



## Opioids and the Courts News: Jan. 18 – Feb. 1, 2019

### Task Force Coverage

#### [National Judicial Opioid Task Force Launches Online Resource Center](#)

The Chattanooga (Tennessee)

The National Judicial Opioid Task Force, co-chaired by Tennessee Administrative Office of the Courts Director Deborah Taylor Tate, recently launched a resource center to address the ongoing opioid epidemic featuring dozens of facts sheets, videos, and other resources for judges and the general public regarding the opioid crisis and substance abuse disorders including treatment and services; special populations, including children and veterans; and collaborative efforts and data sharing among law enforcement medical professionals and the judicial branch.

### National

#### [Border protection agents make largest fentanyl bust in US history](#)

ABC News

Customs and Border Protection (CBP) announced Thursday that they made the largest fentanyl bust in U.S. history over the weekend, seizing hundreds of pounds of the drug along the U.S.-Mexico border.

Officers at the Port of Nogales in Arizona arrested Juan Antonio Torres-Barraza and charged him with two counts of possession with intent to distribute for allegedly attempting to enter the U.S. with a combined 650 pounds of methamphetamine and fentanyl, worth nearly \$4.6 million dollars.

Nearly 254 pounds of fentanyl was seized, with a value of around \$3.5 million.

### National

#### [Heavy marketing of opioid drugs linked to overdose deaths](#)

UPI

Heavy marketing of prescription opioid drugs to doctors was linked to high death rates in an analysis of recent data published Friday.

Between 2013 and 2016, pharmaceutical companies spent nearly \$40 million in marketing to nearly 68,000 physicians in 2,208 counties throughout the United States, according to findings published Friday in JAMA Network Open.

Additionally, overdose deaths climbed 18 percent for every three payments to physicians per 100,000 people in a county.

Despite the decline in the rate of opioids prescribed since 2010, prescribing rates are still three times higher than in 1999. Counties in Kentucky, Tennessee and West Virginia



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have some of the highest opioid prescribing and opioid-related overdose rates in the country.

### National

[Opioid Lawsuits Are Headed to Trial. Here's Why the Stakes Are Getting Uglier.](#)

New York Times

**Uncontested:** The devastation from prescription opioids has been deadly and inordinately expensive.

**Contested:** Who should foot the bill?

Just over a year ago, opioid lawsuits against makers and distributors of the painkillers were proliferating so rapidly that a judicial panel bundled all the federal cases under the stewardship of a single judge. On a January morning, [Judge Dan Aaron Polster of the Northern District of Ohio](#) made his opening remarks to lawyers for nearly 200 municipal governments gathered in his Cleveland courtroom. He wanted the national opioid crisis resolved with a meaningful settlement within a year, proclaiming, “We don’t need briefs and we don’t need trials.”

That year is up.

Far from being settled, the litigation has ballooned to 1,548 federal court cases, brought on behalf of cities and counties, 77 tribes, hospitals, union benefit funds, infants with neonatal abstinence syndrome and others — in total, millions of people. With a potential payday amounting to tens of billions of dollars, it has become one of the most complicated and gargantuan legal battles in American history.

### National

[Opioids: Boston trial opens what could be year of reckoning for executives](#)

Guardian

Drug company executives appearing in court in Boston this week have been accused of running “a criminal enterprise” and putting greed before patient safety as they pushed prescription narcotics during the opioid crisis, blighting the health of America.

The defendants are the first painkiller manufacturing bosses to stand trial over conduct authorities say contributed to an overdose epidemic that has killed hundreds of thousands of people in the past 20 years, regardless of region, age, race, and income.

If the Boston trial and others scheduled to get under way later this year are anything to go by, 2019 is now shaping up as the start of a reckoning for the pharmaceutical giants still making billions from opioids.



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## Indiana

[Opioid crisis affecting judicial system across state](#)

Daily Journal

[Chief Justice Loretta] Rush, making her fifth State of the Judiciary speech, focused on the opioid epidemic that “has invaded every Indiana community.”

She said the courts have teamed up with the Indiana Family and Social Services Administration, the Association of Indiana Counties, Indiana University Grand Challenges and all 92 counties to host an opioid summit to help educate justice professionals from around the state on the ongoing crisis.

## Maryland

[Protecting babies born to opioid abusers: Is there an app for that?](#)

Washington Post

Elizabeth Stahlman was on maternity leave in 2016 when she heard about a Pennsylvania infant who died of starvation days after both of the baby’s parents fatally overdosed on opioids.

If only someone had checked in, she thought, the child — from a town about an hour from her home in rural Western Maryland — may have lived. What if someone had been monitoring?

After she returned to her job as a community development director for the city of Frostburg, Stahlman began working with Del. Michael W. McKay (R-Allegany) on legislation for a mobile app to help social service officials verify whether parents with a history of drug addiction can safely care for their newborns.

“It’s a tool to help fill in the gaps,” said McKay, who plans to seek co-sponsors for the bill this week. “We are trying to strengthen families dealing with an addiction and give them the best chance to start off firing on all cylinders.”

## Massachusetts

[SJC Chief Justice Gants Remarks Delivered at the 20th Annual Walk to the Hill at the Massachusetts State House](#)

Legal News Line

What is it worth to help those who have no one to speak for them in court? The grandparent whose daughter suffers from opiate addiction, seeking a guardianship to care for her three young grandchildren.



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And if your legislators correctly note that we are asking for \$5 million more than last year, first, express your appreciation for the increased funding for civil legal aid that was in last year's budget, and then discuss the families who will need legal help in the coming fiscal year because their lives have been upended by opiate addiction, by the threat of deportation, by eviction, by elder abuse, by wage theft, or by domestic violence.

### Montana

#### [Chief justice calls state court system 'stressed'](#)

Great Falls Tribune

[Chief Justice Mike McGrath] said the drug of choice for participants in the program is alcohol, followed by methamphetamine and marijuana. He said 16 percent of participants use opioids.

McGrath said the state spends \$1.3 million on the courts, and he is asking the Legislature for \$135,000 to bring two existing courts on to state funding.

“Montana can no longer do business as usual; instead we need to look to increase drug treatment, a healthy mental health system, continued use of drug treatment courts and solid prevention measures to stem this tide,” he said.

### New York

#### [Opioid court may soon expand to Amherst](#)

WGRZ.com

Opioid court may soon expand to the town of Amherst.

Town board members will be voting on whether to fund the program at Tuesday night's meeting.

The idea is that people addicted to opioids are turning up in the legal system in need of treatment -- not jail time -- specifically non-violent offenders.

It actually first started in Buffalo about a year-and-a-half ago and is growing across the region.

### New York

#### [Some Monroe County drug offenders will never see court under new program](#)

WXXI News

The program matters now, [District Attorney Sandra] Doorley said, because in the [first year](#) after the [creation](#) of the county's heroin task force in February 2018, more than 1,100 people overdosed on opioids. Of those, 166 died.





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### Ohio

[This local drug court cut rate of new felonies by more than half](#)

Springfield News Sun

People who go through drug courts receive more intensive supervision and addiction treatment instead of jail or prison time. The courts have been around since the 1990s but expanding them has been touted as a tool to fight the recent opioid crisis. Gov. Mike DeWine pledged during his campaign to add 60 of them statewide — a 60 percent increase.

### Ohio

[Drop in drug overdose deaths in Cuyahoga County, elsewhere in Ohio, reflects policy successes, but too many are still dying: editorial](#)

cleveland.com

What's worked in tackling the opioid epidemic in Ohio? The data suggest: a wider availability of recovery resources made possible by Medicaid expansion in Ohio; broadened access to the naloxone antidote; a law enforcement focus on interdicting synthetic opiates like carfentanil and fentanyl; and public-private partnerships that have enabled more hospitalization follow-ups and drug court interventions, creating greater continuity of care.

### Ohio

[Drug Court is in works for Carroll County](#)

Massillon Independent

“One of the things I would encourage, especially with the opioids, is Vivitrol,” which can help prevent alcohol and drug relapses, [newly elected Judge Michael] Repella said. “There wouldn’t be a cap. Whoever needs it, I would run them through it. Just Common Pleas level, we are looking at potentially 20 to 30 (annually). That is why we are looking at adding Municipal Court. The numbers would be a lot higher.”

### Tennessee

[State report: Opioids drive people out of the labor market](#)

Tulahoma News and Guardian

A strong correlation exists between opioid prescriptions per capita and a healthy labor market, according to several state agencies.

The Economic Report to the Governor of the State of Tennessee, completed by the University of Tennessee Boyd Center for Business and Economic Research in 2018, outlined the effect drug addiction is having on the labor market of the state. While a new



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2019 economic outlook report has been published, the 2018 study focused more closely on the effects the opioid crisis has had on the economy.

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The Coffee County Drug Court Foundation has battled the issue for years, offering resources to locals fighting addiction.

According to Mike Lewis, executive director of the drug court foundation, plenty of job opportunities exist; however, those who are addicted fail to pass drug tests and keep their jobs.

