

Overlawyered.com May Have Missed A Great Frivolous Lawsuit Story

One of the biggest names in the "legal blog" field is Overlawyered.com, primarily written and edited by [Walter Olson](#). The site's self-description states:

"Overlawyered.com 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."

I love the site, and read it nearly every day even though as a trial lawyer I am clearly on the other side of the debate. I often disagree with Mr. Olson, but over the years I have grown to respect the work he does. Like I said, I'm on the other team, but I think Overlawyered is usually intellectually honest. One of the main things we see on Overlawyered is sharp critiques of lawsuits seen as frivolous or unfair. In fact, there is a piece up right now talking about SLAPP lawsuits, which are suits filed by corporate interests to silence public opposition. What's funny, is I just saw a piece about a lawsuit like this that would seem ideal for Overlawyered. Except it hasn't shown up there.

I am referring to this [story](#). Koch Industries is described as a "petroleum/paper cup/carpet conglomerate." It looks like some activists set up their own website parodying Koch Industries' official website. The parody stated that Koch would cease funding conservative think tanks because of the positions they take on global warming. What did Koch do? It sued two Utah web hosting companies to find the names of the folks who put up the parody site, presumably so they can be sued as well. Koch [describes](#) the parody site as "a willful act of identity theft, theft of intellectual property and impersonation that extends beyond the boundaries of free speech."

How could Overlawyered miss a juicy story like this? Well, it could be that the story is just new enough (the suit was filed Monday) that it hasn't yet come to the site's attention, or that it was seen and not really considered noteworthy. Or it could be that David H. Koch, one of Koch Industries' co-founders, [is a member of the Board of Directors of a conservative think tank called the Cato Institute](#).

Overlawyered's Walter Olson is a [Senior Fellow](#) at the Cato Institute. Some might argue that the story's absence from Overlawyered is evidence that Mr. Olson has no interest in biting the hand that feeds him. I won't go that far, because I really don't know. But I do think it raises some interesting questions.

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