

## GSK Lawyer Acquitted By The Judge

Tuesday, May 10, 2011

The Wall Street Journal just reported that the judge threw out the criminal charges against in-house Glaxo lawyer Lauren Stevens. Here's a copy of the [transcript](#) of the proceeding.

A federal trial judge in Maryland on Tuesday acquitted a former GlaxoSmithKline PLC lawyer accused of lying during an investigation of Glaxo marketing practices, dealing a blow to the government's effort to target individuals in probes of the pharmaceutical industry.

U.S. District Court Judge Roger Titus took the rare move of acquitting former Glaxo lawyer Lauren Stevens without sending the case to the jury. Judge Titus called his summary move to acquit Ms. Stevens a first in his seven and a half years on the federal bench. He said that the Massachusetts magistrate judge that ordered privileged documents produced in the first place was wrong, and there was no evidence of crime or fraud sufficient to void the attorney/client privilege. [Transcript](#) at 3-4.

The judge ripped the government a new one in granting the motion for acquittal. Here's a little taste:

There is an enormous potential for abuse in allowing prosecution of an attorney for the giving of legal advice. I conclude that the defendant in this case should never have been prosecuted and she should be permitted to resume her career.

The institutional problem that causes me a great concern is that while lawyers should not get a free pass, the Court should be vigilant to permit the practice of law to be carried on, to be engaged in, and to allow lawyers to do their job of zealously representing the interests of their client. Anything that interferes with that is something that the court system should not countenance.

For those reasons, I am going to grant the Defense's motion for judgment of acquittal, and that will bring this case to an end.

[Transcript](#) at 9-10. This is a victory for all lawyers who practice administrative law. Maybe the FDA and DoJ will go back to doing what they should be doing - which is protecting the safety of the public, without going haring after lawyers simply for doing their jobs.