The Resource Page

WEBSITES OF INTEREST

Traffic Resource Center for Judges
www.trafficresourcecenter.org

The Traffic Resource Center for Judges provides background reports, articles, and recommendations regarding many of the situations judges handling traffic cases will face. Most of the site is accessible through two tabs—"Impaired Driving" and "Traffic." Under "Impaired Driving," you can find materials related to drunk driving, drugged driving, field-sobriety testing, alternative sentencing, DWI/DUI court evaluations, and transdermal monitoring systems. Under "Traffic," you can find materials about aggressive driving, bicycles, child safety, distracted driving, driver education, teen driving, and pedestrian safety. The website was put together by the National Center for State Courts with funding from the National Highway Transportation and Safety Administration (NHTSA).

To get an idea of what's on the site, we checked out the materials under field-sobriety testing. You'll find three studies from the 1990s validating field-sobriety tests as an indicator that a person's blood-alcohol concentration is above specified levels. Included is a final report submitted to NHTSA in 1998 that validated the measures for the .08 level that was then being adopted by many states. Also included are three government reports supporting the use of the horizontal-gaze-nystagmus test.

Not included are materials that might be used by the defense bar in these cases to challenge the reliability of these tests or the training manuals used to train law-enforcement officers (which are published by NHTSA). For a review of the literature and studies about the field-sobriety tests, see Steven J. Rubenzer, *The Standardized Field Sobriety Tests: A Review of Scientific and Legal Issues*, 32 LAW & HUMAN BEHAV. 293 (2008).

Even so, the website contains a wealth of useful material. On many issues, there are links to some appellate opinions on the topic, which can provide an easy start to research in the area. In other areas, like distracted driving, the site contains links to multiple reports—by government and nongovernment researchers—that would provide ready background facts for a presentation to a local civic club or student group, as well as background for the judge handling such cases.

In addition to the website, the Traffic Resource Center for Judges will respond to requests for information from judges and court staff. According to the news release announcing the Center's creation, its staff also can supply educational materials, such as PowerPoint slides and video clips from presentations on a variety of topics.

NEW REPORTS

Navigating the Hazards of E-Discovery: A Manual for Judges in State Courts Across the Nation (2d ed. 2012).
http://iaals.du.edu/images/wygwam/documents/publications/Navigating_eDiscovery_2nd_Edition.pdf

For many state-court judges, even ones handling regular civil dockets, you may not end up very often in the middle of a dispute involving the discovery of electronic materials (email, voicemails, documents on hard drives, and things like metadata). But when you do, it's nice to have a helpful guide to the issues and the process. The Institute for the Advancement of the American Legal System (IAALS) at the University of Denver has prepared a great guide, and it's tailored for state-court judges.

The guide has four parts: Part I provides a brief background on the vocabulary and technical aspects of electronic discovery. Part II looks at issues of concern to the litigants, including the cost of production and the preservation of evidence. Part III looks specifically at e-discovery challenges from the lawyer's per-spective. Part IV looks at those issues from the court's perspective, including suggestions for courts to handle e-discovery disputes fairly but efficiently. Another section at the end of the manual provides a glossary of key terms and a list of materials for further reading.

The guide is easy to read, but it contains citations to all the key cases from around the United States on e-discovery, as well as references to leading articles and studies in the area. But the guide does a good job of summarizing the key points so that—at least in getting an overall understanding of the problems normally encountered in e-discovery— you'll be in pretty good shape after just reading this guide, which runs 30 pages (not including the appendices).

The section specifically addressed to judges is practical. For example, the guide encourages judges to start with whether the information is needed in the first place when it seems of marginal relevance and complicated balancing tests would have to be applied to determine who should pay the large costs that might be associated with retrieval, checking for privileged contents, and production: "It may well be that e-mails from ten years ago, or a legacy database [that] would require expensive restoration, is relevant, but before going through a complicated balancing test to determine who should pay, let the parties convince you that the information is needed in the first place."

If you handle e-discovery disputes from time to time, download the manual and keep it on your computer for reference. It won't answer all the questions in this area, but it's a good starting point, with plenty of references for more detailed information.

FOCUS ON EYEWITNESS EVIDENCE

Court Review surveys resources on eyewitness evidence at page 55.