

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 379
Courts - Civil Actions – Strategic Lawsuits Against Public
Participation
DATE: January 29, 2020
(2/5)
POSITION: Oppose as drafted

The Maryland Judiciary opposes House Bill 379 as drafted. This legislation addresses “SLAPP” (strategic lawsuits against public participation) lawsuits, which are bad faith lawsuits intended to deter the defendant or other similar persons from speaking out on certain public issues.

In particular, the Judiciary has concerns with the inclusion of judicial proceedings which could as drafted affect pending civil actions through crossclaims, counterclaims, or third-party claims.

Further, the Judiciary is concerned with the permitting of interlocutory appeals for "a ruling or failure to rule" on a motion to dismiss, because the bill lacks guidance on the necessary timeline for ruling on such a motion before it may be subject to appeal for failure to rule. The list of appealable interlocutory orders should be narrow.

cc. Hon. Samuel Rosenberg
Judicial Council
Legislative Committee
Kelley O’Connor