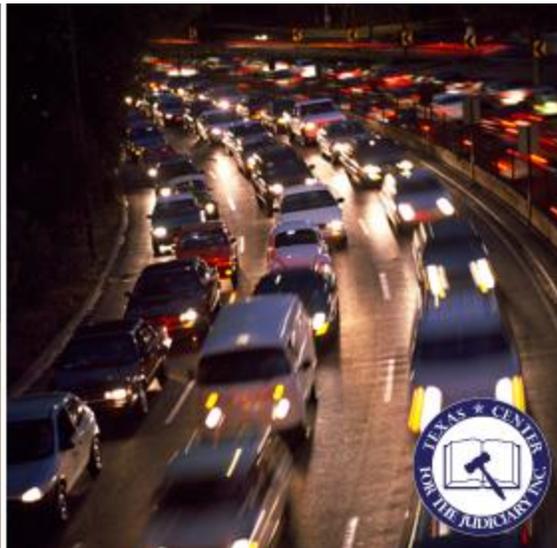


THE DWI NEWSLETTER

brought to you by

THE TEXAS CENTER FOR
THE JUDICIARY *and*
THE TEXAS DEPARTMENT
OF TRANSPORTATION



Fall 2011 Newsletter

Table of Contents

- [Judge Ladd](#)
- [In This Issue](#)
- [Report from the Judicial Resource Liaison](#)
- [Introducing Holly Doran, Program Director](#)
- [Harris County Breath Alcohol Testing](#)
- [Montgomery County DA's No Refusal program earns national award](#)
- [Thank you, 2010-2011 DWI Curriculum Committee!](#)
- [DWI Law Changes from 2011](#)
- [Blood Warrants: Do They Reduce Court Dockets?](#)

JUDGE LADD



Immediately after we posted this newsletter we learned of the devastating and tragic loss of a colleague and friend, Judge Rusty Ladd. His loss will be felt by the entire judiciary. He will be greatly missed.

[Read Judge Ladd's Obituary](#)

[Back To Top](#)

IN THIS ISSUE



Save a Life™
Texas Department of Transportation

In this issue of the DWI Newsletter, the Report from the Judicial Resource Liaison addresses the recent activities engaged in by Judge Mark Atkinson involving the Nation Highway Traffic Safety Administration (NHTSA) and TxDOT (Texas Department of Transportation). In addition, Judge Atkinson recaps the recent DWI Court Judges Conference and DWI College for Court Teams and Student Conduct Officers.

The new TxDOT Traffic Safety Grant's Program Director, Holly Doran, who recently replaced Rebecca Pitts, provides a short biographical sketch.

The Newsletter thanks the 2010-2011 DWI Curriculum Committee members and welcomes the new additions to the Committee for 2011-2012

Mr. Marshall Shelsy, Staff Attorney for the Harris County Courts at Law, offers his compilation of DWI law changes, enacted September 1, 2011. Mr. Shelsy also gave the in-depth analysis of these changes at the Texas Center's Annual Judicial Education Conference in Dallas.

Ms. Twyla Caton, Court Administrator for Collin County Court at Law #5, shares the findings of her project sponsored by the Institute of Court Management and in conjunction with the National Center for State Courts on Collin County Blood Warrants and whether they have been successful in reducing court dockets in Collin County.

[Back To Top](#)

REPORT FROM THE JUDICIAL RESOURCE LIAISON

Judge Mark D. Atkinson



We have been busy at the Texas Center for the Judiciary over the past few months. Following is a recap.

In July, the Texas Center for the Judiciary hosted the DWI College for Trial Judges, July 11-13, at the AT&T Executive Education and Conference Center. Program Director, **Rebecca Pitts**, worked with **Judge David Hodges**, Judicial Projects Director, for the Texas Association of Counties, and **Judge Mark Atkinson** to educate both County Court at Law and Constitutional County Judges on the latest impaired driving law and information.

Also in July, a meeting was held with **Ms. Anissa Johnson**, Drug Court Coordinator for Texas, Criminal Justice Division, Office of the Governor, regarding newly passed legislation establishing a Specialty Courts Advisory Council. The primary duty of the council will be to evaluate and make recommendations regarding requests of funding of specialty courts. Also discussed was the need to develop protocols and performance measures for the state's DWI Courts. **Ms. Johnson** agreed to come and speak to Texas judges at the DWI Court Judges Conference.

On July 15, **Rebecca Pitts** notified the Texas Center for the Judiciary of her intended resignation from the position of TxDOT Program Director, which became effective in August. Rebecca is now attending St. Mary's University School of Law in San Antonio as a full time law student. The position of Program Director was offered to **Holly Doran**, the then Registrar. She accepted the position and began working with Rebecca to learn more about the TxDOT Traffic Safety Grant and its administration.

Rebecca Pitts and **Judge Atkinson** attended the 17th Annual Conference of the National Association of Drug Court Professionals, July 17-20, in Washington D.C. The conference provided the opportunity to learn more about the latest practices and issues in DWI Courts across the country. Several judges from Texas attended along with their DWI Court teams. Judge Atkinson made a point to attend sessions which might be of assistance when working with Texas' DWI Courts. Topics included the constitutionality of practices in drug and DWI Courts, as well as issues of confidentiality in DWI and Drug Courts and the practices and goals of DWI Courts in other states.

In August, **Judge Atkinson** sat by assignment as a visiting judge on the Bench of Harris County Criminal Court at Law No. 13 and Williamson County Court at Law No. 1. Conducting DWI jury trials and handling routine DWI hearings as a visiting judge are invaluable tools to Judge Atkinson in performing his Judicial Resource Liaison role.

Traveling to Ft. Worth, Judge Atkinson attended and made presentations at two NHTSA, Region Six, meetings. At the first, he met with Law Enforcement Liaisons, Traffic Safety Prosecutors and NHTSA personnel. At the second meeting, which was held over the following two days, he met with NHTSA leaders and staff, as well as NHTSA Administrator, David L. Strickland.

In Reno, Nevada, **Judge Atkinson** attended a meeting, conducted by NHTSA, at the campus of the National Judicial College. The goal of the meeting was to bring together Judicial Outreach Liaisons and NHTSA impaired-driving-related leaders and staff. The attendees were educated on the workings of NHTSA and the desired efforts of the nation's Judicial Outreach Liaisons.

At the end of August, **Judge Atkinson** traveled to San Antonio to attend and present at the TxDOT Save a Life Summit. He spoke, along with Victoria County, County Court at Law **Judge Laura Weiser**, to a group primarily composed of law enforcement personnel.

On August 29, 2011, the Texas Traffic Safety Grant provided education and training to the judges of Texas DWI Courts. The conference, entitled DWI Court Judges Conference: Legal and Ethical Issues in Conducting DWI Courts, was held immediately prior to the DWI College for DWI Team Court Members and Student Conduct Officers.

The program was organized with the goal of revisiting practices and protocols of the state's DWI Courts. The 18 attending judges were surveyed, in advance of the session, regarding the practices of their courts in a variety of aspects. The meeting featured several speakers, including **Ms. Anissa Johnson** and **Mr. Christopher Burnett**, Executive Director, Governor's Criminal Justice Division, regarding the recently enacted Specialty Courts Advisory Council. The judges were advised that their input would be valuable to the Council, whose members will be appointed by the Governor. The purpose of the Council will be to determine which applications for grant funds relative to local specialty courts should be approved.

Also, attending and observing the meeting of the DWI Court Judges was Assistant Attorney General, **David A. Harris**. **Mr. Harris** has had the duty of representing judges, and other state agencies, in lawsuits. He was allowed to hear the discussion of the various practices of the DWI Court judges, then, give guidance and feedback to the judges regarding those practices. The judges indicated that they greatly benefited from **Mr. Harris's** comments and advice, and several said they would immediately address some concerns that had been raised.

Following the DWI Court Judges Conference was the DWI College for Court Teams and Student Conduct Officers. Twelve hours of education was provided to team members, which included judges, attorneys, probation personnel, treatment providers, law enforcement personnel, data evaluators and

student conduct officers. **Holly Doran** and **Judge Atkinson** plan to incorporate more of such discussions into TxDOT Grant-sponsored education in the future. Their desire is to ensure that the judges, staffs and other participants of DWI Courts are protected, both legally and ethically.

Also in September, **Judge Atkinson** attended the 12th Annual Interlock Symposium in Palm Springs and the Annual Governors Highway Safety Association Conference in Cincinnati. **Holly Doran** attended a training session in Ft. Worth entitled "Managing Federal Grants and Cooperative Agreements for Recipients."

While the past few months have been very busy, filled with travel and conferences, they have provided great opportunities for **Holly Doran** and **Judge Atkinson** to serve the state's judges and to act as liaisons between the judges and policy-makers.

[Back To Top](#)

INTRODUCING HOLLY DORAN, PROGRAM DIRECTOR



The Texas Center for the Judiciary's Traffic Safety Grant is pleased to introduce Ms. Holly Doran as the newly appointed Program Director. Holly is a native of Southern California; however, she now considers Austin home. She first moved to Austin to attend the University of Texas, where she played volleyball for the Longhorns and earned her B.A. in English. Before joining the Texas Center for the Judiciary in December of 2010, Holly lived and worked in a variety of places including New Jersey, Washington D.C., and China. Having grown up with a mother who worked as a counselor for an alcohol and drug addiction treatment center, Holly takes a special interest in the Traffic Safety Grant's mission to reduce the number of alcohol-related fatalities in the State of Texas. She is looking forward to providing innovative and valuable training to judges and court staff across Texas.

Holly Doran and Judge Atkinson will continue to work together to serve the Judiciary to achieve the goals of the Traffic Safety Grant.

[Back To Top](#)

HARRIS COUNTY BREATH ALCOHOL TESTING

Read the article here: <http://www.chron.com/news/houston-texas/article/Harris-County-DA-accused-of-retaliation-2198363.php>[Back To Top](#)

MONTGOMERY COUNTY DA'S NO REFUSAL PROGRAM EARNS NATIONAL AWARD

Read the article here: http://www.yourhoustonnews.com/courier/news/da-s-no-refusal-program-earns-national-award/article_e2c400f4-ee15-11e0-914d-001cc4c002e0.html

[Back To Top](#)

THANK YOU, 2010-2011 DWI CURRICULUM COMMITTEE!

The Texas Center for the Judiciary wishes to thank the members of the Texas judiciary who served on this year's DWI Curriculum Committee. Judge Patrice McDonald, Montgomery County Court at Law #3, provided excellent leadership as chair of the Committee. Judge Robert Anchondo, El Paso County Court at Law #2, Judge Donald Dowd, Cass County Court at Law, Judge Alex Hernandez, Calhoun County Court at Law #1, Judge Virgil Vahlenkamp, Denton County Criminal Court at Law #2, Judge Dibrell Waldrip, Comal County 433rd Judicial District Court, Judge Ray Wheless, Collin County 366th Judicial District Court, Judge Timothy Wright, Williamson County Court at Law #2,

helped guide the curriculum for the 2011 DWI Court Judges Conference and the 2011 Texas Judicial College on the Study of Alcohol and Other Drugs (DWI College). Ex-officio members included Judge Diane Bull, Harris County Criminal Court at Law #11, and Judge David D. Garcia, Denton County Criminal Court at Law #3. The Texas Center's Traffic Safety Grant would like thank these judges for taking the time away from their courts and families to help further the education of their fellow judges to reduce the number of impaired drivers and alcohol-related traffic fatalities in the state of Texas.



The Texas Center would like to welcome Judge Elizabeth Crowder, Dallas County Criminal Court at Law #7, Judge Rusty Ladd, Lubbock County Court at Law #1, and Judge Liza Rodriguez, Bexar County Court at Law #8, to the 2011-2012 DWI Curriculum Committee. We appreciate your willingness to volunteer your time and ideas to the development of curriculum.

[Back To Top](#)

DWI LAW CHANGES FROM 2011

Marshall A. Shelsy, Staff Attorney for the Harris County Courts at Law



The 82nd Texas Legislature significantly increased the level of public safety by giving judges the authority to closely supervise defendants and any individual granted an occupational driver's license for so long as the license is in effect. Judges also have the authority to order reasonable conditions such as urinalysis, curfew, and treatment. License holders are required to pay the local community supervision and corrections department (CSCD) a monthly supervision fee not to exceed \$60 in addition to the cost of services and programs. The authority of a Texas

judge to order a defendant charged with an intoxication-related motor vehicle offense was clarified to provide for pretrial supervision by the local CSCD of defendants on cash, surety, and personal bonds and to monitor compliance with other conditions of bond. Again, the defendant pays a monthly administration fee. The changes appear in Senate Bills 880, and 953.

[Download Mr. Shelsy's paper with highlighted changes to penal code, driver's license provisions and charts that make sense of it all.](#)[Back To Top](#)

BLOOD WARRANTS: DO THEY REDUCE COURT DOCKETS?

Twyla Caton, Court Administrator, Collin County Court at Law 5, McKinney, Texas



It may come as no surprise to any of you that Texas has the highest per capita ratio of alcohol related fatalities in the nation. Couple that with a breath test refusal rate of over 50%, and it translates to an overwhelming problem for the court system and the citizens in our state. Since the legislature acknowledged this problem by passing legislation to clarify the issuance of blood warrants in 2009, Collin County has been using blood draw warrants in many areas to combat refusal rates. Almost two thirds (2/3rds) of the misdemeanor criminal jury trial docket in

Collin County Courts at Law are comprised of Driving While Intoxicated cases awaiting trial. Of those two thirds, 32% are "total refusal" also known as "no evidence" cases.

The purpose of the Collin County Blood Draw Warrants - Do They Reduce Court Dockets?, project was to analyze whether this program was effective in 1) reducing the amount of jury trials in the county; 2) decreasing the number of "refusal" cases; 3) increasing the number of plea cases; and 4) increasing the trial case conviction rate due to additional evidence that can only be obtained through the use of a blood draw warrant. So far, the evidence proves that this program is working to do just that.

Interviews were conducted with defense attorneys and assistant district attorneys about the implementation of the "No Refusal Blood Draw Warrant" system. Statistics were gathered before the program started and compared to the statistics after the program had been in place through the end of 2010. Data was collected from the DPS Crime Lab on results for Collin blood warrants. Refusal, Breath Test and Blood Warrant cases were audited to determine the number of days from filing to their date of disposition.

Blood warrants have produced positive results in Collin County. They have decreased misdemeanor DWI refusal rates by 12%, reduced the number of misdemeanor jury trials by 21%, and increased overall conviction rates by 5% since the program was implemented. Refusal rates are expected to continue to decline with increased participation of agencies and judges in this program. This program produces evidence that would be unavailable in refusal cases. Collin County believes that as more suspects become aware of the blood draw warrant program they will stop refusing the breath test. This is still the most efficient processing system for the court system and for the agencies.

[To read the full paper please click here.](#)

[Back To Top](#)