

AUTHOR'S INTRODUCTION 2025-2026 EDITION

Operating under the influence cases are the most litigated cases in Massachusetts. Defending individuals charged with OUI requires a working knowledge of how alcohol affects the body, the techniques used by law enforcement (including field sobriety, breath, and blood tests) and the ever-changing legal atmosphere. Of the nearly 20,000 OUI arrests annually in Massachusetts, far too many winnable cases result in pleas. *Drunk Driving Defense* will hopefully provide a basic understanding of an OUI case from stop to acquittal.

This past year, drunk driving litigation has seen the return of breath tests across the state. The practitioner must familiarize themselves with the protocol and procedures law enforcement must adhere to when the citizen takes the breath test at the place of detention, as well as an understanding of the calibration methodology. To that end, this edition has included some very practical guidance and suggestions pertaining to analyzing and defending a breath test case.

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