

SOUND JUDGMENT

Hello Judges

By Judge Rod Ring, (Ret.)
OBA/OHSO Judicial Outreach Liaison

I hope everyone is staying safe and preparing to make the transition to “business as usual”. While we are moving in the right direction it has been a long and difficult year everyone in our courthouses. Most of us know someone who did not survive COVID-19 or are still suffering from the effects of the disease. I am afraid we will be dealing with the results of this trauma for years to come.

I have talked to many of you who feel you have learned new ways of accomplishing your tasks and plan to incorporate some of those into your future dockets. I would like to share what you have learned and how you plan to change your dockets to adjust to the technology available. Please send me information about your experiences and I will include them in future newsletters.

The Oklahoma Judicial Conference is planning an IN-PERSON educational program in July in Oklahoma City. Watch for an email from the conference for details. It will be good to see everyone face-to-face and I know your Education Committee is working hard to provide an interesting and helpful program.

The American Bar Association and the



National Highway Traffic Safety Administration are working to include Tribal Courts in our Judicial Outreach Liaison program. Oklahoma should be in the lead in this area because of the large number of tribal courts in our state. If you have an interest in working with the program, please contact me. I will include progress reports in future newsletters.

Congratulations to all the new judges joining us in the last year. I wish you the best of luck in your transition to your new role. One of the goals of our program is to give

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The long-term effects are unknown but a February 2021 opinion from the Washington State Supreme Court has threatened chaos in the state.

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Before the COVID pandemic, a great deal of focus had been placed on the use of new technologies and methods to try and reduce failure to appear rates via reminder systems.

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you information about Judicial Educational opportunities in the field of impaired driving. There are many programs available for little or no cost to you, including some held on-line to make them more convenient for you. Watch the newsletter and email for information.

I hope to see everyone in Oklahoma City in July.

2020 Data Shed Light on Pandemic-Related Backlogs

Originally published by www.ncsc.org

NCSC researchers recently received a fresh trove of data from 12 states that show how the pandemic impacted case filings and dispositions in 2020.

The data – the first batch that covers all of 2020 – reveals two noteworthy findings:

The number of criminal, traffic and juvenile

cases is expected to return to normal this year, and no surge in cases is expected; but

Family and civil case filings are expected to swell this year and may challenge courts, particularly in the areas of debt-collection, eviction and foreclosure.

Although the 12 states are geographically diverse, NCSC researcher Diane Robinson cautioned that the sample size is not large

enough to make conclusions about the nation as a whole. Robinson and NCSC researcher Sarah Gibson, who analyzed the data, recently published [a paper about the data](#) as well as an [interactive dashboard](#).

“Civil and domestic relations cases are so low in 2020 (compared to 2019) that we

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National Judicial College Available Courses

There are two courses available through the NJC for judges who have Impaired Driving Cases on their Docket. These two are NO COST to judges who qualify. Click the link and follow to Registration if you would like more information.

Impaired Driving Case Essentials

May 24 – May 27, 2021

You will learn to:

- Analyze circumstances providing legal bases for stops, searches and seizures, and arrests.
- Analyze the admissibility of testimonial and physical evidence.
- Describe the principles of pharmacology to effectively evaluate expert testimony.
- Demonstrate evidence-based practices, with the aid of information on how to manage impaired driving cases most effectively.

<https://www.judges.org/courses/impaired-driving-case-essentials/>

Marijuana Impaired Driving Cases

What Judges Need to Know, An Online Workshop

May 25, 2021

You will learn to:

- Discuss the trends and challenges presented in marijuana-impaired driving cases.
- Identify, analyze, and rule on Fourth Amendment issues specific to marijuana-impaired driving.
- Discuss the science and toxicology specific to marijuana impairment; and
- Recognize considerations, including options used around the country that help reduce recidivism, when sentencing the marijuana-impaired driver.

<https://www.judges.org/courses/marijuana-impaired-driving-cases-what-judges-need-to-know-an-online-workshop/>

Potential Surges in Case Filings



strongly suspect that these cases are going to come in (in 2021 or 2022),” said Robinson, who added that they have been labeled “shadow cases.”

She said she and others suspect that many people without lawyers assumed that they couldn’t file cases last year, or they didn’t know how to navigate the new environment that required a greater familiarity with technology. The “huge unknown,” she said, is how many of those people will file cases this year because they view courts as having re-opened and because they have become more familiar with technology.

Another unknown is how much of the drop in cases in 2020 was tied to the pandemic and the economic downturn. There may have been fewer civil cases, like slip-and-fall lawsuits, because people were out and about less. There may have been fewer family cases because those tend to drop when the economy is slumping.

One other area of concern is dependency or child maltreatment cases. Many cases of child abuse and neglect begin with a call to a child abuse hotline by a mandated reporter. Because many children were not in school last year, they had less contact with adults outside their homes. As more children return to school, the number of child maltreatment reports – and dependency cases filed in the courts – is expected to rise.

If and when a surge occurs, Robinson said she expects it will be a gradual increase that will begin this year – if it already hasn’t – and continue into 2022.

“I don’t think the dam is going to break,” she said, “but I think there will be an increase in flow.”

NCSC this year will continue to ask states to provide data that shed more light on how pandemic-related closings have impacted court filings and dispositions, and we’ll report on the findings.

Now That Washington’s Drug Possession Law Has Been Struck Down, Swamped Legal System Faces Massive Do-Over

Originally published by the Seattle Times

[CLICK HERE](#) to read the original story

The long-term effects are unknown but a February 2021 opinion from the Washington State Supreme Court has threatened chaos in the state. Under Washington’s strict liability possession statute, the state did not have to prove possession was knowingly or intentionally to convict. Opinions vary but the decision may result in all past possession convictions must being vacated. Thousands of people in prison may have new sentences imposed and millions of dollars in legal fees and fines may have to be reimbursed.



How “Nudges” Can Help Reduce Failure to Appear Rates

Originally published by www.ncsc.org
October 19, 2020

Before the COVID pandemic, a great deal of focus had been placed on the use of new technologies and methods to try and reduce failure to appear rates via reminder systems. While COVID caused a pause in many such systems, [a study released in October 2020 in the journal Science](#) using pre-COVID data indicates how substantially such reminder “nudges” can help.

Co-authors Alissa Fishbane, Aurelie Ouss, and Anuj K. Shah conducted two field studies in New York City that focused on criminal summonses typically issued for the lowest level of criminal offenses. Using data from the New York State Office of Court Administration, researchers looked at over 300,000 such summons issued between January 1, 2016 and June 14, 2017. The first field study examined a redesign of summons/ticket forms. The second focused on reminder systems.

Text Reminders

The second study focused on a text reminder system giving defendants court information (date, location) and information about the consequences of missing court. Defendants were broken up into four groups: a control and three variable groups. Three of the groups received text messages seven days before, three days before, and one day before their scheduled court date that described their court date and location.

- **Control:** No text messages
- **Consequences:** text messages told defendants a warrant would be opened and they might be arrested if they missed their court date.
- **Plan-making:** text messages told prompted defendants to plan to attend court, including marking their calendars, setting an alarm, and looking up directions (but there was no mention of consequences).
- **Combination:** text messages that were made up of a mix of consequences and plan-making messaging.



The researchers found that while the control group (no text messages) had a 37.9% failure to appear rate, any text message reduced failures to appear by 8 percentage points. In addition, “consequences” (8.9% reduction in failure to appear) and “combination” (9.9% reduction in failure to appear) messages were more effective relative to the control group. The “plan-making” messages reduced failures to appear by 6 percentage points.

As noted, the use of such text reminder systems had already been put in place in various courts, but this article seems to provide substantive support for the efficacy of such systems in reducing failure to appear and subsequent issuance of arrest warrants. Related National Center work in this area includes:

The [Pretrial Justice Center for Courts](#) (PJCC) that focuses on issues related to release and appearance.

[Electronic Court Reminders](#): a 2017 paper written by a Minnesota court manager as part of the Institute for Court Management’s Fellows Program which found that making multiple attempts to contact a defendant using multiple methods (phone, text, email) increased the likelihood a defendant would appear in court.

How is your court using texting or other reminder systems to address failure to appear? Follow the National Center for State Courts on Facebook, Twitter, Instagram, or Pinterest, and share your experiences.

For more information on this or other topics impacting state courts, contact Knowledge@ncsc.org or call 800.616.6164.

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SAVE THE DATE

Oklahoma Judicial Summer Conference

(Live Presentations in OKC)

JULY 14 – 16, 2021

Watch your email for details!



Opportunity for Impaired Driving Training for Tribal Judges

The American Bar Association and the National Highway Safety Administration are planning to expand the Judicial Outreach Liaison Program to allow training for tribal court judges. If you know tribal judges who might be interested in being involved in the planning or in receiving training when it is available, please have them contact me at:

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Originally published by [Responsibility.org](https://responsibility.org)

For the past 30 years, we have diligently worked toward the elimination of underage drinking as one of our three core missions. We believe that education and conversations are key to prevention, that these conversations should start early and continue often, and that everyone has a seat at the table of responsibility.

In 1991, 80% of American teens had consumed alcohol at least once in their lifetime. **By 2020, that dropped to 44%.**

We are proud of the progress that has been made and the work that has been accomplished in partnership with our member companies, like-minded organizations, educators, and parents. But our work is not yet done.

April is Alcohol Responsibility Month, and we want to highlight our efforts that help keep these numbers low and drive them even lower. We want kids to be empowered to say “YES” to a healthy lifestyle and “NO” to underage drinking. We are defining the future of alcohol responsibility, together.

Talking to kids of all ages about alcohol:

Parents are the #1 influence on their kids’ decisions to drink—or not to drink—alcohol. Since 2014, we have kept our finger on the pulse on raising responsible kids in an effort to meet parents where they are. With that in mind, each year we assemble a team of parenting influencers, and arm them with information about modeling responsible behavior and talking to their kids about alcohol to prevent underage drinking. [Learn more about our 2021 Parenting Influencer Team here.](#)

Talking to tweens about alcohol:

In 2003, Responsibility.org, alongside a team of educators and organizations specializing in elementary- and middle schoolers, developed [Ask, Listen, Learn: Kids and Alcohol Don't Mix](#). *Ask, Listen, Learn* is a completely FREE digital

underage drinking prevention program for kids ages 9-13 and their parents and educators with the goal to reduce underage drinking. The program helps kids learn what the developing brain does, what alcohol does to it, and what that does to them. In September 2020, new resources were added that address underage cannabis use as well. *Ask, Listen, Learn* is the most widely distributed program of its kind.

Talking to college-aged kids about alcohol:

We know many college students make responsible decisions about alcohol consumption. In fact, binge drinking among college students has declined 24% over the past 30 years. According to the National Institute on Alcohol Abuse and Alcoholism, the first six weeks of a student’s first year in college are a vulnerable time for harmful and underage college drinking and alcohol-related consequences because of student expectations and social pressures at the start of the academic year. College drinking not only impacts the drinking student, but also those around them even if they choose not to drink. Learn more about talking to your college-aged kids with our [Parents, You're Not Done Yet resources](#).

Establishing healthy communications: *Not every conversation is about alcohol.*

Teenagers are faced with countless pressures – on top of academics, sports, and extracurriculars, kids today are growing up with technology, social media and increased stress and anxiety. Navigating these years with your kids can prove overwhelming for any family; giving them the tools to make good decisions despite the pressure and stress they may face is crucial. [On Responsibility](#) is a video series featuring unique leaders in parenting and beyond. Our experts offer thoughtful and practical advice to parents as they navigate the teenage years with their kids, sharing skills and tips they’ve learned to help raise responsible teenagers on topics such as mindfulness, leadership, the developing brain, and more.

PLEASE TELL US WHAT YOU WANT



The purpose of the State Judicial Outreach Liaison program administered through the Oklahoma Highway Safety office and the OBA is to increase judiciary knowledge of challenges in adjudication Impaired Driving cases. We do this through peer-to-peer judicial education, technical assistance and links to resources.

We try to review and distribute current research, data and information on

evidence-based sentencing practices, DUI Courts, Ignition Interlocks, caselaw and offender assessment and treatment.

But we can't meet our goal without help from you. Please let us know about interesting issues, facts and arguments you have encountered in your courts. Share your successes and failures and tell us what you want to learn more about.

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SUBMISSIONS/ COMMENTS

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