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## **Attorney Says 'Tort Reformers' Defamed Him**

By REUBEN KRAMER

PHILADELPHIA (CN) - A leading air-crash litigation attorney's dispute with The Reason Foundation and the OverLawyered blog just got a lot uglier. Arthur Wolk claims he's been targeted in a vicious smear campaign by a cabal of far-right proponents of tort reform.

Wolk says the "unrelenting character assassinations" were coordinated by the "anti-consumer, anti-government, anti-court, anti-judge and often anti-Semitic, anarchistic" California-based Reason Foundation.

Wolk says he's been targeted because of his status as a high-profile attorney pursuing big awards in the type of tort-liability cases that groups such as The Reason Foundation just can't stand.

Defendants OverLawyered.com, The Reason Foundation and The Manhattan Institute for Policy Research carried out the Internet hit job "to discredit plaintiff at the Bar" and "to enact tort reform by getting rid of the proponents of tort liability, the plaintiff being in the forefront," Wolk says in his libel complaint in the Court of Common Pleas.

Wolk says that OverLawyered.com, a blog operated "for the benefit of ultra right wing organizations," defamed him by questioning his ethics and competency as an attorney.

OverLawyered describes itself as a site that "explores an American legal system that too often turns litigation into a weapon against guilty and innocent alike, erodes individual responsibility, rewards sharp practice, enriches its participants at the public's expense, and resists even modest efforts at reform and accountability."

Wolk says Reason and OverLawyered, led by OverLawyered's founder-defendant Walter Olson, a senior fellow at the Cato Institute, formed an "Internet tag team" to publish defamatory statements about attorneys who do not subscribe to their far-right views, hoping to "whip up a frenzy to prove their dedication to the causes of the Libertarian party, much like the Nazis of the early 1930's."

The Cato Institute and The Reason Foundation, which publishes "Reason" magazine, are both Libertarian purists at heart.

To further their goal, Reason "has created a multi-media collaboration of journalist wannabees, news anchor wannabees and intellectual wannabees for the sole purpose of fostering ... whatever is the ultra right wing super rich agenda of the moment," Wolk claims in his 100-page pro se complaint.

Wolk says his ordeal began around April 2009, after he returned from a Continuing Legal

Education class, where attorneys were told that running a Google search for their names was worth the effort.

Wolk, a 67-year-old father of two, says he took that advice, and uncovered an article posted in April 2007 by OverLawyered's "putative scholars" questioning whether he had a conflict of interest when a settlement was negotiated in a client's case.

As Wolk didn't have a hand in the settlement negotiations, which were handled by the client's other attorneys, he demanded that the inaccurate article be removed.

He says OverLawyered refused, even though two other attorneys involved in the case wrote to OverLawyered's counsel to attest to the falsity of the post.

Not only did OverLawyered refuse to remove the post, it "made certain that their false blog was picked up with even more vitriolic commentary by the Reason defendants and a myriad of other hate groups who are associated with them as an internet bullying tag team," Wolk claims.

In his complaint filed this week, Wolk says he first sued in the same court around August 2009. (There are discrepancies concerning the filing date of the original suit. Wolk says August 2009; court records show other dates.)

OverLawyered removed the case to federal court, where a judge mistakenly dismissed it as time-barred, Wolk says.

Wolk is still waiting to hear from the 3rd Circuit on his appeal of that dismissal.

Meanwhile, OverLawyered has maintained the post "on their website even though they know the allegations are categorically false," Wolk says.

Wolk claims the dismissal engendered more defamatory statements, precipitating "a feeding frenzy of Internet blogging chatter further defaming Wolk, which included enlisting the participation of various co-partnering blogging sites," including Reason.com and Law.com.

"These websites appear to monitor and promote the other, forming a type of co-partnering relationship, whereby blogs and comments published on one website trigger the others to republish the same comments and make other comments, thereby creating a swell of defamatory statements compounding the impact of the initial defamation," Wolk claims.

Defendant Theodore Frank, a co-administrator of OverLawyered, celebrated the dismissal of Wolk's original complaint in a blog called PointofLaw, characterizing the judge's decision as a victory for bloggers everywhere, and prompting other sites to blog about the case, Wolk says.

Among those sites was Reason.com, where in August 2010 defendant Jacob Sullum, a "putative journalist for the Reason defendants" and a "devotee to the principles of Internet Bullying" posted a story titled "Lawyer trying to protect his reputation as an Effective Advocate Misses Deadline for His Libel Suit."

That article "intended to hold the plaintiff to false light by sarcastically claiming that he must be a bad lawyer because he missed the deadline for his own lawsuit," Wolk claims.

He says the headline "was clearly defamatory and held plaintiff up to ridicule in that it intended to and did falsely imply that Wolk was an incompetent lawyer because he missed the

deadline for his own lawsuit, when by that time and now they all knew Wolk's lawsuit was timely filed."

OverLawyered knew his suit was timely filed because the original defamatory post was republished in the summer of 2008, a fact that "the Overlawyered defendants and their counsel falsely misrepresented to the federal judge," according to Wolk's latest complaint.

"Had Sullum done anything to research his trash he also would have learned that Judge McLaughlin told Overlawyered's counsel that he would not win on First Amendment Grounds as the article was clearly defamatory and that Overlawyered, Olson, Frank and his lawyers White and Williams and Onufrak hid from the federal judge that the article was republished three times within one year of Wolk's suit, thus making the statute of limitations defense nonexistent and the dismissal a fraud," Wolk says.

When Wolk asked that the "Misses Deadline" post be removed, as it included new defamatory statements as well as the original April 2007 post, "The Reason defendants, predictably, refused to remove their blog. Instead, to further impugn Wolk, on September 16, 2010, Reason, through Sullum, published a second blog entitled 'Who You Calling Touchy?'" Wolk says.

In that piece, Wolk says, Reason published an excerpt from the cease-and-desist letter Wolk sent demanding removal of the "Misses Deadline" post.

The sole purpose of "Who You Calling Touchy" was to incite "additional defamatory comments from Reason's bloggers," Wolk says.

And he says that's precisely what happened: a barrage of "hideous" and defamatory comments from bloggers associated with Reason followed.

Reason refused to disclose the identity of the bloggers, according to Wolk's new complaint, which lists a slew of blogger-defendants, including "TheZeitgeist," "The Gobbler," "Mr. Weebles," "Latter Day Taint" and "Not Arthur Wolk."

"The defendants knew exactly what they were inciting and intended that it would let loose all the inmates from the asylum," Wolk says.

Wolk adds that despite the judge's informing OverLawyered's counsel about the content being defamatory, defendant Frank released a statement that said the opposite: "Had the judge not ruled in our favor on the threshold statute of limitations issue, we are confident that we would have prevailed based on the post's protected status under the First Amendment."

That statement added: "For readers' protection as well as our own, we are obliged to discourage discussion in our comments section about these developments. We regret the curtailment of free controversy," Wolk claims.

"That article was intended to trigger a pre-arranged and conspired republication of the earlier defamatory article with commentary by other sites who, with the encouragement of all the defendants knew it to be false," Wolk says.

"[Defendant law firm] White and Williams ... knowing that they fraudulently induced the court to dismiss on grounds that were entirely false, then went on a 'Mission Accomplished' campaign

in The Legal Intelligencer in Philadelphia, The Philadelphia Business Journal, and on a White and Williams blog, touting their victory as well-founded in law and fact and ridiculing plaintiff as a lawyer when they knew they had gotten their dismissal by fraud and had lied to the court," Wolk claims.

He says the damages caused by this vortex of defamation have been "horrific," and that "The emotional toll and physical toll has been unspeakable."

"Plaintiff does not show his face at Bar functions, or social engagements where members of the Bar may be present in numbers," Wolk says.

"Plaintiff wrote a book entitled 'Recollections of My Puppy', a book for adults and children, all of the proceeds from which go to animal rescue. The false charges by defendants have utterly killed that book and the charitable purpose Wolk intended," he adds.

Wolk says he was forced "to hire a Forensic IT consultant to help clear the Internet of the false and damaging postings."

Wolk demands an injunction and punitive damages for defamation, harassment and conspiracy, including conspiracy to interfere with prospective economic relations and conspiracy to commit assault.

Mike Alissi, vice president of The Reason Foundation, told Courthouse News in a statement that Wolk's suit is "absurd."

"We stand by our blog posts, deny Wolk's allegations, and are confident we will be vindicated in court," Alissi said.