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To: The Honorable Luke Clippinger
Chair, Judiciary Committee

From: Hannibal G. Williams II Kemerer, Legislative Director, Office of the Attorney General

Re: HB 379 Courts – Civil Actions – Strategic Lawsuits Against Public Participation
(SUPPORT)

Maryland law already provides citizens and the press with protections against Strategic Lawsuits Against Public Participation (“SLAPP”). *See Courts and Judicial Proceedings* §§ 5-807 and 12-303. Such anti-SLAPP laws are designed to provide prompt resolution of frivolous claims filed to silence a defendant’s constitutionally protected rights to free speech and to petition the government.

House Bill 379 (1) removes a requirement in current law that a defendant filing an anti-SLAPP motion illustrate that the complaint was brought in “bad faith,” (2) permits a prevailing defendant to seek attorneys’ fees, and (3) permits interlocutory appeals in the event a defendant’s anti-SLAPP motion is denied. These changes to Maryland’s existing anti-SLAPP statute will help deter SLAPP suits by lowering barriers to dismissal and increasing the likelihood that violators will be held accountable through prevailing party attorneys’ fees. Moreover, the rights to interlocutory appeal will ensure that anti-SLAPP defendants are not subjected to onerous discovery and other litigation demands in lawsuits that merely seek to undermine their free exercise of speech and public participation rights.

For all of the forgoing reasons, the Office of Attorney General urges a favorable report on HB 379.

cc: Members of the Judiciary Committee

