

# Opioids and the Courts

In the News: February 21, 2020



## National

### [Payout from a National Opioids Settlement Won't Be as Big as Hoped](#)

New York Times

As talks escalate to settle thousands of opioid-related lawsuits nationwide, a harsh reality is emerging: The money the pharmaceutical industry will pay to compensate ravaged communities will likely be far less than once envisioned.

Lawyers on all sides have been stepping up efforts to reach a national agreement before the start of a New York trial next month. But even plaintiff lawyers now believe the payout from dozens of opioid makers, distributors and retailers is likely to be less than half of what the four Big Tobacco companies agreed to pay more than 20 years ago in a landmark settlement with states over costs associated with millions of smoking-related deaths.

Whatever the final amount, it will certainly fall well short of what public health experts say is needed to heal the long-term effects of the opioid crisis.

The tobacco settlement of 1998 totaled more than [\\$206 billion over 25 years](#). When pressed to name the dollar figure he was swinging for, Joe Rice, the chief negotiator for thousands of cities and counties suing the pharmaceutical industry who [was also instrumental in wresting the tobacco settlement](#), conceded in an interview: “People would say I was crazy if I thought we could get over \$100 billion.”

## Indiana

### [Inmate, with ACLU help, sues Putnam judge and clerk](#)

Tribune-Star

A recent Putnam Superior Court order rejecting inmate filings from the Putnamville Correctional Facility has prompted a federal lawsuit on behalf of an inmate by the American Civil Liberties Union of Indiana.

Inmate Joseph E. McDowell is challenging the Jan. 15 order signed by Judge Charles D. Bridges, who cited — but did not elaborate upon — some letters “being treated with illegal substances” before they reach the court.

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Judge Bridges said he issued the order after being told by prison investigators that some court filings were reportedly being sent to third parties before being sent to the court.

The third parties reportedly applied a form of fentanyl (a powerful opioid) to the mailings before sending them on to the court. If those paper documents were mailed back to the prison as legal mail from the courts, the prison staff could not open them, Bridges said.

The inmates could receive the tainted paper, then rip up the documents to ingest the substances.

### Indiana

[New policy: Overdose victims may face charges](#)

Daily Reporter

Once a person who has overdosed has received medical care, he or she will be sent to the county jail, where they will be treated like any other inmate with addiction issues until their case is heard in the courts.

While county judges will approach each case based on its merits, [Hancock County prosecutor Brent] Eaton's goal is to get the person who overdosed into either the county's drug court or heroin protocol programs.

"Those programs do work," Eaton said. "The alternative is either let them go and they die, or they're incarcerated."

### Ohio

[ONU Faculty Members Publish Paper About Opioid Abuse in Rural Regions](#)

WKTN

Ohio Northern University faculty members Ross Kauffman and Keith Durkin have taken an interdisciplinary approach to the multifaceted problem of opioid abuse in the region. The resulting paper from their research, "Impact of Emotional Distress on Prescription Opioid Abuse in a Rural Juvenile Drug Court Sample," was published in the December 2019 edition of the *Ohio Journal of Public Health*.

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"We found a very strong link between emotional problems and prescription opioid abuse among kids in juvenile drug court," Durkin said. "While we found a declining trend in pain pill abuse, we found a very troubling increase in emotional problems by youths referred to the drug court. In fact, emotional problems have risen 89.5 percent on average since 2010."

"While the prescription opioid abuse problem appears to be on the decline among juveniles, I am profoundly concerned that a very serious mental health crisis is on the horizon," cautions Durkin.

### Ohio

#### [Ohio governments working to craft unusual opioid bargain](#)

Associated Press

Ohio's governor, attorney general and dozens of local governments are nearing agreement on divvying up proceeds of a potentially huge settlement with the opioid industry, hoping to avoid mistakes made with the national tobacco settlement.

The so-called "One Ohio" agreement, still not final, would give local governments much of the control of the purse strings — all but cutting out state lawmakers remembered for diverting tobacco settlement money at one point that had been intended to cover smoking-related healthcare costs to pay for other things.

No other state has announced plans for dividing settlements over the toll of opioids. And so far, no national opioid settlement has been finalized. One with OxyContin maker Purdue Pharma is being worked on in bankruptcy court, and a group of three drug distribution companies and two manufacturers are working on a settlement intending to resolve all litigation against them.

### Ohio

#### [New Summit County court program helping addicts 'ASAP'](#)

News 5 Cleveland

The Arraignment Support and Advocacy Program (ASAP) is providing peer recovery coaches during arraignments for people charged with fourth- and fifth-degree felony drug offenses and drunk-driving charges.

The idea came from Chris Stahr, who is also the community development director for Valor Court, which assists veterans.

"As far as all the research I've done, I've not seen any court program that offers recovery so early," Stahr said. "The goal is to give people recovery exposure at the earliest possible point."

Stahr understands the struggle. After he got out of the U.S. Army, he developed PTSD, and turned to alcohol before eventually getting hooked on heroin. He committed crimes, including burglary, and served five years of a 10-year sentence.

"I was ultimately charged with multiple felonies," he said.

According to the statistics provided by the court, 46% of felony arraignments are drug-related and half of those are related to opioids. In addition, 63% of the county's failure to appear charges are connected to drug or alcohol cases.

## Pennsylvania

[In Bucks County, a new program is sending first-time drug offenders to treatment instead of to a courtroom](#)

Philadelphia Inquirer

But others who handle drug cases regularly have identified gaps. District Judge Daniel Baranoski's courtroom in Penndel is one of the county's busiest. From that vantage point, he has seen an entire vital population excluded from the program.

More than half the eligible defendants were denied entry into the diversionary program because of prior records, and a majority of those who were denied had been arrested for opioids.

"It's a strong program and a good start, but I don't think we should be limiting this," Baranoski said. "This is basically the only program that gets people charged with possession into treatment at an early stage, and we're missing our target audience."

As a result, most who did complete the program were there because of marijuana offenses. And Baranoski, a former longtime narcotics detective, said it's almost impossible to find someone addicted to opioids who doesn't have prior arrests.

"So these opioid users are waiting months before seeing a judge in Common Pleas, and they're still not being sentenced to jail," he said. "There's nothing else being done. Why not get them into treatment six months earlier? It would save lots of lives."

## West Virginia

[Family drug treatment court to open in another WV county](#)

Associated Press

The opening of the court at the Nicholas County Courthouse in Summersville is scheduled for Friday. Three state Supreme Court justices are expected to attend. The event is open to the public.

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Drug cases have overwhelmed West Virginia's court system. In a state of 1.8 million residents, more than 30,000 people are in drug treatment in West Virginia, which has by far the nation's highest drug overdose death rate.

As the state grapples with the addiction epidemic, the number of children under state foster care has swelled to about 6,900, up more than 60% from 2015.

Nearly one-third of appeals heard by the Supreme Court involve child abuse and neglect.

"Family Drug Treatment Courts are an incredible initiative to address the effects of the opioid epidemic on our families," Supreme Court Chief Justice Tim Armstead said in a statement.