

Tuesday, July 10, 2007

A frivolous lawsuit threat does not amount to extortion.

Â Image from Bureau of Engraving and Printing's website.Â In the real world, threats of litigation and responses thereto often are much harsher than Nathan Detroit's entertaining melody to his significant other: "Call a lawyer and sue me, Sue me, What can you do me, I love you. Give a holler and hate me, Hate me, Go ahead, hate me! I LOVE YOU."Â Fortunately, even a knowingly frivolous threatÂ to file aÂ lawsuit unless money is ponied up, does not amount to criminal extortion in Maryland nor under federal law, says Maryland's intermediate appellate court. The case is *Rendelman v. Maryland*, __ Md. App. __ (July 6, 2007). Â Although the court's opinion is silent about the First Amendment, I certainly think the First Amendment should be of protection in such circumstances. In any event, the Court of Appeals reached the right result here, and the victory is all the more sweet considering that the defendant received the maximum ten years imprisonment available by law. Jon Katz.

Posted by Jon Katz in Criminal Defense at 00:50