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Criminal Law

Justice system must accept reality of opioid crisis: Goldlist

By AdvocateDaily.com Staff



The opioid crisis gripping this continent stretches from the hands of dealers to the arms of addicts — and to the pockets of the manufacturers, Toronto criminal lawyer [Jordana Goldlist](#) writes in [The Lawyer's Daily](#).

Each understands the potential consequences of their actions and takes the risks willingly, leaving the justice system to brace for the next wave of more addictive and profitable opioids to crash down, Goldlist, principal of [JHG Criminal Law](#), says in the legal publication.

Clients found guilty of trafficking fentanyl can expect longer sentences than those convicted of manslaughter, she says. Manufacturers have been fined hundreds of millions of dollars or driven to corporate bankruptcy for their roles in the proliferation of opioids. Still, the crisis rolls on, says Goldlist, whose client list includes a substantial number of individuals facing drug-related charges.

“I ask them all, as a matter of curiosity, ‘Is it worth the risk?’ The addicts I ask are very much aware of the potential for overdose, and many have endured at least one round of Naloxone to bring them back from the dead. Whenever I pose the question, no matter the situation or circumstance, the answer has always been a resounding ‘yes,’” she writes in *The Lawyer's Daily*.

“I ask the dealers I know the same question, ‘Are the profits worth the potential jail sentence?’ Knowing that they face five to eight years (in prison) for a few ounces and 10-plus years for a kilo, ‘Is it worth it?’ Their answer is the same as the addicts.”

The individuals at the root of the epidemic hide behind corporate shields and are “allowed to buy their way out of liability with fines that pale in comparison to the profits they have enjoyed,” Goldlist says.



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She points to a \$572-million judgment against a U.S. pharmaceutical giant in 2019 for its role in creating the opioid crisis in the state of Oklahoma. From 2015 to 2018, 18 million legal prescriptions of fentanyl were distributed across Oklahoma's population of four million people, *BusinessInsider.com* [reports](#).

The fine represents four per cent of the company's annual profit, the online magazine added.

"A key element in opioid marketing strategy to overcome barriers to liberal opioid prescribing was its promotion of the concept that chronic pain was under-treated (creating a problem) and increased opioid prescribing was the solution," Judge Thad Balkman [wrote](#) in his decision in the Oklahoma case.

"Among other things, they sent sales representatives into Oklahoma doctors' offices to deliver misleading messages, they disseminated misleading pamphlets, coupons, and other printed materials for patients and doctors, and they misleadingly advertised their drugs over the internet."

Goldlist also cites the legal battle of another painkilling opioid manufacturer, which faces thousands of lawsuits — including one in Canada — and has filed for bankruptcy.

The *Washington Post* reports that earlier this month, the company asked for and was granted permission from a judge in the bankruptcy proceedings to allow certain employees to receive \$34 million worth of bonuses for "meeting and exceeding goals over the last three years."

"Just as I have questioned the fentanyl dealers and the addicts I have come to know, I suspect that if the manufacturers of this epidemic were asked, they too would say that their role in the opioid crisis was worth it in the end," Goldlist writes.

"So we, as a society, are faced with an epidemic. We have addicts that don't care about the deadly consequences and dealers whose profit margins outweigh any jail sentence a judge could impose," she says.

"Both sides know the risk and neither care. It would seem that those of us entrenched in the justice system need to accept this reality and just brace ourselves for whatever drug will replace fentanyl. I expect it will be more potent, more addictive and more profitable."

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