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Chronicling the high cost of our legal system

[Subway descends](#)

by [Walter Olson](#) on May 19, 2010

“If you sell sandwiches that happen to be, oh, 12 inches long, and you dare to refer to said sandwiches as being a ‘footlong,’ then Subway would like to have a word with you.” [[Bruce Carton, Legal Blog Watch; cease and desist letter](#), PDF, via [NPR](#)]

Tagged as: [nastygrams](#), [restaurants](#), [trademarks](#)

{ [3 comments](#) }

[Beginning of the end for vaccine-autism litigation?](#)

by [Walter Olson](#) on May 19, 2010

Beck et al [see hope](#) in a decision by the Federal Circuit.

Tagged as: [autism](#), [vaccines](#)

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[Ban on driving days after sobering up](#)

by [Walter Olson](#) on May 18, 2010

A new law enforcement trend seems to press impaired-driving law into service as a way of pursuing other, unrelated law enforcement goals [[Sullum, Reason](#)]

Tagged as: [illegal drugs](#), [traffic laws](#)

{ [0 comments](#) }

[And I say this without relish](#)

by [Walter Olson](#) on May 18, 2010

No sooner do I blog on the food nannies' campaign for a [federally redesigned hot dog](#) (earlier [here](#) and [here](#)) than Hot Air "Green Room" observes that Mayor Bloomberg's anti-salt minions have gotten Heinz to promise to [reformulate ketchup](#).

Tagged as: [food safety](#), [salt](#)

{ [7 comments](#) }

[May 18 roundup](#)

by [Walter Olson](#) on May 18, 2010

- Upside-down logic of Supreme Court's Comstock, Graham cases: imprison youthful offenders for life only if they *haven't* had protections of formal trial [[Popehat](#), [Pilon](#), [Shapiro](#), [Volokh](#), [Pattis](#)] Kennedy returns to use of international "consensus" as guide in constitutional interpretation [[Shapiro](#), [Bader](#)]
- Connecticut AG Richard Blumenthal, noted scourge of misleading ad promotion (as in the Sony [ghost blurber case](#)), falsely claimed Vietnam service [[Raymond Hernandez, NY Times](#)] Cf. the curious "Harvard swim captain" claims investigated by [Chris Fountain](#). **More:** [AllahPundit](#).
- Louisiana politico Theriot: my suit against online critics is meant not to shut anyone up but to pick up useful tips on governance [[Times-Picayune](#), [Jefferson Report](#), [Volokh](#), [NY Times](#)]
- South Carolina juries not allowed to hear evidence about seat belt use in car crashes [[Pero](#)]
- More links on "Lady KaGa" Supreme Court nomination [[Cato at Liberty](#), [Ted at PoL](#)]
- Risk of "minor" injuries may result in end to Naval Academy tradition of stunt climb [[John J. Miller, NRO](#)]
- "Art of the Steal," documentary on epic battle over donor intent in case of suburban Philadelphia Barnes collection [[Kauffmann/TNR](#), [L.A. Times](#), [CultureGrrl/ArtsJournal](#)]
- "Why Good Intentions are Often Not Enough: The Potential for Ethical Blindness in Legal Decision-Making" [Kath Hall (Australian National University), [SSRN](#) via [Andrew Perlman, Legal Ethics Forum](#)]

Tagged as: [art and artists](#), [crime and punishment](#), [ethics](#), [libel slander and defamation](#), [Philadelphia](#), [Richard Blumenthal](#), [seatbelts](#), [South Carolina](#), [Supreme Court](#)

{ [3 comments](#) }

["South Carolina Supreme Court Brings Down the Hammer on Discovery Abuse"](#)

by [Walter Olson](#) on May 17, 2010

Trial courts should do more to police "oppressive" discovery requests, according to one state's high court. [[Abnormal Use](#)]

Tagged as: [discovery](#), [sanctions](#), [South Carolina](#)

{ [1 comment](#) }

[**Suit: cellphone bill exposed my affair**](#)

by [Walter Olson](#) on May 17, 2010

An Ontario woman wants Rogers Wireless Inc. to pay C\$600,000 for sending her household a “global” invoice that wrongly alerted her husband to lengthy phone calls from which he deduced her extramarital affair, leading him to walk out on her. [[Toronto Star](#)]

Tagged as: [Canada](#), [cellphones](#), [personal responsibility](#)

{ [11 comments](#) }

[**Hardships of prolonged jury service**](#)

by [Walter Olson](#) on May 17, 2010

They're felt more than ever in today's economy, [notes Amy Alkon](#).

Tagged as: [juries](#), [jury selection](#)

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[**Alan Dershowitz**](#)

by [Walter Olson](#) on May 17, 2010

Scott Greenfield thinks it [must be wonderful to be him](#).

Tagged as: [Harvard](#)

{ [0 comments](#) }

[**Welcome WRKO listeners**](#)

by [Walter Olson](#) on May 16, 2010

I was a guest this evening on Kevin Whalen's [Pundit Review](#) talk show on the [Boston station](#). We mostly discussed the Elena Kagan Supreme Court nomination, on which I've blogged [here](#), [here](#), [here](#), and [here](#). **More:** a [write-up, and audio](#).

Tagged as: [Boston](#), [Elena Kagan](#), [on TV and radio](#)

{ [0 comments](#) }

[May 16 roundup](#)

by [Walter Olson](#) on May 16, 2010

- Doc self-injects with Botox, wins \$15 million on failure-to-warn claim [[Legal Blog Watch](#)]
- Kindergarten teacher Tonya Craft acquitted in widely watched abuse-allegation case [[Sullum](#) and [more](#), [Greenfield](#), [Popehat](#), [A Public Defender](#), [Lynch](#)]
- Naughty Toyota, it defends itself when attacked [[Fumento](#), [Ted at PoL](#)]
- Washington Post [profiles](#) economist/perennial blogroll favorite Tyler Cowen ([Marginal Revolution](#)) with guest appearance by fashion business mentor/outspoken CPSIA critic [Kathleen Fasanella](#);
- Business groups oppose nomination to federal judgeship of Rhode Island trial lawyer/political kingmaker Jack McConnell [[ShopFloor](#)]
- “CEI’s FTC Complaint Against GM: A Response to Walter Olson” [[Fred Smith/Open Market](#), [earlier](#)]
- Bad: New York’s highest court limits assumption of risk defense [[NYLJ](#), [Mura](#), [Rapp](#)]
- Why we can’t represent you in your suit demanding removal of your microchip brain implant [[Popehat](#)]

Tagged as: [assumption of risk](#), [child abuse](#), [failure to warn](#), [New York](#), [Rhode Island](#), [Toyota](#)

{ [4 comments](#) }

[Disability-related commuting difficulties](#)

by [Walter Olson](#) on May 15, 2010

The Third Circuit has ruled that under the Americans with Disabilities Act “employers may need to make reasonable shift changes in order to accommodate a disabled employee’s disability-related difficulties in getting to work.” The case involved a Rite Aid worker who could not drive at night because of glaucoma and wanted a transfer to the day shift. [[Colwell v. Rite-Aid](#), PDF, via [Hyman](#)]

Tagged as: [disabled rights](#), [workplace](#)

{ [6 comments](#) }

[Sophisticated advisors?](#)

by [Walter Olson](#) on May 15, 2010

According to the New York Law Journal, “hundreds” at least of law firms have [fallen victim to advance-fee and counterfeit-check scams](#) in recent years.

Tagged as: [lawyers](#)

{ [5 comments](#) }

[The fatal workplace joke](#)

by [Walter Olson](#) on May 14, 2010

A lab technician in Bolton, Lancashire, U.K. kills himself after an offhand joke at his workplace is denounced as insensitive [[Telegraph](#), [Mail](#)]

Tagged as: [harassment law](#), [hostile environment](#), [suicide](#), [United Kingdom](#)

{ [3 comments](#) }

“Palm Beach Gardens firm accused of filing lawsuits just to collect legal fees”

by [Walter Olson](#) on May 14, 2010

The firm often sues insurance companies for amounts under \$50, sometimes under \$5. A manager with one defendant said the lawyers can use a \$1 settlement to leverage a demand for thousands in legal fees payable by defendants. The firm, which has filed more than a thousand cases since last summer, acquires potential claims from medical clinics which bill the insurers over care dispensed after no-fault auto accidents; often the clinics have been paid for the bulk of the case, leaving a small unpaid sum. [[Jane Musgrave, Palm Beach Post](#)]

Tagged as: [Florida](#), [insurance](#)

{ [2 comments](#) }

Talking-squirrel injury lawyer ad

by [Walter Olson](#) on May 14, 2010

With extra cheese:

Via [Above the Law](#) last month, which also found a [decidedly strange reggae video](#) singing the praises of a Los Angeles entertainment-law firm.

Tagged as: [chasing clients](#)

{ [2 comments](#) }

[“California Court Rejects Santa Barbara Beach Club’s Attempts to Suppress Criticism”](#)

by [Walter Olson](#) on May 14, 2010

Free speech wins one in a neighborhood dispute. [[Eugene Volokh](#)]

Tagged as: [libel slander and defamation](#)

{ [0 comments](#) }

[Woman finds “demonic” face on canned pear](#)

by [Walter Olson](#) on May 13, 2010

And wants recompense from the fruit canner, in New Zealand. [[Stuff.co.nz](#)]

Tagged as: [food safety](#), [New Zealand](#)

{ [7 comments](#) }

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- [The Kagan nomination, May 19](#)
Kagan responds to the Senate Judiciary Committee questionnaire. [SCOTUSreport, supplements]
I still don't think a 20-year-old's senior thesis tells us very much, but one can perhaps take solace from the fact that Kagan criticized the Warren's court's lawlessness. Or not.... [...]
Ted Frank
- [Cornell study: Jurors treat ugly people worse in criminal prosecutions](#)
I was ready to be outraged, but then I found that, notwithstanding the headlines, it wasn't actually a study of jurors, but of Cornell undergraduates using controls, so it is impossible to say whether people take actual jury decisionmaking more... [...]
Ted Frank
- [Around the web, May 19](#)
Though, alas, I don't think his opposition to Stoneridge and Iqbal was what did it, Senator Arlen Specter lost his primary last night. We'll miss Victor Schwartz's impersonations. One hopes that Specter doesn't respond to his lame-duck status with even... [...]
Ted Frank
- [Around the web, May 18](#)
So, I suppose Justice Sotomayor, contrary to her Senate testimony, is okay with the use of international precedent to strike down laws passed by 37 states. [Graham v. Florida; Whelan @ Bench Memos; see also Volokh on the Stevens concurrence]... [...]
Ted Frank
- [Catsouras v. Department of California Highway Patrol](#)
Within fifteen minutes of 18-year-old Nikki Catsouras stealing her father's Porsche, she (perhaps under the influence of cocaine) decapitated herself when she smashed into a California State Route 241 tollbooth at 100 mph. Two California Highway Patrol officers released some... [...]
Ted Frank

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