

TESTIMONY BEFORE THE SENATE JUDICIAL PROCEEDINGS
COMMITTEE

AGAINST SB 0315

Senate Bill 0315

To be presented February 9, 2022 at 1pm

BY: Claudia Barber, Attorney at Law

Good afternoon Mr. Chair and Vice Chair.

The Strategic Lawsuits Against Public Participation bill looks very meaningful on its face. However, it may have grave consequences against public figures by arming citizens with the right to report anything and everything to public entities and rewarding those citizens with ulterior motives, who do the reporting, with immunity.

Just last year, we saw on January 6, 2021, how people engaged in conspiracy theories wrongly claimed First Amendment protection for their insurrectionist acts of terror. The First Amendment should never again be used as a reason to harm individuals or destroy human beings.

One of the pitfalls of this legislation is that it does not protect innocent victims such as public figures or politicians who may have rivals instigating stories by using public records, resources and government agencies to create news stories to smear an opponent. It particularly impacts people of color and their communities when misinformation is spread to newspapers and destroys individuals' livelihoods and reputations.

In 2016, someone filed an ethics complaint against me asking my employer to remove me from office because I ran in a partisan primary. What the complainant did not do is tell my employer that the office of judge for the Circuit Court for Anne Arundel County is not a partisan office. It was important to not tell this truth because that would have destroyed his plan to have me fired for an ethics violation,

which was later used on campaign literature by four sitting judges. The purpose of filing the ethics complaint was to harm my livelihood because the complainant demanded my employer terminate me. All this was done so four sitting judges could advance in their contested judicial election for a 15-year term.

After making Freedom of Information Act requests, I learned that the complainant's pursuit of my termination was deeper than just filing an ethics complaint. He provided my employer with multiple photos and documents that were intended to cast me in a negative light to my employer. For example, my presence at a festival where I was meeting and greeting voters at a democratic booth was intentionally misrepresented as engaging in partisan affairs, in hopes that would be sufficient evidence to include in a removal hearing.

When the complainant was sued for making many misrepresentations to my employer, he attempted to use the SLAPP act in another jurisdiction as a shield of immunity to protect him from liability.

Before voting yes on this legislation, please reconsider the impact this legislation has on the community and on individuals. This legislation impacts people of color who are often powerless to challenge vengeful acts of this type bent on advancing other people's candidacy. It has been six years since this ethics complaint was filed, and I have spent an enormous amount of legal expenses trying to defend my reputation. My cases remain pending at this time.