

Lawsuit Abuse Fortnightly



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Real examples of how predatory trial lawyers profit by depriving victims of justice and undermining the Rule of Law in the United States.

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Photo Finished

A U.K. photographer was ordered to reimburse \$2,000 U.S. to a couple whose wedding photos he botched.

He took 400 photos, but only 20 were acceptable. Heads were cut off, the camera was out of focus or aimed at the ceiling, and he dropped the video camera in the church with a curse caught on tape. The couple went to 11 wedding fairs where photographers exhibited before making the unlucky selection.

Source: Shannon Bell, "Marc and Sylvia Day: Couple Sues Gareth Bowers Over Bad Wedding Photos," <http://law.rightpundits.com/?p=880>, October 8, 2009

Granny Grabbers

An Indiana grandmother was hauled off to jail in handcuffs after buying a box of cold medicine for her husband and one for her daughter less than a week later.

The purchases put her in violation of a state law restricting the purchase of an ingredient in the cold medicine—pseudoephedrine—to less than 3.0 grams per week. The law was intended to block use of pseudoephedrine in hidden labs manufacturing the illegal drug, methamphetamine.

The woman called the experience "very traumatic." The local paper ran her police mug shot on the front page, with the headline "17 Arrested in Drug Sweep," she said.

The local prosecutor said the law is strict—it bans purchases above 3.0 grams per week regardless of whether there is the intent to use it to cook meth. Ignorance of the law is no excuse, he said. "I'm simply enforcing the law as it was written." He did agree not to prosecute the woman if she keeps her nose clean for a month.

Source: Lisa Trigg, "Wabash Valley woman didn't realize second cold medicine purchase violated drug laws," *The Tribune-Star*, September 3, 2009

Loosey Goosey

Two Canada geese nestled into a planter near a Maryland pool maintenance firm. The geese were pooping on the sidewalk in front of the business, but could not be disturbed because they are protected under

the Migratory Species Act.

The firm roped off the planter, posted warning signs, and hoped the geese would decamp after hatching their young goslings. Unfortunately, the male goose flapped his wings and snapped at a female passerby, who fell on the sidewalk and injured herself. She sued the company for \$750,000.

Fortunately, the jury found for the company. "We really didn't have anything to do with the goose other than it was in front of our store," said the owner. "It's possible that, if this lawsuit had come away with a large verdict, it could have caused us to close our doors."

Source: "Pool store owners sued over migrating wild goose," Faces of Lawsuit Abuse.org, a project of the U.S. Chamber Institute for Legal Reform

A Mind Is a Terrible Thing to Waste

Supreme Court Justice Antonin Scalia thinks we're "wasting" too many of our "best minds" in the law. "I mean lawyers, after all, don't produce anything. ... And I worry that we are devoting too many of our very best minds to this enterprise."

But writing on the Volokh Conspiracy Web site, Ilya Somin, an assistant professor at George Mason School of Law, says the justice is only "half-right."

"We are indeed devoting more of our 'best minds' to law than we ideally should; perhaps more of our merely average minds too," he said. "In civil law, we have a massive tort law suit system and hundreds of state and federal regulatory agencies that issue mindbogglingly complex regulations that require interpretation by experts if you want to avoid costly liability. And of course we also have an extremely complex tax system that requires many people to hire tax lawyers if they want to keep the IRS off their backs.

"The best way to safely reduce the number of lawyers is to cut back on the number of laws," he concludes.

Source: Ilya Somin, "Too Many Lawyers or Too Many Laws?" *The Volokh Conspiracy*, October 6, 2009

Loopy Lawsuits

Kellogg's deceived consumers by selling "Froot Loops" cereal because it doesn't contain fruit, a San Francisco

man alleges in a class-action lawsuit. Not only that. Cap'n Crunch Crunchberries don't contain crunchberries—or any other berries, for that matter. So the maker, Quaker Oats, is the defendant in the man's second class-action case.

If this sounds familiar, such lawsuits have been filed before and uniformly thrown out of court, beginning as early as 1983. "This leads us to wonder what's in the milk in California ... besides fake fruit," concluded the Above the Law Web site.

Source: Kashmir Hill, "Lawsuit of the Day: Another Fruity Class Action," Above the Law, September 30, 2009

Litigation Smorgasbord

A lawyer referral Web site is causing controversy in Florida over rules governing legal advertising. It's called "whocanisue.com" and features a drop-down menu suggesting possible causes of action to wannabe litigants.

Under nursing home abuse, for instance, there are numerous subcategories, such as bed sores, dehydration, and falls and fractures. Lawyers are

matched with clients by zip codes. Listed under "Hot Topics" are car accidents, bankruptcy, divorce, DUIs, foreclosure, overtime, mortgage loan modifications, and wrongful termination.

Strict rules apply to lawyer advertising, but the service isn't, legally speaking, lawyering, so they may be exempt from those rules, though the matter hasn't been finally resolved..

Business seems to be booming, with 250 law firms signed up and about 25,000 visits to the Web site every month. The service operates in California, Florida, New York, Pennsylvania, Texas, and other states. Lawyers using the service rave about it.

"I'm getting probably twice as many phone calls," one said. Another said his phone hasn't stopped ringing. "The name was catchy," he added. "I was upset I didn't think of it."

Others called the advertising "egregious" and a "disgrace."

Source: Missy Diaz, "Whocanisue website skirts the rules for lawyer ads, Some lawyers call the service a disgrace, but those listed say it drives up business," South Florida Sun-Sentinel, October 4, 2009 via overlawyered.com

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