



## Opioids and the Courts News: September 20, 2019

### National

#### [After Bankruptcy Filing, Purdue Pharma May Not Be Off Hook](#)

Associated Press

OxyContin maker Purdue Pharma has embarked on a multibillion-dollar plan to settle thousands of lawsuits over the nation's deadly opioid crisis by transforming itself in bankruptcy court into a sort of hybrid between a business and a charity.

Whether the company can pull it off remains to be seen, especially with about half the states opposed to the deal.

The pharmaceutical giant filed for bankruptcy late Sunday, step one in a plan says [it] would provide \$10 billion to \$12 billion to help reimburse state and local governments and clean up the damage done by powerful prescription painkillers and illegal opioids like heroin and fentanyl, which together have been blamed for more than 400,000 deaths in the U.S. in the past two decades.

### National

#### [Drug company attorneys seek to disqualify federal judge](#)

Associated Press

Attorneys for eight drug distributors, pharmacies and retailers facing trial next month for their roles in the opioid crisis want to disqualify the federal judge overseeing their cases, saying he has shown bias in his effort to obtain a multibillion-dollar global settlement.

According to the motion filed late Friday in U.S. District Court in Cleveland, where Judge Dan Polster presides over most of the 2,000 lawsuits filed by state, local and tribal governments, the judicial code requires judges to recuse themselves when there is an appearance of prejudice or bias.

The attorneys wrote that Polster has made comments during hearings, media interviews and public forums about the importance of getting help to governments struggling to contain a crisis that has killed 400,000 people nationally since 2000.

### National

#### [Purdue Pharma Warns That Sackler Family May Walk From Opioid Deal](#)

New York Times

Members of the Sackler family could withdraw their pledge to pay \$3 billion as part of a nationwide deal to address the opioid crisis if a bankruptcy judge does not block outstanding state lawsuits against them and their company, Purdue Pharma, Purdue lawyers said in a legal complaint.





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Whether the threat is posturing or real, the move by Purdue, the maker of OxyContin, to inject it into the company's bankruptcy proceeding could jeopardize the tentative settlement it reached last week with representatives of thousands of local governments that have brought lawsuits against it. Two dozen state attorneys general who have sued the company in their own courts have signed on to the agreement, too.

### Georgia

[Georgia officials say Purdue funds should go toward opioid recovery](#)

Atlanta Journal-Constitution

Those costs, according to the state's lawsuit, include policing for a new wave of drug users, the expense of prosecuting and jailing offenders, and money paid to obtain drugs such as Narcan to interrupt overdoses and secure training for officers on how to use them. They also include foster care costs for children whose families have been blown apart by addiction.

### Indiana

[Bring It On! – September 16, 2019](#)

WFHB

2019's South Central Opioid Summit will be held at the Monroe County Convention Center at 302 South College Avenue, Bloomington, IN.

2019's South Central Opioid Summit aims to have specialists, professionals, community leaders, people with lived experience, and concerned citizens join together to discuss, learn, and share innovative and evidence-based approaches from across the Monroe County community.

The theme of this 3rd annual summit is "Working As One – The Year of Integration." Guest speakers and panelists include three of the nation's most highly regarded experts:

- Regina LaBelle – former chief of staff and senior policy advisor in the White House of the National Drug Control Policy during the Obama administration;
- The Honorable Loretta H. Rush – Indiana Supreme Court Chief Justice and National Judicial Opioid Task Force Co-Chair; and
- Jim McClelland – Indiana's Executive Director for Drug Prevention, Treatment, and Enforcement (Indiana Drug Czar).



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### Kentucky

[Kentucky Chief Justice Calls For Funding To Expand Drug Courts](#)

WFPL

Kentucky Chief Justice John Minton says that the state needs more money for drug courts and special courts that work with veterans and people with mental health conditions amid the state's drug addiction epidemic.

Minton made the remarks during his annual State of the Judiciary Address on Friday.

Minton said that the special courts currently serve fewer than 2,500 people and that number should be expanded amid Kentucky's opioid crisis.

"We're not even scratching the surface of the need...that's the concern for all of us. The current model is not capable, it does not have the capacity," Minton said.

Drug courts allow people with substance abuse issues to avoid incarceration by participating in an alternative sentencing program. Participants are often required to undergo counseling and addiction treatment, along with supervision and drug or alcohol testing.

Kentucky's drug court program started in 1996 and Minton said the program has proven highly effective but needs more funding.

"The stark truth is our current drug court model has become insufficient to address the burgeoning, exploding needs of Kentuckians with substance use disorders," Minton said.

### Tennessee

[Drug Trends Across Tennessee \(podcast\)](#)

Tennessee Supreme Court

In July 2019, the Centers for Disease Control released the most recent opioid overdose mortality rates, which showed a decrease for the first time in a decade at the national level. Unfortunately, that trend did not hold true for Tennessee, where overdose rates rose a modest 4.8 percent. In this episode, Special Agent Tommy Farmer from the Tennessee Bureau of Investigation Dangerous Drug Task Force and Dr. Robert Pack, Professor of Community and Behavior Health at East Tennessee State University, discuss the most recent statistics, where the state is showing improvements as well as new trends like the increase of heroin and fentanyl and the resurgence of meth.





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### Virginia

[VCU study: Lives saved, recidivism low for graduates of Chesterfield Jail's heroin recovery program](#)

Richmond Times-Dispatch

A heroin recovery program at the Chesterfield County Jail is saving lives and has significantly reduced recidivism among the inmates who graduate, according to an independent study, while saving thousands of tax dollars for each inmate who doesn't commit a new crime and return to jail.

Among its many findings, a 15-month Virginia Commonwealth University review and evaluation of the jail's HARP recovery program determined that 72% of the 90 people who have graduated since the program's March 2016 inception were not rearrested and incarcerated after their most recent jail release, compared with 55% of those who participated but didn't graduate.

But even those inmates who participated but did not graduate reaped positive benefits, and had a better success rate of not being rearrested and of staying out of jail, the VCU study found. The 900 people who have participated in HARP since its inception had a recidivism rate of 45%, compared to the average national recidivism rate of 68% for those who didn't participate in such a program.

The 55% of those who did not commit a new crime equates to 495 people who were not reincarcerated during the program's three years. It would have cost county taxpayers \$42,000 annually for each of those inmates to be held at the jail, said Chesterfield Sheriff Karl Leonard, who initiated the program called *Heroin Addiction Recovery Program*, or *HARP* in response to an increase in heroin-related deaths in the county and partnered with VCU to conduct an independent evaluation of the program.