



# CHESAPEAKE BAY FOUNDATION

*Environmental Protection and Restoration  
Environmental Education*

## House Bill 70

Courts – Strategic Lawsuits Against Public Participation

Date: January 19, 2022  
To: House Judiciary Committee

Position: **Support**  
Contact: Robin Clark, Maryland Staff Attorney

Chesapeake Bay Foundation (CBF) **SUPPORTS** HB 70 which updates the law on strategic lawsuits against public participation (SLAPP suits) under § 5-807 of the Courts and Judicial Proceedings Article. It provides additional protection from civil liability for defendants in a SLAPP suit and requires a court to rule expeditiously on a defendant's motion to dismiss, and awards for costs and reasonable attorney's fees.

The federal and State constitutional right of petition or free speech in connection with a public issue or an issue of public interest are critically important to the ability of citizens to participate in the preservation of Maryland's environment. SLAPP suits can have a chilling effect on freedom of speech, such that individuals and even organizations are wary of raising concerns when they observe businesses or individuals have broken or ignored environmental laws. Without enforcement of environmental laws, the preservation of State's natural resources is at risk. Citizen watchdogs are critical to environmental protection and should not be concerned that their efforts to serve the public interest will threaten their financial and legal liability.

The Chesapeake Bay Foundation's staff have been threatened with SLAPP suits and witnessed partners become defendants in SLAPP suits. Recently, a member of the Chesapeake Bay Foundation staff acting in their own personal capacity was threatened with a lawsuit by an attorney representing a developer for signing a letter to the county opposing the development. In another matter, Chesapeake Bay Foundation staff witnessed a partner, the president of the Magothy River Association, become the defendant in a SLAPP suit based on comments he made at a community meeting presentation. The scenario involved a residential development on Dobbins Island, in the Critical Area of the Magothy River in Anne Arundel County. The island owner had violated several Anne Arundel County laws and the state Critical Area law. Even though the judge handling the defamation case found that it had no merit, he declined to dismiss the case leading it to continue until the controversy over the Critical Area matter was resolved. For thirteen years, the defendant and other members of the Magothy River Association feared speaking out on the matter, despite its impact on the River, because of the threat of lawsuit.

The legal system should not be used to silence citizens or organizations opposed to development or permitting of polluting facilities. HB 70 requires a much-needed update to Maryland's rules around SLAPP suits.

**CBF urges the Committee's FAVORABLE report on HB 70.** For more information, please contact Robin Clark, Maryland Staff Attorney at [rclark@cbf.org](mailto:rclark@cbf.org) and 443.995.8753.

Maryland Office • Philip Merrill Environmental Center • 6 Herndon Avenue • Annapolis • Maryland • 21403  
Phone (410) 268-8816 • Fax (410) 280-3513

*The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 300,000 members and e-subscribers, including over 109,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.*