



## 2024 POSITION PAPER

SB/HB HB330, SB568

### HB330, SB568 - Courts – Civil Actions – SLAPP FAVORABLE

The Maryland Association for Justice (MAJ) supports HB330 and SB568 which modernize the existing SLAPP statute, Courts §5-807, by updating Maryland law to be consistent with other SLAPP statutes in 34 other jurisdictions.

During the shortened 2020 Legislature, the MAJ worked with Del. Rosenberg and other supporters to modify the then-proposed SLAPP bill to make it consistent with other states' laws. These proposed bills incorporate those changes. Updating Maryland law is overdue.

SLAPP actions are, as the acronym implies, a strategic lawsuit against public participation. Some litigants file a SLAPP lawsuit intended to suppress a citizen's expressing free speech and criticism of a public official. SLAPP statutes exist in 34 other states to protect people from lawsuits that have a purpose of suppressing free speech against government officials by providing grounds for dismissal, expedited motions to dismiss, and awards of attorney's fees against the filing party. Attorney's fees are also available if the lawsuit is meritorious.

Maryland scores zero in 4 out of 5 categories compared to 34 other states' SLAPP laws. See attached "State Anti-Slapp Laws" for a chart comparing SLAPP laws in 35 states (State Anti-SLAPP Law Scorecard 2023 from The Institute for Free Speech), <https://anti-slapp.org/your-states-free-speech-protection/#scorecard>

These proposed bills update Maryland law to better protect free speech rights by discouraging litigants from commencing a lawsuit with suppressive intent.

### The Maryland Association for Justice urges a FAVORABLE Report

#### About Maryland Association for Justice

The Maryland Association for Justice (MAJ) represents over 1,250 trial attorneys throughout the state of Maryland. MAJ advocates for the preservation of the civil justice system, the protection of the rights of consumers and the education and professional development of its members.

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Jurisdiction	Anti-SLAPP Law Procedures					Subscore
	Suspension of Court Proceedings Upon an Anti-SLAPP Motion	Burden of Proof on Plaintiff to Defeat an Anti-SLAPP Motion	Right to an Immediate Appeal	Award of Costs and Attorney Fees	Expansive Statutory Interpretation Instruction to Courts	
	ULC Model Law	20	12	25	40	
Arizona	9	6	13	10	0	38
Arkansas	20	12	0	10	0	42
California	18	12	25	38	3	96
Colorado	18	12	25	36	0	91
Connecticut	18	12	20	36	0	86
Delaware	5	12	0	10	0	27
District of Columbia	0	12	20	25	0	75
Florida	5	6	0	10	0	21
Georgia	20	12	25	40	3	100
Hawaii	20	12	25	40	3	100
Illinois	18	12	25	36	3	94
Indiana	18	0	0	36	0	54
Kansas	20	12	25	36	3	96
Kentucky	20	12	25	40	3	100
Louisiana	18	12	0	40	0	70
Maine	18	12	20	10	0	60
Maryland	10	0	0	0	0	10
Massachusetts	18	12	20	36	0	86
Missouri	18	0	5	36	0	59
Nebraska	5	12	0	10	0	27
Nevada	18	12	25	36	0	91
New Jersey	12	12	25	40	3	92
New Mexico	5	6	25	36	0	72
New York	20	12	25	40	0	97
Oklahoma	18	12	25	36	0	91
Oregon	18	12	25	40	3	98
Pennsylvania	2	6	25	36	0	69
Rhode Island	18	6	0	36	0	60
Tennessee	18	12	25	36	0	91
Texas	18	12	25	40	3	98
Utah	20	12	25	40	3	100
Vermont	18	12	25	36	0	91
Virginia	0	0	0	10	0	10
Washington	20	12	25	40	3	100