



Opioids and the Courts News: August 2, 2019

National

[The 10 Essential Elements of Opioid Intervention Courts](#)

Center for Court Innovation

1. Broad legal eligibility
2. Immediate screening for risk of overdose
3. Informed consent after consultation with defense counsel
4. Suspension of prosecution or expedited plea
5. Rapid clinical assessment and treatment engagement
6. Recovery support services
7. Frequent judicial supervision and compliance monitoring
8. Intensive case management
9. Program completion and continuing care
10. Performance evaluation and program improvement

National

[Big question in opioid suits: How to divide any settlement](#)

Associated Press

The roughly 2,000 state and local governments suing the drug industry over the deadly opioid crisis have yet to see any verdicts or reach any big national settlements but are already tussling with each other over how to divide any money they collect.

The reason: Some of them want to avoid what happened 20 years ago, when states agreed to a giant settlement with the tobacco industry and used most of the cash on projects that had little to do with smoking's toll.

“If we don't use dollars recovered from these opioid lawsuits to end the opioid epidemic, shame on us,” Kentucky Attorney General Andy Beshear said.

National

[Arizona Sues Sackler Family At Supreme Court, Alleging Effort To Avoid Payouts Over Opioid Crisis](#)

The Hill

The state of Arizona has taken the highly unusual move of filing a lawsuit at the Supreme Court, asking the justices to order the Sackler family — the owners of Purdue Pharma — to return billions of dollars in connection with their handling of the opioid epidemic. Arizona officials are alleging the family transferred the money from their company in order to prevent paying potential judgements over their alleged role in the crisis, in the process violating a 2007 legal agreement made with the state. The state says the family “reaped profits through misleading marketing tactics.”



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National

[Scientific seminars equip judges to counter opioid crisis](#)

Science (journal)

Dozens of similar cases convinced [Montana Supreme Court Justice Ingrid] Gustafson of the importance of understanding the science behind defendants' actions. In May 2018, she traveled to a 2-day judicial seminar on emerging issues in neuroscience. Organized by the American Association for the Advancement of Science and hosted by the Center for the Neural Basis of Cognition, a joint venture of the University of Pittsburgh and Carnegie Mellon University, the conference covered everything from adolescent brain development and dementia to the neuroscience of pain and violence.

The seminar was one of two that AAAS's Scientific Responsibility, Human Rights and Law Program has convened each year since 2006. The idea for the seminars came in 2005, when the Dana Foundation, a private philanthropic organization that supports brain research, came to AAAS looking for a way to expand its work beyond financing scientific studies. The two organizations forged a partnership to give federal, state, and administrative law court judges an opportunity to learn from researchers how advances in neuroscience can inform courtroom decision-making.

Gustafson was impressed by a lecture on the neuroscience of addiction, particularly as it relates to the ongoing opioid crisis, declared a "nationwide public health emergency" in October 2017 by the U.S. Department of Health and Human Services. Though Montana had not been as hard-hit by opioid addiction as other states, Gustafson was concerned that the highly addictive class of drugs, which the Centers for Disease Control and Prevention found responsible for 68% of all fatal overdoses in the United States in 2017 alone, could intensify in her state. She sought a way to make her judicial colleagues aware of the epidemic's causes, as well as evidence-based interventions to combat it.

Now an associate justice of the Montana Supreme Court and chair of its education committee, Gustafson collaborated with AAAS to bring scientific guidance on the opioid crisis to the state's judicial community. On 9 May, at a scenic resort adjacent to Glacier National Park in Whitefish, 42 of the state's district and supreme court judges attended presentations on the causes, neurological effects, and treatments of opioid addiction. It was the first AAAS judicial seminar dedicated to a single topic within the field of neuroscience. AAAS now plans to transform the pilot conference into three more opioid-focused seminars over the next year.



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[CMS Issues Guidance On Services For Moms, Babies With Opioid Disorder](#)

Modern Healthcare

The [Centers for Medicare and Medicaid Services] on Monday revealed new coverage options that state Medicaid programs can use to help moms and babies affected by opioid use disorder. In two informational bulletins, the agency clarified provisions included in the Support for Patients and Communities Act, a package of legislation signed into law in October to combat the opioid epidemic, that addresses treatment for pregnant and postpartum women with substance use disorder and for babies with neonatal abstinence syndrome.

Florida

[Courthouse luncheon to focus on opioid crisis](#)

Ocala Star-Banner

The Fifth Judicial Circuit, the Marion County Drug Courts and the Marion County Heroin/Opioid Task Force are hosting an opioid awareness lunch and learning event on Friday.

Members of the task force will be on hand to discuss their efforts and what they are seeing in the community. The discussion will include the impacts and costs of opioid addiction for individuals, the community and businesses.

Florida

[Courts working to combat opioid crisis](#)

Gainesville Sun

On April 24, Florida Supreme Court Chief Justice Charles Canady issued a proclamation declaring July 2019 to be Opioid Awareness Month within the state court system. Chief Justice Canady stated: “It is incumbent upon judges and court staff members, particularly those serving in problem-solving courts and family courts, to understand the basics of addiction and its impact on the brain, the standard for treatment of opioid use disorder, and legal implications and court responses to individuals with this disorder.”

The need for education and awareness is clear; Florida is experiencing an opioid crisis. We know that this epidemic is more than a public health issue. The courts have a frontline view of the devastating impact that the opioid epidemic is having on our state, destroying futures and families.

At some point, most people with opioid use disorder end up in court. Perhaps they have been arrested for stealing to feed their habit or been deemed unfit parents. Whatever the reason, the justice system is now the primary referral source for addiction treatment in



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the country. Whether in a criminal court, family court or problem-solving court, the courts have a role in combating this crisis, ensuring that people with opioid use disorder are given the opportunity to receive the treatment they need.

Minnesota

[St. Louis County Working To Reduce Post-Jail Opioid Overdoses](#)

Minnesota Public Radio

St. Louis County is creating a program to provide medication for opioid treatment in the county jail as part of a U.S. Department of Justice initiative that seeks to reduce the number of people overdosing on opioids. As part of the planning initiative, St. Louis County staff will be guided in how to set up a program where inmates and those leaving jail can be prescribed medications like buprenorphine and methadone that are used to treat opioid dependence.

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Judge Shaun Floerke, who presides over the South St. Louis County DWI Court and has supported the program, said in a statement that this is one more way that the community can respond to the opioid overdose epidemic.

“We know that people going to jail who’ve been using heroin or opioids will have a horrible detox. They will be very sick, often in need of medical care,” Floerke said. “People need intervention and treatment.”

Oklahoma

[Oklahoma makes final bid to hold J&J responsible for opioid epidemic](#)

Reuters

Oklahoma’s attorney general on Wednesday made his final bid to force Johnson & Johnson to pay \$17 billion for its part in fueling the opioid epidemic, saying the drugmaker’s “egregious” marketing caused an oversupply of addictive drugs and overdose deaths.

Attorney General Mike Hunter in a brief filed in a state court in Norman, Oklahoma, argued that evidence presented during the first trial nationally in litigation over the epidemic showed J&J was “at the root of this crisis.”

The state’s lawyers said evidence presented during the seven-week trial that began in May showed J&J’s decades-long marketing campaign convinced doctors and the public that opioids could be a “go-to, first-line treatment for everything from headaches to sprained ankles.”



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They said J&J and its subsidiaries “abandoned all standards of responsible conduct in their blind resolve to make money from their drugs,” creating a public nuisance in the form of an opioid crisis that since 2000 has killed 6,000 Oklahomans.

Pennsylvania

[Estimated Costs to the Pennsylvania Criminal Justice System Resulting From the Opioid Crisis](#)

American Journal of Managed Care

The opioid crisis has made financial impacts across all levels of the public sector. This report focuses on costs related to the criminal justice system (CJS) in Pennsylvania. Costs impacting 3 principal areas of the CJS are examined: opioid-related arrests, court costs, and incarceration. Analysis of the state-level CJS is our main focus; no local-level costs are included. Through this examination, costs of the opioid crisis for the period of 2007 to 2016 were estimated using opioid costs for 2006 as a baseline. Total costs to the Pennsylvania CJS during this period were over \$526 million, with most of that accounted for by state corrections. Opioid-related trends in arrests, court proceedings, and incarceration were not sufficiently well-documented to allow for rigorous analysis in earlier periods, and this was the primary limitation to our analysis.

Texas

[Texas opioid MDL: Dallas County selected for first bellwether trial](#)

SE Texas Record

Dallas County, the second most populated county in Texas, has been selected for the state’s first opioid bellwether trial.

Dozens of Texas counties and cities, including the state itself, have filed opioid lawsuits asserting manufactures and distributors had knowledge of the dangers of opioids but concealed the information for profit.

The suits are currently in a multidistrict litigation court in Harris County and assigned to Judge Robert Schaffer of the 152nd District Court.

A status conference hearing was held on July 26, during which both sides presented Judge Schaffer with a shortlist of [candidates for possible bellwether trials](#).

The judge decided the plaintiffs would select the first bellwether and the defendants would choose the second.

If the Dallas County case settles or can’t go for whatever reason, Bexar County will fill the spot.



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Virginia

[Region's only juvenile drug court marks 10 years of seeking to 'break that cycle'](#)

Roanoke Times

[Commonwealth's Attorney Cliff] Hapgood said he feels the juvenile drug court is even more relevant today than when it was first created 10 years ago because now there's a greater understanding of drug addiction, given the wide coverage of the opioid crisis in newspapers and books like Beth Macy's "Dopesick."

The lack of funding from the state has limited the program and its reach in some ways, Hapgood said, but he still thinks it has made a difference, thanks in large part to the dedication of the team.

"Did it serve the number of kids we would have liked? No, it didn't. But on the other hand, it served some and it helped some," he said. "And I think any time you can help a child take care of this problem early and get them on the right road then we're all better off."

