

In recent years the College has educated more than a thousand judges on commercial driver's license and commercial motor vehicle laws and regulations throughout the nation and in Indian Country.

## TAKING UNSAFE DRIVERS OFF THE ROAD

**I**n June 2018, a truck plowed into a Jeep Wrangler stopped in traffic on Interstate 84 in Idaho, killing the truck driver and three Idaho airmen who were in the Jeep.

A newspaper account later revealed that the truck driver had been convicted of more than 20 driving-related violations in four states before the crash and additional offenses in other states.

The obvious question was, why was a driver with so many convictions still on the road and in possession of a commercial driver's license?

One likely reason, though it was not part of the record, relates to an all-too-common traffic court practice called "masking."

Masking relates to plea bargains struck by commercial drivers who are in danger of accruing so many driving violations that they face the automatic loss of their commercial driver's license (CDL). When they've reached the limit, they often seek to plead guilty to different infractions or to attend driver's education courses, an alternative known as diversion or deferred prosecution.

Prosecutors and judges are often sympathetic to the drivers' argument that the loss of the CDL will take away their means of earning a living and supporting their families. But preserving a driver's license in this way effectively – and illegally – masks the true record of dangerous driving.

For nearly 20 years, The National Judicial College, supported by grants from the Federal Motor Carrier Safety Administration, has been educating judges about masking and other highway safety regulations. In the past two

years, more than 300 judges have tuned in to the College's live national webcasts on the subject or to webcasts customized to each of the 50 states. In 2016 and 2017, 447 judges attended in-person courses presented in seven states. And the efforts appear to be finally paying off.

In Florida, former St. Petersburg Circuit Court Judge Karl Grube, now in senior status, says judges in his state used to withhold convictions in almost all commercial operators' cases, such as speeding, careless driving and improper lane changes. That changed when the NJC came to town.

"Once our judges realized that our practices were not only contrary to the law but dangerous to the motoring public, we slowly turned the corner to avoid masking," he says. Gayle Williams-Byers, a presiding judge for the South Euclid, Ohio, Municipal Court, has taught courses on commercial driver's license issues across the country as a judicial fellow of the College. She says she's found that many, "if not all" of the judges she's taught were unaware that masking was a violation of federal law.


"I had no idea that these plea agreements effectively violated the law until I took the course," says Judge James Hanby, a justice of the peace in Wilmington, Delaware. "I now take a much closer look at the record of violations."

Romana Lavallas, a senior attorney for the National Traffic Law Center of the National District Attorneys Association, says awareness of masking is clearly on the rise in court houses, and "if judges are doing what they're supposed to do, the right drivers will get disqualified." With support from the Federal Motor Carrier Safety Administration, the NJC is working to make sure that happens.

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—Judge James Hanby, Wilmington, Delaware



A portrait of Gayle Williams-Byers, a Black woman with short dark hair, wearing a black blazer and a pearl necklace. She is smiling slightly and looking towards the camera. The background is a blurred outdoor setting with a large white building and several vehicles, including a red car and a white van. The sky is a clear blue.

*Judicial Fellow Gayle Williams-Byers is on a mission to disabuse judges about a common, but illegal, plea agreement that can allow dangerous commercial drivers to remain on the road.*