highway-safety-related court cases, particularly cases involving impaired driving. This assistance takes the form of education, training, court case interpretations, guidance, and providing liaison between the judiciary and the highway safety community.

This section contains suggested duties and roles of an SJOL. This list is not exhaustive, and not all SJOLs will perform all these duties. Rather, the list is intended to help SHSOs identify the recommended uses of SJOLs and develop individualized work plans in conjunction with the SJOLs. Where appropriate, these duties can be revised to become goals, objectives, or performance measures within grant agreements. SJOLs should comply with all reporting requirements established by the funding sources.

Provide Training and Education

- Develop a network of contacts and promote peer-to-peer judicial education related to sentencing and supervision of DWI offenders, evidentiary issues, legal updates and alcohol/drug testing, and monitoring technology
- Solicit opportunities to speak at State highway safety conferences and State judicial conferences
- Make presentations at meetings, conferences, workshops and other gatherings, focusing on impaired driving

Best Practices for Implementing a State Judicial Outreach Liaison Program

- Identify barriers that hamper effective training, education, or outreach to the courts and recommend alternative means to address these issues and concerns

Promote Evidence-Based and Promising Practices

- Promote development and use of DWI Courts
- Promote use of ignition interlocks and improvements to alcohol ignition interlock programs
- Promote other evidence-based and promising court, sentencing, and supervision practices

Share Information and Coordinate With Other Criminal Justice Professionals

- Consult regularly with Judicial Fellows, RJOLs, and other SJOLs regarding outreach efforts and opportunities
- Remain informed on emerging impaired-driving issues and on possible strategies to address those issues
- Share information and coordinate with LELs, SHSOs, NHTSA Regional Offices, TSRPs, and State Probation agencies to help identify opportunities for improving the criminal justice system
- Promote electronic DWI data systems, and assist in linking court data with arrest data and other available data systems
- If appropriate, serve on the State Impaired Driving Task Force

Liaise Between Courts and Policymakers

- Identify issues of concern to judges and other court officials regarding impaired driving or other traffic safety issues and bring them to the attention of appropriate criminal justice or highway safety officials
- Identify topics of concern to highway safety officials and work with the judicial community to develop a better understanding of the topics by sharing research and data
- Upon request, review material developed by others and provide comments and judicial insights
- When invited, assist legislators and policymakers on impaired driving and other highway safety issues
- Advise members of the judiciary and criminal justice officials on potential sources of funding and resources

Other Potential Responsibilities

- Publish a newsletter on highway safety issues for the judiciary in the JOL's State;
- Write or share articles for the ABA's "Highway to Justice" newsletter on highway safety issues
- Attend JOL trainings as they become available

Ethical and Legal Considerations for SJOLs

The conduct of judges both on and off the bench is governed by rules or codes of judicial conduct established by each State that are intended to ensure a judge's conduct does not undermine the independence, integrity, and impartiality of the court. These codes of conduct generally recognize that judges are "uniquely qualified to engage in activities that concern the law, the legal system, and the administration of justice."

It is important for SHSOs to understand the perspective and role of judges in matters of traffic safety. The judiciary is a separate, co-equal branch of government, and a fundamental role of the judge is to remain independent and impartial. While judges play an important role in reducing future criminal behavior by holding people accountable after they have been convicted of a crime, they are not part of the prosecution team and SJOLs will not engage in activities that might be viewed as assisting the prosecutor in obtaining a conviction.

SHSOs unfamiliar with judicial canons should consult the Model Code of Judicial Conduct, available on the ABA website at www.americanbar.org/groups/professional_responsibility/publications/model_code_of_judicial_conduct.html.

Developing the Work Plan

The SHSO and SJOL should work together to develop a work plan including short-term and long-term goals and objectives to serve as an outline for the SJOL's activities. The work plan should include metrics on activities and outcomes. Documents such as the State Highway Safety Plan, Strategic Highway Safety Plan, Impaired Driving Strategic Plan, and State and national statistics related to traffic safety can help identify priorities to be addressed in the SJOL work plan.

When developing work plans, the SHSO should not overlook the ethical considerations to which the judge must adhere. For example, SJOLs may decline to participate in media events promoting impaired-driving enforcement mobilizations along with law enforcement and prosecutors, as this could be construed as bias towards the prosecution. Additionally, State Bar Associations may set rules of behavior for their members that may limit some SJOL activities. In some States, judges may not be permitted to take active roles in shaping policy or legislation. SHSOs must be aware of State and Federal restrictions on lobbying activities and discuss with the SJOLs how such restrictions will affect their duties.

Having gathered this information, a newly appointed SJOL will be ready to develop a work plan with the SHSO. An example work plan is given in Appendix B of this document.

PART II

Starting Out as a New State Judicial Outreach Liaison

Several best practices have been found to be effective in assisting new SJOLs in meeting their responsibilities. These best practices can be implemented by SHSOs with the assistance of the ABA, NHTSA, Judicial Fellows, RJOLs, and other applicable grant management personnel. These best practices include:

- A face-to-face orientation held within the first month. Included in the orientation should be a designated Judicial Fellow or the appropriate RJOL who would travel to the State for this meeting, the SHSO, and any other applicable grant management personnel. The orientation should include information obtained through consultation with NHTSA Regional Offices and representatives of the ABA's JOL Program. This meeting will provide an opportunity for introductions, lines of communication to be established, the scope of work to be made clear, and any limitations on activities to be explained (such as State or Federal funding regulations). This meeting is also a perfect opportunity to make suggestions on the content of the SJOL yearly work plan.
- The ABA liaison can provide an updated JOL manual that contains best practices, forms, contacts, and information germane to the JOL program.
- The ABA liaison will provide the new SJOL with a list of ABA contacts, to include the Judicial Fellows, Regional and State JOLs around the country and other information that will assist the new SJOL.
- The new SJOL should be paired with a mentor, either an SJOL or RJOL in close proximity, if possible.
- New SJOLs should contact their State's Administrative Offices of the Courts, State judicial educators, drug/DWI court coordinators, TSRPs, and LELs to introduce themselves to those key personnel and to describe how they can assist in their work.
- Within the first two months, the SHSO and SJOL should develop a work plan together to serve as an outline for the SJOL's activities, including short-term and long-term goals and objectives. (See Developing the Work Plan in Part I of this document and example in Appendix B.)

Data

SJOLs should become familiar with State and national statistics related to traffic safety as soon as possible. This information can help identify priorities that can be addressed in the work plan.

The following are examples of commonly used data measures.

- Drug- and alcohol-impaired-driving arrests/citations including data on repeat offenders
- Underage-drinking arrests/citations
- Impaired-driving-related motor vehicle crashes
- Automobile crashes – fatalities; injuries; locations; driver demographics
- Motorcycle crashes – fatalities; injuries; locations; driver demographics

NHTSA is the primary source for statistics on fatal injuries suffered in motor vehicle crashes. Fatal crash data is maintained in a database known as the Fatality Analysis Reporting System (FARS). Data can be accessed in the form of reports, tables, or custom-built queries. Data can also be filtered by national, State, or county level. Visit www-fars.nhtsa.dot.gov/Main/index.aspx to access fatal crash data. NHTSA or SHSO officials can provide brief orientations to the FARS website.

The SJOL should also work with the SHSO to obtain State-specific data. While fatal crashes are the most severe, they represent 0.6 percent of all crashes. For each fatal crash that occurs there are an estimated 49 nonfatal injury crashes. States may have nonfatal injury data available for review.

An important source of other State-specific information is the State Highway Safety Plan. This document, prepared by the SHSO annually, is a comprehensive plan for how the State intends to reduce traffic crashes. Each plan identifies problem areas, and contains goals, strategies, and performance measures. Ideally, the SHSO will offer a new SJOL a briefing on the Highway Safety Plan.

Additional sources of State information include the following.

- State Department of Transportation
- State Highway Safety Office
- State Department of Criminal Justice
- State Police/Highway Patrol Headquarters
- State Sheriffs' Association
- State Association of Chiefs of Police
- State driver's licensing agency
- State Department of Health

Reach Out to the Judicial Community

It is recommended that each new SJOL send an introductory letter to all State Judicial Educators (SJE), judges, and courts. See Appendix A for an example. It is also recommended that the new SJOL follow up with meetings or phone calls with court staff to:

- Explore their needs;
- Identify services the SJOL can provide;
- Find out what they are already doing—don't reinvent the wheel; and
- Offer to meet regularly.

New SJOLs should review the judicial education and training on impaired-driving issues currently available in the State. Discussing the available training and material with the SJE can help identify any knowledge gaps and opportunities for the SJOL to provide judicial education to address these gaps.

Developing the Work Plan

Within the first 2 months, the SHSO and SJOL should work together to develop a work plan including short-term and long-term goals and objectives to serve as an outline for the SJOL's activities. The work plan should include metrics on activities and outcomes. Documents such as the State Highway Safety Plan, Strategic Highway Safety Plan, Impaired Driving Strategic Plan and State and national statistics related to traffic safety can help identify priorities to be addressed in the SJOL work plan.

When developing the work plan, the SJOL should consult with the State Administrative Office of the Courts to form a working relationship and gain an understanding of their needs. The Administrative Offices of the Courts work with the State Judicial Educator to determine the educational needs of the States' judges and any ethical restrictions on how judicial education is conducted. Creating working relationships with these entities will help inform priorities in educational needs for judges. The SJOL and SHSO should review the judicial education on impaired-driving issues currently available in the State and identify any knowledge gaps. This analysis will present opportunities for SJOLs to address judicial education gaps as part of their work plans. SJOLs should also review State statutes, case law, definitions, and jurisdiction-specific practices regarding alcohol- and drug-impaired driving.

Additional Resources for SJOLs

If possible, a new SJOL should seek out a fellow SJOL to shadow for several days. If meeting in person is not possible, new SJOLs should reach out to current SJOLs to introduce themselves and develop working relationships. Chances are, they can provide guidance to the SJOLs based on their own personal experiences and inform them about resources available via the ABA and other sources. Another helpful resource is the Traffic Resource Center for Judges, maintained by the National Center for State Courts at www.trafficresourcecenter.org.

It is also strongly recommended that new SJOLs attend the faculty development course offered at the National Judicial College (www.judges.org). This course, typically two days long, is designed to familiarize SJOLs with the concepts of adult learning and how to effectively conduct subject matter trainings for judges. The National Judicial College also conducts onsite training and webinars on traffic-related topics such as drugged driving, staggered sentencing, and DWI Courts.

CONCLUSION

The criminal justice system plays a critical role in deterring unsafe driving and assigning the appropriate consequences for impaired driving and other traffic offenses. It is important all stakeholders in the criminal justice system are made aware of proven and promising practices to decrease impaired driving. SJOLs conduct outreach and provide education to the judicial community to increase awareness of the impaired driving problem and promote promising practices. This publication will help SHSOs understand the benefits of having an SJOL and the process that can be used to start an SJOL program.

Appendix A - Sample Introductory Letter

State Judicial Educator
Administrative Office of the Courts
Department of Transportation

Dear (TITLE, NAME):

Nationally, impaired-driving fatalities claim nearly _____ lives each year. In (STATE) in 20XX, impaired-driving traffic crashes took the lives of _____ people and injured scores more. Additionally, impaired driving cases are among the most complicated to handle.

Judges are responsible for sentencing impaired drivers, and, therefore, are in a unique position to have an impact on offenders who are overrepresented in fatal crashes. Arrest and conviction alone have proven insufficient to deter repeat impaired drivers, who are among America's deadliest motorists. Using newly developed screening tools, judges can identify those people most likely to re-offend, and assign interventions and technology that have been proven to reduce recidivism.

The Judicial Outreach (JOL) program was established by the National Highway Traffic Safety Administration in partnership with the American Bar Association to inform this process by bringing the latest research to judges on the front line.

I am the State Judicial Outreach Liaison (SJOL) for (STATE). My role as an SJOL is to provide education, training, and technical assistance to judges and court staff throughout (STATE). I can assist you by coordinating education in your area, giving individual technical assistance where needed, and representing your interests at State and regional traffic safety meetings. Whether the topic is assessing, sentencing and monitoring impaired-driving offenders, specialized impaired-driving-treatment courts or any other related subject, I am here to support judges and court personnel.

I am here to help address the needs of (STATE's) judges and court staff in issues involving impaired driving. We all have a common goal: to reduce the number of injuries and fatalities occurring on our State's roads. Working as a team, we can make great strides toward this goal. I would like to arrange a time to meet with you to discuss how we can meet the educational needs of (STATE's) judges. I will follow up with a call in the next few weeks. In the meantime, please do not hesitate to contact me with any questions or suggestions. I look forward to working with you.

Sincerely,
(NAME), (TITLE)

Appendix B - Sample Work Plan

The purpose of the Judicial Outreach Liaison is to:

- Improve the delivery of justice in impaired driving through education, communication, community outreach activities, and collegial and ethical collaboration with judges, traffic safety entities, and stakeholders.
- Provide training, education, and technical assistance to judges and other criminal justice officials, as appropriate, regarding impaired driving.
- Promote evidence-based and promising court, sentencing, and supervision practices that relate to impaired driving, including use of DWI treatment courts.
- Function as an active liaison between the State Highway Safety Office, State judicial educators, and judges and their representative organizations.

WORK PLAN: This is a fluid document to be used for resource planning and allocation purposes.

Goal 1: Provide support and education to State judges and stakeholders involved in traffic safety related to impaired driving.

- Objective A: Keep up to date of the latest research on evidence-based practices undertaken by the judiciary that are shown to enhance traffic safety as it relates to impaired driving.
- Objective B: Determine venues for providing education and support to State judges responsible for handling cases involving traffic safety as it relates to impaired driving.
- Objective C: Design and implement education and training material for judges.

Goal 2: Maintain contact with State Highway Safety Offices:

- Objective A: Provide assistance as liaison between the SHSO and the State judiciary.
- Objective B: Keep the SHSO updated on evidence-based practices judges can adopt to enhance traffic safety as it relates to impaired driving.
 - Design and implement education and training material for SHSO staff and stakeholders as needed.
- Objective C: Facilitate SHSO support for judicial efforts involving traffic safety as it relates to impaired driving.

Goal 3: Support the judicial education efforts of the American Bar Association, Judicial Fellows and RJOLs:

- Objective A: Research and draft articles for the ABA Highway to Justice online magazine.
- Objective B: Research, prepare, and present webinars on issues involving traffic safety as it relates to impaired driving.
- Objective C: Research, prepare, and present topics involving impaired-driving traffic safety at annual State judicial education conferences and similar traffic safety seminars.
- Objective D: Attend annual ABA/NHTSA/JOL meetings and bimonthly conference calls.

Best Practices for Implementing a State Judicial Outreach Liaison Program

Monthly:

- Meet with SHSO personnel in person or by telephone. Clarify assignments, tasks, and follow up on previous assignments.
- Prepare and electronically submit monthly reports to the SHSO by the designated deadline with specific detail on tasks performed during the month.
- Contact State judicial educators to discuss possible issues and needs for outreach programs.
- Contact the RJOL to update on activities and discuss opportunities and ways to work in partnership.
- Contact the State TSRP to discuss possible areas and needs for outreach programs.
- Schedule, conduct, and/or participate in video, online, and/or telephone trainings throughout the month with judges and other stakeholders.
- Maintain knowledge of recent court decisions in the State, applicable circuit courts, and the U.S. Supreme Court, and disseminate those rulings to appropriate contacts.
- Submit any vouchers as required.
- Consult with Judicial Fellows as needed.

Quarterly:

- Actively participate in the bimonthly conference calls with NHTSA.
- Conduct a needs assessment and solicit topic ideas for training sessions.
- Conduct in-person training.
- Prepare and e-mail State e-newsletter promoting training opportunities, reporting on topics of interest, etc.

Annually:

- Prepare or solicit at least one article for *Highway to Justice* to be submitted by designated deadline.
- Establish yearly goals and objectives (in consultation with the SHSO) to be accomplished.
- Attend ABA/JOL/Judicial Fellows annual meeting, expecting to report on JOL activities.

Appendix C - Judicial Outreach Program Contact List

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DOT HS 812 676
Revised March 2019



U.S. Department of Transportation
**National Highway Traffic Safety
Administration**



14161-032519-v10