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## Alcohol Abuse: The New Legal Challenge Prologue

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# SPECIAL SECTION

## ALCOHOL ABUSE: THE NEW LEGAL CHALLENGE

### PROLOGUE

Mike Greely\*

Alcohol misuse causes vexing problems in modern society. These problems generate legal consequences that range from prosecutions for driving under the influence of alcohol to the effect of alcoholism on testamentary capacity. As Attorney General for the State of Montana, I have promoted increased public awareness of the dangers posed by drinking drivers, and have worked for passage and enforcement of tough DUI laws that will reduce the destruction and loss of life attributable to drunk driving.

This special section of the Summer 1985 issue of the *Montana Law Review* examines the drunk-driving laws enacted by the 1983 Legislature. The student notes and comments provide an historical context for the development of alcohol-related legislation in Montana, as well as evaluations of potential constitutional challenges to the DUI legislation. The special section also examines the role of alcohol use and misuse within the following additional legal contexts:

- (1) tort liability under the dramshop and social host theories of negligence;
- (2) the need for an appropriate response to the problem of the alcoholic employee;
- (3) the role alcoholism can play in setting workers' compensation awards;
- (4) the effect of alcoholism on child custody awards; and
- (5) the effect of alcoholism in determining testamentary capacity.

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\* B.A., Yale University, 1962; J.D., University of Montana, 1967. Mr. Greely has served as a Deputy County Attorney, Cascade County, Montana; has engaged in a private law practice in Great Falls, Montana; and has served three terms in the Montana House of Representatives and one term in the Montana Senate. Mr. Greely was elected to the office of Attorney General in 1976. He was reelected in 1980 and, for a third term, in 1984.

Giving an overview of legal problems that stem from alcohol use and misuse, this special section examines those problem areas in sufficient depth to be a truly helpful tool to the lawyer who confronts alcohol-related issues. As lawyers, we must address the problems that the use and misuse of alcohol cause as they present themselves in our law practices. As the use and misuse of alcohol pervade daily life in our society, so do the legal issues grow and the questions multiply.

My thanks to the staff of the 1985 *Montana Law Review* for an important contribution.

**MIKE GREELY**  
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