



## Opioids and the Courts News: December 27, 2019

### National

[In 2019, The Legal Fight Over Opioids Unraveled Into Confusion And Infighting](#)

NPR

Legal experts expected this to be the year we answered big questions about the liability that drug companies face for the deadly opioid epidemic and for their role in marketing high-risk prescription pain medications.

Instead, the legal fight over who will pay to clean up the addiction crisis dissolved into confusion and infighting.

“I don't know if there's a clear road map,” said Adam Zimmerman, a professor at Loyola Law School and an expert in opioid litigation.

All sides agree the stakes are high. Every day, 130 Americans die from opioid overdoses, according to the Centers for Disease Control and Prevention. Without some kind of national settlement with Big Pharma, communities won't get serious money to help with the crisis any time soon. Speaking this fall with reporters, Pennsylvania state Attorney General Josh Shapiro warned that there could be legal chaos.

### Illinois

[Report gives tips for local courts on opioid crisis](#)

Chicago Tribune

Local courts are in a unique position to intervene in the opioid crisis but face steep challenges to help addicts, according to a recent national report.

In reality, courts struggle with the lack of access to effective treatment programs and the epidemic's crushing effect on children, including babies born with addictions and strain on foster care, according to a report compiled after a three-year study from the National Judicial Opioid Task Force, co-chaired by Indiana Chief Justice Loretta Rush.

Last year, nearly 120 people died per day from opioid overdoses in the U.S., the report stated. Addicts were 13 times as likely to land in state courts, it concluded, where an estimated 96 percent of cases were filed.

“The numbers are staggering, and the toll on communities across the country is devastating,” it said. “The state court justice system is now the top referral source for addiction treatment in the country.”



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## Kentucky/Ohio/West Virginia

[Innovating Recovery: Group Highlights New Approaches To Addiction Crisis](#)

WFPL

The Addiction Policy Forum celebrated new ideas at events in Kentucky, Ohio, and West Virginia to honor programs selected in their Innovations to Address Addiction reports.

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The Hocking County Vivitrol Drug Court in Logan, Ohio partnered with a regional behavioral health provider to incorporate judicial reform into addiction recovery. It was one of the first drug courts in the country certified to administer Vivitrol as part of its program. The drug nullifies the effects of opioids and helps those with substance use disorders manage their cravings. Hopewell Health Centers works with the court to provide the medication-assisted treatment.

## Massachusetts

[Suit alleges Massachusetts prisons deny treatment to addicted inmates](#)

Boston Globe

The Massachusetts chapter of the American Civil Liberties Union, in a suit filed in US District Court in Boston on Thursday, asserts that the state prisons are denying medications in violation of the constitutional prohibition against cruel and unusual punishment and the Americans with Disabilities Act.

It's the latest in a series of lawsuits in Massachusetts and elsewhere that have resulted in rulings ordering that the medication be provided.

“By failing to provide the necessary, prescribed treatment for opioid use disorder, the Massachusetts Department of Correction is forcing people to needlessly suffer due to their illness,” said Carol Rose, executive director of the ACLU of Massachusetts, in a statement. “Public officials should support people in their efforts to overcome opioid addiction, not obstruct them.”

In a statement Friday, the Department of Correction asserted that medications are discontinued only when an addiction specialist determines they're no longer needed.



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## Michigan

[Alcona County gets \\$500K for drug court](#)

Alpena News

As part of its ongoing efforts to battle the influence of opioids on our country, the U.S. Department of Justice announced earlier this month that it has awarded more than \$44 million in three-year grants to drug courts around the country, including \$500,000 to Alcona County.

Alcona County's drug/sobriety court was one of only three Michigan entities to receive the federal grant. With a half-million dollars over three years, Alcona County was given the highest financial award possible in their category.

Federal grants have funded the county's drug court established in 2005 during previous grant cycles as well, according to Alysa Pichler, Alcona County trial court administrator.

## New York

[How to save thousands of lives: When bail reform comes, we must do far more to help people who use drugs help themselves](#)

Daily News

### **Step 2: Expand the role of courts in diverting people who use opioids to treatment**

[Arraignment](#) is another opportunity for judges to divert people with opioid use disorders from incarceration by linking them to treatment. Recently, jurisdictions implemented diversion programs to provide [judicially supervised triage](#) where participants are linked to opioid use treatment and other services within hours of their arrest. Currently there are [140 drug courts](#) in New York State.

The [Buffalo Opioid Intervention Court](#) recently received [\\$2 million](#) of federal funding as the nation's first opioid-intervention court to provide [day-of-arrest intervention, rapid access to evidence-based drug treatment and referral to services to prevent overdose deaths and promote recovery](#).

We urge the state to scale up these services by providing additional [training](#) to court judges on screening and identifying individuals at high risk for overdose and death in the community including those with histories of non-fatal overdoses, use of multiple kinds of drugs and recent incarceration.





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## New York

[Court offers 'neighbors' a chance](#)

Observer Today

Too many in this community — and across our nation — have been impacted by the growing use of opioids. In Dunkirk, however, the city is taking a step that many others are not.

Last Monday, a ceremony was held as the municipality became the third location in the nation to have an opioid court. The primary mission is to provide rapid treatment for those suffering from addiction to opioids. For these individuals, the goal is to focus in on their treatment, while prosecution of the charges against them is temporarily suspended.

“The people suffering from these circumstances are not statistics,” said City Court Judge John Kuzdale. “They are our children, our brothers and sisters, parents, relatives, friends, neighbors, and even strangers. All whom should be valued human beings.”

This court offers a chance. In today’s society, that means everything to those dealing with an addiction.

## Ohio

[Drug Overdoses Contribute To Rise In Midlife Mortality In Ohio River Valley](#)

NPR

Over the last six years, [chief assistant criminal prosecutor of Belmont County Kevin] Flanagan has seen his drug caseload climb exponentially as he prosecutes more and more high-level felony offenses. Drug-related crimes now make up about three-quarters of his caseload.

“As somebody who’s lived here, grown up here, has family here, to see the impact of that is absolutely painful,” Flanagan says. “Our judges say it best: ‘You have options — your choice is to either find sobriety, go to jail or die.’”

“I think we do a heck of a job trying to do what is necessary for people to beat their addiction,” he says. “We’re absolutely unsuccessful a lot of the time. That’s heartbreaking. But we keep trying.”



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## Pennsylvania

[No. 1: The opioid epidemic](#)

The Sentinel

### Cumberland County to begin Opioid Intervention Court

Cumberland County will soon deploy a new tool it hopes will stem the rising tide of overdose deaths.

On Feb. 5, the county will begin an Opioid Intervention Court that has been spearheaded by Common Pleas Judge Jessica Brewbaker.

The program targets people entering the criminal justice system who have issues with substance use for placement into a six-week intensive treatment court and is not limited to people charged with drug offenses.

“We’ve just seen so many people dying,” Brewbaker said. “We’re just trying to keep them alive.”

Nearly half of the people who died of a drug overdose in 2016 had recent interaction with the criminal justice system, according to analysis of court records conducted by The Sentinel.

## Tennessee

[Expert witnesses' reports made public in “Sullivan Baby Doe” opioid lawsuit](#)

TimesNews

The [regional district attorneys general] plan spans a 15-year period and focuses on support for area law enforcement, a comprehensive treatment system for opioid use disorder (OUD) that includes inpatient and outpatient services, and support services for mothers with OUD and their children. Additional elements address the use of drug courts and therapeutic communities within the jail system to help reduce overcrowding, increased screening for disease, medical monitoring and support for mothers of infants with NAS, and treatment and support for children whose parents or primary caregivers suffer from OUD.