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Chronicling the high cost of our legal system

New at Cato: case “never should have been prosecuted”

by [Walter Olson](#) on [June 11, 2011](#)

I posted [briefly](#) on the Lauren Stevens acquittal last month, and now I've got a [longer treatment up at Cato at Liberty](#):

...U.S. District Court Judge Roger Titus ordered the acquittal of Lauren Stevens, a former in-house lawyer for drugmaker GlaxoSmithKline, who had been charged with obstructing a federal investigation. In strong language, Judge Titus said Stevens “should never have been prosecuted” and that allowing the case to go forward to a jury “would be a miscarriage of justice.” ...After the stunning dismissal, the U.S. Department of Justice was quite unapologetic, a top official suggesting that its prosecutors intended to do nothing differently in future.

The full post is [here](#). **P.S.** Scott Greenfield has some additional thoughts that [should not be missed](#).

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[1](#) Chris Hoey 06.11.11 at 11:58 am

As in the case of the former Secretary of Labor, Ray Donovan, where does Lauren Stevens go to get her reputation back?

The nameless, faceless bureaucratic hacks that perpetrated this travesty should be exposed to shame, if not keelhailed.

[2](#) William Nuesslein 06.13.11 at 5:28 am

The jury in the Martha Stewart case missed the forest for the trees. They started with the presumption that she did something wrong and tried to cover her tracks by lying to the Federal agent. They started with a presumption of guilt! Then they could not grasp that Ms. Stewart got rid of 85,000 of her 90,000 shares; and that she tendered her remaining 5,000 to a tender offer. Roughly 20% of her shares was accepted. That is why she had an odd number of shares when her broker’s assistant recommended that she sell.

She was prosecuted because Ms. Seymore wanted her head. There was no real evidence of Ms. Stewart doing anything wrong. It was a disgusting prosecution, and I am ashamed of my country for it.

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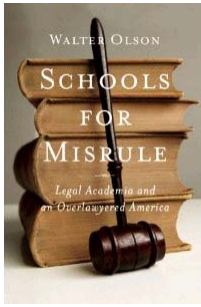
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- ["Litigation-Finance Contract Reveals How Investors Back Lawsuits"](#)
Daniel Fisher has details at Forbes. The Chamber of Commerce takes a hard line with these arrangements, but I don't see anything particularly problematic as a public-policy matter with this particular contract, which is really structured as a very high-interest... [...]
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The Babies "R" Us settlement in McDonough v. Toys "R" Us, Inc., No. 06-cv-242 (E.D. Pa.) has the attorneys requesting a \$14 million share of a \$34.24 million settlement fund—over 40% of that denominator. But the remainder of the \$20... [...]
Ted Frank
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The Court holds that felony flight under Indiana law is a violent felony for purposes of the federal Armed Career Criminal Act. In a typically biting dissent, Justice Scalia bemoans overcriminalization: "We face a Congress that puts forth an ever-increasing volume... [...]
Ted Frank
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I'm getting two major types of skepticism about my market bet on Wal-Mart v. Dukes, which I paraphrase as follows: "Your bet makes no sense because everyone already knows that the Supreme Court is going to reverse Dukes." "Your bet is... [...]
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