

Symposium Foreword

Facing Opioids

REMARKS BY CHIEF JUSTICE MAUREEN O'CONNOR*

Thank you, Mr. Darnell, for that introduction. Thank you for inviting me to discuss the challenges surrounding the opioid crisis. The themes you have asked me to address today—opioids, drug enforcement and health policy—are similar to the topics I addressed last week at the Specialized Docket Conference. Opioids, drug enforcement, and health policy are at the heart of Specialized Dockets courts.

We could call it a Specialized Dockets Movement. That's because Specialized Dockets are becoming the new face of our justice system. We now have 245 Specialized Dockets courts in 61 of Ohio's 88 counties. More than half of those are drug courts . . . and nearly all the rest deal with drug issues borne by families, by veterans, and by those with mental illness. We have four human trafficking courts as well.

Most of the specialized dockets growth has occurred in recent years—actually, since most of you, the final year law students at least—began your first year of undergraduate work. This transformation has occurred so quickly because the judiciary of this state sized up the problem as it developed and acted on it. Courts are not the only State of Ohio institutions that have come to the aid of our citizens who are experiencing drug problems. Our governor expanded Medicaid; Ohio now spends one billion dollars in Medicaid expenditures, which has made a huge difference in the fight against drug addiction. The Ohio General Assembly enacted T-CAP, Targeted Community Alternatives to Prison legislation. That allows for fourth- and fifth-degree felons to remain in their communities and receive supervision locally. Funds are diverted from the Ohio Department of Rehabilitation and Corrections to the local courts on a per capita basis.

We have special programs in our state such as a multidisciplinary Hope Partnership Project, a program in Ross County designed to address the cycle of addiction for heroin and other addictive substances. The focus includes components of prevention and education, treatment, law enforcement, volunteer, faith-based and medical. The local, state, and federal agencies came together in an effort to fight the opioid epidemic ravaging Ross County. Because of the reemergence of meth, the program has branched out to include all drugs.

Law enforcement and treatment center officials are seeing a trend of drug users turning to methamphetamine out of fear of heroin's deadly consequences. Numbers across the state and locally reflect that trend from samples sent to Ohio's Bureau of Criminal Investigation (BCI). In 2016, the U.S. 23 Task Force reported it seized 44 grams of methamphetamine. Last year, it reported it seized

* Remarks prepared for delivery on Friday, October 19, 2018, at the Ohio State University Moritz College of Law, John Deaver Drinko Hall.

1130 grams of meth. The task force reported 101 total indictments in 2016 and 211 the following year. According to the Ohio Attorney General's Office, the number of meth cases BCI has processed in recent years is trending upward. In 2015, the agency processed 2050 methamphetamine cases. The following year, the number jumped nearly 1000. Last year, the agency processed over 5300 methamphetamine cases, and as of February 1 this year, they have processed 912 cases. In comparison, the number of heroin cases the BCI has processed has gone down in recent years from 6832 in 2015 to 4193 in 2017.

We have established a coordinated care management program with our state Medicaid colleagues that improves access to medical and behavioral care for those in family dependency courts, drug courts and juvenile drug courts. We have a robust certification process for drug courts and all other Specialized Dockets courts so that best practices and compliance issues are observed. Ohio is on the receiving end of \$112 million through federal grants from the Department of Justice through 2021 to expand treatment capacity. Violence Against Women Act (VAWA) grants enable female victims of violent crimes to receive help, treatment and counseling. Ohio is in line to receive \$12 million from this grant.

Yes, our courts have acted appropriately—and swiftly and strongly. We have worked from the bottom up, and from the top down. Two years ago, the leadership and staff of the Supreme Court of Ohio convened a multi-state emergency summit meeting in Cincinnati that became an eight-state consortium called the Regional Judicial Opioid Initiative. These eight states are working across state and county lines because drug trafficking has no boundaries. We are sharing databases on prescription drugs, sharing best practices on helping families—including babies—battle addiction.

And each state is moving in multiple directions internally and with the other states—a giant collaboration of law enforcement, courts, legislatures, health centers, medical professionals, academics, scientists and social service workers. It is an enormous web of help—spurred to action by public employees, non-governmental organizations, foundations, and philanthropic groups.

We have seen results in year-by-year declines in prescription drug proliferation and abuse. Because “doctor shopping” has declined to record lows due to the mandatory prescription drug monitoring program, overdoses from prescription drugs is at a low as well.

Meanwhile, sadly, we have been reminded of the difficulty of the drug situation as users shift to illegal drugs like heroin. And then we see the return of meth in a big way in our state and imports of dangerous killer substances like fentanyl. Drug abuse in Ohio and our nation is a moving target. Yet, we are engaged. We are committed as a judiciary to fight this crisis.

These top down efforts by experts would not be possible without the boots on the ground—the bottom up work of first responders, health care workers, and our drug court judges and their staffs. Their caring and toil produces knowledge that can be shared and enhanced. That's what's happening in our 170 Ohio drug courts. Shared knowledge and understanding by judges, magistrates, treatment

professionals, peer mentors, probation offices and staff are making a difference in hundreds and hundreds of lives. These courts are producing graduates of their programs, one by one by one.

We have learned many things. One major takeaway is that Medication-Assisted Treatment—called MAT for short—has to be part of the drug court program for the individuals we are trying to help. This is because the effects of opiates on the addicted brain can be long-lasting and have to be addressed. This can only be accomplished through medication.

After decades of study of the biology of addiction, we know that human brains must be weaned off addictive substances. This is accomplished through supervised medication. This medication process can take a year or more, it must be supervised, and supervision must be enforced in some way. That's because the addicted brain is not capable of "just saying no" when it comes to making that decision to stay strong and not abuse a drug, or to give in "just this one time."

It takes the caring and the expertise of a drug court. When I finished my address here at OSU last week, four graduates of drug courts and a human trafficking court took the stage and testified to the effectiveness of court-supervised intervention. There are at least two avenues that do not work. One is locking people up without treatment. The other is depriving them of court-supervised treatment. I do not like that term "carrot and stick," but it is shorthand for a cause-and-effect that is working in our drug courts. Faced with jail time or treatment, treatment has a fair chance of winning.

To those who say government has not done enough, I say, yes, we can do more and we should do more. But I also say, let's pay attention to the people inside and outside of government who are making a difference, who are expanding the knowledge of what is working and what does not work, and who are helping people take back their lives. This is a hard business. It is hard because addictive chemicals are powerful. It is hard because so many of our fellow citizens are vulnerable. It is hard because drug dealers are efficient and creative and ruthless, and because drugs are so plentiful and available. So, what makes anyone think that something so hard can have an easy answer? Well, apparently, a lot of Ohioans are considering voting for an easy answer to this terribly complex problem.

It's also a wrong answer and worse, a catastrophic answer. Issue 1 on the ballot right now has all the trappings of a progressive measure. But it's actually regressive because its passage would set back the hard work of drug courts and all the people working to solve our drug crisis. For those of you who are law students, you are accustomed to navigating through the weeds of a legal argument to get to the truth. And that's exactly what's going on with the language of this proposed constitutional amendment. It is so flawed. If you dig deeply into it—and you should—you will see how bad it really is. It would handcuff judges in this state, and they would not be able to impose jail as an incentive to keep addicts on program. The result is that judges are precluded from helping people get their lives back in order.

Supporters say Issue 1 will direct \$136 million dollars to drug treatment and crime victim programs by prohibiting jail or prison time for most low-level drug possession offenders. But there are no data to back up that promise. In fact, there are solid data that reveal that this will not happen. Just last week, the state Office of Budget and Management came out with a report that analyzed Issue 1 from top to bottom—every page, every sentence. This is a report that is mandated to come out on all ballot issues statewide.

Proponents say hundreds of millions of dollars a year will be carved out from the Department of Rehabilitation and Corrections budget and funneled to the treatment community in Ohio. Nothing can be further from the truth. That's not just my opinion. This fiscal report lays it out. The report reveals that the costs associated with Issue 1 will outweigh the meager money saved. That's right, it will raise costs. Issue 1 will raise costs on local government while failing to make savings at the state level. Ultimately, costs will be shifted to local governments, the report reveals. How is this possible? It's basically the old "garbage in, garbage out" cliché about data collection. If you put in bad numbers, you produce more bad numbers.

Proponents talk as if hordes of Ohioans are in jail for drug possession. The fact is that not many people are going to prison for felony 4 and felony 5 drug possession charges alone. Less than fifteen percent of inmates are in prison for drug crimes, total. That's all drug crimes, trafficking F1 to possession F5. There were only 662 people in an Ohio prison for F4 and F5 drug possession alone as of July 2018. That number is so low because of programs such as T-CAP, which I spoke about earlier. These programs are in place to prevent low-level offenders from going to prison—and these programs are obviously working.

Finally, the Department of Rehabilitation and Correction estimates that Issue 1 will only reduce the prison population by 900 prisoners over the next four years. For that small blip, we are considering gutting our drug courts, one of the most effective tools in combating the opioid crisis. Why do I say "gutting?" Because Issue 1 would take away the pressure of choosing between prison and treatment. Let me be clear. If Issue 1 passes, there will be no incentive for those who are addicted to get treatment. None.

Issue 1 sounds good. But it's full of what I call false hope. For that reason, I call it "cruel." Issue 1 proponents are saying "if you have a loved one in prison right now, he or she will get a twenty-five percent reduction in their sentence if Issue 1 passes." The reality is they have to go through various programs to meet that requirement, and I am telling you—the prisons do not have these programs. And Issue 1 will not establish a way to implement and pay for those resources.

So telling a family that a loved one in prison will get a reduced sentence when the prisons do not have the resources—that's cruel to me. When I hear proponents of Issue 1 say what we are doing across government is not working, it infuriates me. We need to do more, because the problem is so big. But our path is working. There must be an incentive for a user to begin treatment, and that incentive is the specter of jail time.

How do I know? Because the drug court graduates say so, and they point to the programs we put in place. These recovered Ohioans say that before their court-sponsored treatment, they just wanted their next fix. Treatment was not voluntary—because today’s drugs of abuse are powerful. Overcoming their effects is so, so hard. Because treatment is a life and death matter, Issue 1 becomes just that.

The Franklin County Coroner recently released a report detailing seven overdose deaths in eighteen hours. The coroner in Butler County came out against Issue 1—saying—these are her words, not mine—that the prisons will be empty but the morgues will be filled. These are strong words. But leaders in our communities know how dangerous the situation is and how Issue 1 would make a bad situation worse.

Issue 1 allows for possession of just under 20 grams of fentanyl to be treated as a misdemeanor—an amount that could kill up to 10,000 people. Keep in mind, two milligrams of fentanyl—that’s two one-thousandths of a gram—will kill you. Issue 1 would put not only nonviolent inmates back on the streets, but also every level of violent felon, except murder, rape, and child molestation. It would tie the hands of judges to deal with probationers who violate no contact orders with victims. It would take away input from victims on inmate release.

The proponents compare substance abuse disorder, addiction, to other diseases. We do not put diabetics or those suffering from heart disease in jail, so why addicts? At first you may think that’s an apt comparison, but diabetics do not steal or break into homes for insulin. And the drugs prescribed for heart disease or diabetes are done to help prolong your life, not kill you as heroin or fentanyl will. Putting more of these people on the street, instead of helping them in a supervised program, will not make anyone safer, least of all the addict.

Proponents of Issue 1 say any problems with Issue 1 can be fixed by statute. No. That’s not how it works. This is a proposed constitutional amendment. It’s not a proposed statute. You cannot roll this back. It would become a fixture in our state constitution, and a legislative road to fixing it would not exist. It would take another constitutional amendment to amend or repeal this flawed proposal.

Other states have tried reforming the treatment of low-level felony addicts. They have downsized their crimes to misdemeanors, but how they did it is the difference. Only Ohio would have a constitutional amendment written in stone. All the other states (twelve) use statutory changes, and they have retained in the judiciary the ability to impose incarceration when appropriate. Proponents are wrong when they say Issue 1 is a way to deal with—quote—“small amounts”—of drugs. I have seen it reported this way in news stories. It goes way beyond addressing “small amounts” of drugs.

Some letter writers and editorial writers have questioned why I, as Chief Justice, am out there talking about this subject. Aren’t judges supposed to be neutral? Yes, we are sworn to be fair and impartial. We also have a duty to become involved in dialogues on issues of law and justice. Just so you know, on April 5, 2002, more than sixteen years ago, the Board of Commissioners on Grievances and Discipline issued an opinion (Opinion 2002-3). I quote:

It is proper under Canon 2(A)(1) of the Ohio Code of Judicial Conduct for a judge to communicate to the public about a proposed state constitutional amendment regarding drug treatment in lieu of incarceration, to explain the proposed amendment, to compare it to current law, and to describe its potential impact on the constitution, the law, and the operation of the courts. At all times during public communications, a judge must maintain the dignity appropriate to judicial office and abide by the high standards of speech in Canon 7.

So, there you have it. I have a duty to speak out on Issue 1, and I hope you will join me in doing so. Many of you in this room are on social media. Please spread the word about Issue 1 because this is a public health emergency, before it is a legal one. We also cannot win the war against this crisis with judges having their hands tied behind their backs. The biggest problem in this ballot measure is that supporters with big money who give big promises, without the facts to support them, continue to pour money into Ohio to spread falsehoods. But these proponents with their out-of-state cash will not be here to deal with the repercussions of this disaster. They do not live here in our communities. They do not see the devastation up close. We do see the devastation, and the heartbreak.

Voting began last week and continues through November 6th. Please vote no and encourage your friends and family to do the same. Frame your arguments from the position of the legal expertise you are developing, but do not forget the human part of this as well. Thanks to all of you. God Bless, and now I will take your questions.

SOURCES FOR FURTHER READING*

7 *Powerful Consequences of the Opioid Epidemic that Help Explain Its Devastation in Ohio*, DAYTON DAILY NEWS (Oct. 27, 2017), <https://www.daytondailynews.com/news/powerful-consequences-the-opioid-epidemic-that-help-explain-its-devastation-ohio/Vlu5FfCkG5Bk21PyEJNHrJ/> [https://perma.cc/9SSD-TDLU].

A Critical Analysis of Ballot Issue 1, OHIO JUD. CONF., <http://www.ohiojudges.org/Document.ashx?DocGuid=8d275df5-f461-4f41-b701-37f53f14d388> [https://perma.cc/4MVG-7ZXJ].

Barbara Andraka-Christou, *Improving Drug Courts through Medication-Assisted Treatment for Addiction*, 23 VA. J. SOC. POL'Y & L. 179 (2016).

Sara Andrews, *State Issue—The Neighborhood Safety, Drug Treatment, and Rehabilitation Amendment*, OHIO CRIM. SENT'G COMM'N (Sept. 27, 2018), <https://www.supremecourt.ohio.gov/Boards/Sentencing/resources/general/StateIssue1.pdf> [https://perma.cc/ETM9-6AEW].

Jessie Balmert, *Election 2018: Who Supports Ohio Issue 1? Who Opposes It?*, CIN. ENQUIRER (Oct. 10, 2018), <https://www.cincinnati.com/story/news/politics/elections/2018/10/10/election-2018-who-supports-ohio-issue-1-who-opposes/1524572002/> [https://perma.cc/9D2E-LKSS].

Jessie Balmert, *What Is Ohio Issue 1? Separating Fact from Fiction on Divisive Drug Ballot Initiative*, CIN. ENQUIRER (Sept. 6, 2019), <https://www.cincinnati.com/story/news/politics/elections/2018/09/23/ohio-issue-1-separating-fact-fiction-drug-ballot-initiative/1337425002/> [https://perma.cc/D9AS-BVQN].

Douglas A. Berman, *Should a State Judge Be Campaigning Against a State Criminal Justice Reform Initiative when Talking to Potential Jurors?!*, SENT'G L. & POL'Y (Oct. 23, 2018), https://sentencing.typepad.com/sentencing_law_and_policy/2018/10/should-a-state-judge-be-campaigning-against-a-state-criminal-justice-reform-initiative-when-talking-.html [https://perma.cc/C54Z-6LBV].

Jackie Borchardt, *Facebook Founders Among Backers of Ohio Criminal Justice Reform Amendment*, CLEVELAND.COM (Aug. 22, 2018), https://www.cleveland.com/metro/2018/08/facebook_founders_among_backer.html [https://perma.cc/DT44-97LK].

Bringing the Power of Science to Bear on Drug Abuse and Addiction, NAT'L INST. ON DRUG ABUSE (Jan. 2007), <https://www.drugabuse.gov/publications/teaching-packets/power-science/section-ii/4-long-term-effects-drug-abuse> [https://perma.cc/W89K-G9XH].

CDC's Efforts to Prevent Opioid Overdoses and Other Opioid-Related Harms, CTRS. FOR DISEASE CONTROL & PREVENTION, https://www.cdc.gov/opioids/pdf/Strategic-Framework-Factsheet_Jan2019_508.pdf [https://perma.cc/X6MN-LA3X].

* *Ohio State Law Journal* student editors, and not the Chief Justice, have compiled these sources. They are included to give readers the opportunity to learn more about this topic if they wish.

Andy Chow, *Ohio Coroners On Issue 1: "If You Empty The Prisons, You Will Fill The Morgue"*, WOSU (Oct. 9, 2018), <https://radio.wosu.org/post/ohio-coroners-issue-1-if-you-empty-prisons-you-will-fill-morgue#stream/0> [<https://perma.cc/GZA9-J8C6>].

Committees, NAT'L CTR. FOR STATE COURTS, <https://www.ncsc.org/Topics/Court-Management/Leadership-and-Change-Management/RJOI/Committees.aspx> [<https://perma.cc/NY7C-QNPS>].

Courtney Daniel, *Judicial Branch Takes Steps to Combat Opioid Epidemic*, CURRENT STATE: COUNCIL STATE GOV'TS, http://www.csg.org/pubs/capitolideas/enews/cs107_1.aspx [<https://perma.cc/5GF2-6F6S>].

Eight-State Regional Judicial Opioid Initiative Receives \$1 Million Federal Grant, CT. NEWS OHIO (Sept. 29, 2017) http://courtnewsohio.gov/happening/2017/RJOIGrant_092917.asp#.XUgffehKhPY [<https://perma.cc/DW4J-CFGV>].

BRIAN ELDERBROOM & JULIA DURMAN, URBAN INST., RECLASSIFIED: STATE DRUG LAW REFORMS TO REDUCE FELONY CONVICTIONS AND INCREASE SECOND CHANCES (Oct. 2018), https://www.urban.org/sites/default/files/publication/99077/reclassified_state_drug_law_reforms_to_reduce_felony_convictions_and_increase_second_chances.pdf [<https://perma.cc/49PL-C459>].

Emerging Trends and Alerts, NAT'L INST. ON DRUG ABUSE (Sept. 3, 2019), <https://www.drugabuse.gov/drugs-abuse/emerging-trends-alerts> [<https://perma.cc/WX95-XJ7U>].

Enactments from the 132d General Assembly (2017-2018): F4 and F5 Sentencing Changes and TCAP, OHIO JUDICIAL CONFERENCE, <http://www.ohiojudges.org/Legislative/enactment-news> [<https://perma.cc/R759-BBY6>] (providing a condensed review of T-CAP).

Fact Sheet: Violence Against Women Reauthorization Act of 2018, HOUSE JUDICIARY COMM., <https://judiciary.house.gov/sites/democrats.judiciary.house.gov/files/documents/Fact%20Sheet%20VAWA%20.pdf> [<https://perma.cc/3GLZ-ZR32>].

FY 2018 OVW Grant Awards by State, U.S. DEP'T JUSTICE, <https://www.justice.gov/ovw/awards/fy-2018-ovw-grant-awards-by-state#OH> [<https://perma.cc/9SYT-J53P>].

Trip Gabriel, *Expansion of Medicaid Is Set for Ohioans*, N.Y. TIMES (Oct. 21, 2013), <https://archive.nytimes.com/www.nytimes.com/2013/10/22/us/medicaid-expansion-is-set-for-ohioans.html> [<https://perma.cc/4EZF-TT5U>].

Jenna Gant, *Number of Ohio Courts Using Specialized Dockets Growing*, COURT NEWS OHIO (Mar. 13, 2015), http://www.courtnewsohio.gov/happening/2015/specDocketCert_031315.asp#.XUc3_uhKhPZ [<https://perma.cc/W33H-ZQ66>].

General Assembly Initiated Constitutional Amendment, OHIO SECRETARY STATE, <https://www.sos.state.oh.us/legislation-and-ballot-issues/putting-an-issue-on-the-ballot/general-assembly-initiated-constitutional-amendment/#gref> [<https://perma.cc/J4DP-4GHY>].

Newt Gingrich & Van Jones, *Commentary: Issue 1 Tackles Opioid Epidemic, Puts Politics Aside*, LIMA NEWS (Oct. 7, 2018), <https://www.limaohio.com/opinion/columns/322481/commentary-issue-1-tackles-opioid-epidemic-puts-politics-aside> [<https://perma.cc/43PH-QZ8X>].

H.B. 49, 132d Gen. Assemb., Reg. Sess. (Ohio 2017).

HOPE PARTNERSHIP PROJECT, <https://www.hopepartnershipproject.com/about-the-project> [<https://perma.cc/38AH-UUCA>].

Linda Hughes, *Where Miracles Can Happen: The Promise of Drug Court Programs*, A.B.A. HUM. RTS. MAG. (Jan. 1, 2004), https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/human_rights_vol31_2004/winter2004/irr_hr_winter04_miracles/ [<https://perma.cc/YZG4-N9JW>].

DONALD HUTCHERSON & AMY HANAUER, POLICY MATTERS OHIO, ISSUE 1: REDUCING INCARCERATION, IMPROVING COMMUNITIES (Aug. 2018), <https://www.policymattersohio.org/files/research/issue1rptwexecsum.pdf> [<https://perma.cc/NG9Y-XDW2>].

Jona Ison, *Study: Meds Boost Drug Court Success*, LANCASTER EAGLE GAZETTE (Feb. 19, 2016), <https://www.lancastereaglegazette.com/story/news/local/2016/02/19/study-meds-boost-drug-court-success/80560564/> [<https://perma.cc/L35N-HYKQ>].

Issue 1 Certified Ballot Language, OHIO SECRETARY STATE, https://www.ohiosos.gov/globalassets/ballotboard/2018/2018-11_issue1_certifiedballotlanguage.pdf [<https://perma.cc/B4TR-C9RD>].

Issue 1 FAQ Sheet, ACLU OHIO (Sept. 21, 2018), <https://www.eriecountydems.org/wp-content/uploads/2015/03/ACLU-of-Ohio-Fact-Sheet-Issue-1-2018.pdf> [<https://perma.cc/323W-ECDG>].

Alan Johnson, *OxyContin, Other Narcotic Pain Pills Still Plentiful in Ohio*, COLUMBUS DISPATCH (Jan. 15, 2017), https://extension.osu.edu/sites/ext/files/imce/About_docs/Opioid_Crisis/Dispatch%20article-17Jan17.pdf [<https://perma.cc/W33L-5PY8>].

Jenn Lukens, *Rural Health Opioid Program Funds Care Coordination Efforts for Recovery*, RURAL MONITOR (Sept. 5, 2018), <https://www.ruralhealthinfo.org/rural-monitor/rural-health-opioid-program/> [<https://perma.cc/FSU8-FZ9T>].

Allison Manning, *Municipal Court's Specialty Dockets Focus on Treatment, Not Penalties*, COLUMBUS DISPATCH (June 18, 2012), <https://www.dispatch.com/article/20120618/NEWS/306189811> [<https://perma.cc/96LX-MKLG>].

James Nachtwey, *The Opioid Diaries*, TIME (Mar. 5, 2018) <https://time.com/james-nachtwey-opioid-addiction-america/> [<https://perma.cc/NK32-NBHU>].

NAT'L CTR. FOR STATE CTS., <https://ncsc.org> [<https://perma.cc/CTU8-UNQZ>].

National Drug Early Warning System (NDEWS), U. MD., <https://ndews.umd.edu/landingtopic/publications> [<https://perma.cc/R9FU-AZWB>].

Seth W. Norman et al., *Drug Court Success*, 51 TENN. B.J. 16 (2015).

OHIO ATTORNEY GEN., DRUG USE PREVENTION EDUCATION RESOURCE GUIDE (July 2018).

OHIO CRIMINAL SENTENCING COMM'N, A NATIONAL PERSPECTIVE: 50 STATE LOW-LEVEL FELONY SENTENCING SUMMARY (May 2017), <https://www.supremecourt.ohio.gov/Boards/Sentencing/resources/general/50StateLowLevelFelonySentencingSummary.pdf> [<https://perma.cc/K3VY-5NJY>].

OHIO OFFICE OF BUDGET & MGMT., OBM ANALYSIS OF 2018 STATE ISSUE 1 (Oct. 2018), <https://www.ohiosos.gov/globalassets/ballotboard/2018/2018-10-10-fiscalanalysis.pdf> [<https://perma.cc/4DHY-V2ZP>].

OHIO CODE OF JUD. CONDUCT r. 3.1 cmt. 1 (OHIO SUPREME COURT 2015).

OHIO CONST. art. XVI, § 1.

OHIO DEP'T OF HEALTH, 2017 OHIO DRUG OVERDOSE DATA: GENERAL FINDINGS (Sept. 21, 2018) (click the search icon; then enter the name of this report), <https://odh.ohio.gov/wps/portal/gov/odh/know-our-programs#page=1&alpha=> [<https://perma.cc/2AQ9-ZC47>].

OHIO DEP'T OF REHAB. & CORR., FISCAL YEAR 2018 ANNUAL REPORT (2018), <https://drc.ohio.gov/Portals/0/2018%20ODRC%20Annual%20Report.pdf> [<https://perma.cc/2TK6-XE68>].

OHIO REV. CODE § 3.23 (2018).

OHIO REV. CODE § 3519.04 (2018).

Press Release, Ohio Attorney Gen. Office, Attorney General DeWine Awards \$111.8 Million in Grants to Crime Victim Service Providers (Oct. 11, 2018), [https://www.ohioattorneygeneral.gov/Media/News-Releases/October-2018/Attorney-General-DeWine-Awards-\\$111.8-Million-in-G](https://www.ohioattorneygeneral.gov/Media/News-Releases/October-2018/Attorney-General-DeWine-Awards-$111.8-Million-in-G) [<https://perma.cc/YAX6-CXRR>].

Press Release, Policy Matters Ohio, Ohio Issue 1 Would Redirect over \$136 Million a Year from Incarceration to Treatment and Victim Services (Aug. 23, 2018), <https://www.policymattersohio.org/press-room/2018/08/23/ohio-issue-1-would-redirect-over-136-million-a-year-from-incarceration-to-treatment-and-victim-services> [<https://perma.cc/8TEP-UUAS>].

Regional Judicial Opioid Initiative (RJOI), NAT'L CTR. FOR ST. CTS., <https://www.ncsc.org/rjoi> [<https://perma.cc/PN5X-AH5R>].

RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO r. 36.02 (OHIO SUPREME COURT 2019).

Eric Sandy, *Drug Courts Redefined How We Approach the Heroin Epidemic; Besieged in Lorain County, a Judge Confronts the Crisis*, CLEVESCENE (Mar. 23, 2016), <https://www.clevescene.com/cleveland/drug-courts-redefined-how-we-approach-the-heroin-epidemic-in-lorain-county-a-judge-confronts-the-crisis/Content?mode=print&oid=4781970> [<https://perma.cc/8L59-PTTM>].

Dan Sewell, *Summit Focuses on Coordinating Efforts to Fight Drug Abuse*, ASSOCIATED PRESS (Aug. 24, 2016), <https://www.apnews.com/d621886078704fb0ad009ad63acf14e1> [<https://perma.cc/MG3P-T4GR>].

Cory Shaffer, *Cuyahoga County Judge Politicks Against Issue 1 to Potential Jurors Inside Courthouse*, CLEVELAND.COM (Oct. 22, 2018), https://www.cleveland.com/court-justice/2018/10/cuyahoga_county_judge_politick.html [<https://perma.cc/8YHV-N7RY>].

Judge James Shriver & Judge Taryn L. Heath et al., *Participant Perspectives: How Treatment Court Saved My Life*, Address Before the 2018 Supreme Court of Ohio Specialized Dockets Conference (Oct. 11, 2018).

Specialized Dockets, OHIO DEP'T MENTAL HEALTH & ADDICTION SERVS., <https://mha.ohio.gov/Schools-and-Communities/Criminal-Justice/Court-Resources/Specialized-Dockets> [<https://perma.cc/6JJ7-KP2L>].

Specialized Dockets Annual Conference 2018 Agenda, SUPREME CT. OHIO, <http://www.supremecourt.ohio.gov/JCS/specDockets/conference/2018/agenda/default.asp> [<https://perma.cc/8Y86-D4Q2>].

Statewide System Improvement Program, OHIO COLLEGES MED.: GOV'T RES. CTR., <http://grc.osu.edu/SSIP> [<https://perma.cc/S4VJ-F4V6>].

Ben Stein, *A Case for Issue 1: Virgil's Story*, POL'Y MATTERS OHIO (Oct. 16, 2018), <https://www.policymattersohio.org/blog/2018/10/16/a-case-for-issue-1-virgils-story> [<https://perma.cc/626H-KLEZ>].

SUZANNE M. STRONG ET AL., U.S. DEP'T OF JUSTICE, BUREAU OF JUSTICE STATISTICS, CENSUS OF PROBLEM-SOLVING COURTS, 2012, at 1–2 (Oct. 12, 2016), <https://www.bjs.gov/content/pub/pdf/cpsc12.pdf> [<https://perma.cc/TP53-JJSL>].

SUBSTANCE ABUSE AND MENTAL HEALTH SERVS. ADMIN. (SAMHSA), *MEDICATION-ASSISTED TREATMENT FOR OPIOID ADDICTION 9* (2014).

Michaela Sumner, *Fear of Heroin Turning Drug Users Toward Methamphetamine*, CHILlicothe GAZETTE (Feb. 25, 2018), <https://www.chillicothegazette.com/story/news/crime/high-in-ohio/2018/02/25/fear-heroin-turning-drug-users-toward-methamphetamine/346133002/> [<https://perma.cc/HL7A-6CQF>].

Michaela Sumner, *Ross County's Heroin Partnership Project Gets a New Name, Seeks to Rebuild with Hope*, CHILlicothe GAZETTE (Oct. 5, 2018), <https://www.chillicothegazette.com/story/news/2018/10/05/ross-county-heroin-hope-partnership-project-rebrand-expands-include-all-substance-abuse/1457759002/> [<https://perma.cc/KU2A-UECQ>].

Supreme Court of Ohio, Bd. of Comm'rs on Grievances & Discipline, Op. 2002-3 (2002), <https://www.ohioadvop.org/wp-content/uploads/2017/04/Op-02-003.pdf> [<https://perma.cc/D97Z-D4PX>].

Supreme Court of Ohio, Comm'n on Specialized Dockets, *Opinion Letter on Substance Monitoring—Certification Resource* (Apr. 10, 2017), <https://www.sconet.state.oh.us/JCS/specDockets/substanceMonitoringGuide.pdf> [<https://perma.cc/4END-PB2G>].

Katie Wedell, *Millions of Tax Dollars Pay for New Drug Treatment—Is It Working?*, DAYTON DAILY NEWS (Dec. 26, 2018), <https://www.daytondailynews.com/news/local/millions-tax-dollars-pay-for-new-drug-treatment-working/g57IBU6u3IOLCs21GtV2aM/> [<https://perma.cc/VN7W-L8XP>].

Jim Woods, *Franklin County Coroner's Office Reports 7 Overdose Deaths in 18 Hours*, COLUMBUS DISPATCH (Oct. 2, 2018), <https://www.dispatch.com/news/20181002/franklin-county-coroners-office-reports-7-overdose-deaths-in-18-hours> [<https://perma.cc/LF5B-JUAR>].

U.S. DEP'T OF HEALTH & HUMAN SERVS., SAMHSA, MEDICATION-ASSISTED TREATMENT FOR OPIOID ADDICTION (2014), https://www.ncbi.nlm.nih.gov/books/NBK64164/pdf/Bookshelf_NBK64164.pdf [<https://perma.cc/EDS8-VX5W>].