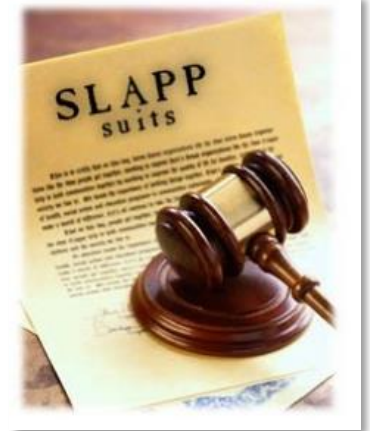


# Strengthening Maryland's anti-SLAPP statute

House Bill 379, sponsored by Delegates Rosenberg and Cardin, seeks to **strengthen protections for press and citizens against SLAPP** (Strategic Lawsuits Against Public Participation).

## What is a SLAPP?

Anti-SLAPP laws seek to provide a quick way for the legal system to root out frivolous lawsuits designed to quell a person's constitutionally-protected right to free speech and to petition the government. **Not every unwelcome lawsuit is a SLAPP suit.** SLAPP suits generally target speech about issues of public interest or concern, or public participation in government proceedings. Thus, typical SLAPP suits include lawsuits based on: media coverage of news-worthy events; statements or other efforts to report on or oppose a building permit or zoning change; and statements made before a legislative, executive or judicial proceeding or in connection with an issue under review by a governmental body.



## Why change Maryland's law?

When Maryland first enacted its anti-SLAPP protections in 2004, it was seen as a vanguard, one of the only states protecting against frivolous SLAPP suits. That luster has faded due to major weaknesses in the current law.

**This bill addresses weaknesses in current law and is a strong step forward to encouraging freedom to express dissenting opinions in Maryland.**

- **Weakness:** The current law requires the defendant to show that the suit was brought in “bad faith” which is a high bar that cannot be accomplished without a fair amount of discovery. Speech protected by anti-SLAPP statute is narrowly defined to cover only speech about subjects in which the government has authority. For example, speech regarding corporate action is not considered covered under anti-SLAPP.

**Solution:** Bill clarifies what is – and is not – a SLAPP suit. Maryland's unusual “bad faith” provision has been removed and the clause focuses on speech and actions in the public interest.

- **Weakness:** The current law does not allow for shifting of attorneys' fees.

**Solution:** Bill allows shifting of attorney's fees.

- **Weakness:** If the defendant's anti-SLAPP motion is denied, it is unclear if the defendant must wait until the court proceeding has ended before the motion may be appealed.

**Solution:** Bills allow interlocutory appeals so that the defendant can appeal the motion immediately.

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