



# Opioids and the Courts News: October 11, 2019

## National

[6th Circuit refuses to halt opioids bellwether trial, denying Ohio AG's mandamus bid](#)

Reuters

The 6th U.S. Circuit Court of Appeals ruled Thursday that two Ohio counties can proceed in a landmark bellwether trial accusing opioid manufacturers, distributors and sellers of sparking a drug abuse epidemic that the counties have spent billions of dollars to combat. Judges Alan Norris, Eugene Siler and Karen Moore denied a mandamus petition by Ohio Attorney General Dave Yost, who had asked the 6th Circuit to enjoin the Oct. 21 trial to protect the state's sovereign power to bring claims on behalf of Ohio residents.

## National

[Drug Companies May Bring Up Cuyahoga County Jail In Opioid Trial](#)

Ohio Public Media

Drug companies may try to turn the tables on Cuyahoga County in the coming federal opioid trial, presenting evidence on the troubled the county jail and in the department of children and family services in an effort to minimize the role of their drugs in local problems.

With jury selection scheduled to begin next week and opening statements set for Oct. 21, attorneys for both sides are disputing which evidence and witnesses should be presented at trial.

## National

[Cracks in Purdue's proposed opioid settlement as Arizona backs out](#)

Reuters

The U.S. state of Arizona withdrew its support for a proposed nationwide opioid settlement with Purdue Pharma LP, saying the maker of OxyContin sought to "undermine material terms of the deal," according to a court filing on Monday.

## Alaska

[Opioid crisis still cuts deep in Alaska](#)

Juneau Empire

According to state data aggregated from a number of state public health agencies, the cost of the opioid crisis in Alaska for fiscal year 2017-18 was more than \$210 million. That amount comes from Medicaid reimbursement, public safety, therapeutic court and other costs. About a third of that, almost \$70 million, is paid for by the federal government but the remainder, more than \$141 million, is paid by the state.



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## Illinois

[VNA announces program to battle opioid addiction](#)

Chicago Tribune

Aurora-based VNA Health Care has begun a new medication-assisted treatment program to battle opioid addiction.

Officials from VNA, along with a crowd of community leaders and program partners, made the announcement Friday at a press conference at VNA's Aurora offices, although the health center began offering the program in Aurora on Sept. 15.

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[Associate 16th Circuit Judge Elizabeth] Flood said the judiciary in Kane County, which typically encounters people "after a crime has been committed," has been trying to be more proactive since it started the Drug Court in 2000. She said the judiciary will continue to support specialized courts and the support programs for them.

Flood has attended Drug Court graduations since she has been a judge.

"The success stories are heartwarming," she said.

## Indiana

[Drug, veterans courts taking smarter approach](#)

KPC News

Indiana's top judge said recently that it's time for an attitude change about substance-use disorder.

"We were tough on drugs, but now we need to be smart. It's more important to be smart," said Indiana Supreme Court Chief Justice Loretta Rush. "Addiction is a disease. I truly believe addiction is a disease."

Rush spoke in Bloomington at the third annual South Central Opioid Summit. She co-chairs the National Judicial Opioid Task Force, created in 2017.

Rush said increases since 2016 in "problem-solving courts" — from 81 to 112 — reflect the progress Indiana is making.



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## Kentucky

### [Marshall, Calloway Family Court Judge Announces Retirement](#)

WKMS

As Kentucky grapples with the opioid crisis, family courts are often left to deal with the aftermath. [Marshall and Calloway County Family Court Judge Rob] Mattingly said he hopes his successor will use the court to help families dealing with addiction.

“The opioid epidemic has been a really big issue. Over the past few years, that’s primarily what I have been working on. At the first of this year, we had almost ten thousand children in foster care,” Mattingly said. “That’s not even counting the children we had in relative placement. Most of that is a result of drug addiction.”

Mattingly said the most important traits for his successor are a “cool head and a compassionate heart.”

## Michigan

### [Michigan treatment courts focus on rehabilitation, not retribution](#)

Detroit News

[Judge Geno] Salamone, along with other Michigan judges, is a participant in the Regional Judicial Opioid Initiative, an eight-state consortium formed three years ago to explore how the judiciary could stem the rise of overdose deaths. Michigan’s delegation is led by state Supreme Court Chief Justice Bridget McCormack.

“The number of overdose deaths is stunning, and we judges, especially the trial court judges whom the Michigan Supreme Court supports, are on the front lines of what to do about this crisis,” McCormack told The Detroit News.

“We’re seeing these people in our courtrooms, and we have the opportunity to save lives.”

## Pennsylvania

### [Overcoming An Epidemic: Opioids In Pennsylvania -- Episode 3: The Legal System](#)

WPSU Podcast

Anne Danahy (Narrator) – A drug court is one of Pennsylvania’s “problem-solving courts.” There are others, including DUI Court.

Drug Courts offer intense oversight. Participants have regular meetings with the judge and probation officers, have to go to self-help meetings and get frequent drug and alcohol tests. Treatment court is typically offered to someone who may be on probation but tests positive for drug use, or has new charges brought against them.

Nancy Butts – My name is Nancy Butts. I’m the president judge here in Lycoming County. And I’m the treatment court judge.



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AD – I’m in Judge Butts’ chambers after the court graduation. Lycoming County has had a Drug Court for more than 20 years.

Butts is known for being interested in each person who comes through her courtroom. She’s modest about it, saying judicial interaction is one of the parts of having an accredited drug and DUI court program. She says that means connecting with the people in her courtroom.

NB – Motivational interviewing is a real tool that I like to use to get people to say things out loud, so that they can hear what they’re thinking.

...

NB – Where you’ve got people sharing where they are now and talking about like when they see somebody coming up who was in jail, and making reference to that saying, ‘I remember when I was in jail, and I thought I would never be able to be here. And I see them now and think oh, my gosh, how far I’ve come,’ or ‘I never want to go back there again. And that just reminds me how much I don’t want to go back there again.’ So when we have all those different kind of things happening in the courtroom, I just think it really just reinforces everybody’s commitment to recovery that way.”

### South Dakota

[Editorial: ‘We’re failing utterly’ with state’s drug laws. We don’t have to be.](#)

Sioux Falls Argus Leader

David Gilbertson, chief justice of South Dakota Supreme Court, has spoken in favor of an inpatient program as part of the drug courts system and an expansion of those who qualify for services. Part of this is the understanding that a sturdy support system is critical to long-term sobriety, as is gainful employment and continuing education.

### West Virginia

[Family treatment courts debut in drug-ravaged West Virginia](#)

News-Press

Drug-ravaged West Virginia has opened its first family treatment court aimed at protecting abused and neglected children while helping parents facing the potential loss of custody to overcome substance use disorders.

The court’s debut at the Boone County Courthouse in Madison was celebrated Monday. Family treatment courts also will open in Ohio and Randolph counties.





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Boone County Circuit Judge William Thompson is heavily involved in helping people addicted to drugs turn their lives around. He runs a court for both adult and juvenile drug offenders and envisioned the idea of a family treatment court a decade ago.

Thompson said the new court's goal is keeping families together. He said similar programs in Ithaca in upstate New York and in Orange County, North Carolina, were studied to see how family treatment courts work in rural areas.

