

SB0568_RichardKaplowitz_FAV
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TESTIMONY ON SB#0568 - POSITION: FAVORABLE
Courts - Strategic Lawsuits Against Public Participation

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Richard Keith Kaplowitz

My name is Richard Kaplowitz. I am a resident of District 3. I am submitting this testimony in support of SB#0568, Courts - Strategic Lawsuits Against Public Participation

This bill is an attempt to prevent the use of the legal system by those who can afford to use it to create an uneven playing field for their opponents. SLAPP is an assault on free speech using economic pressures to stop those who would sue to rein in or prevent conduct that could be harming them.

As outlined in an article from iadclaw.org, “In a nutshell, the purpose of a SLAPP is to discourage outspoken critics from expressing controversial opinions on matters of public interest. SLAPPs are frequently used to exhaust defendants’ resources for attorney fees, with hopes that the time and expense of defending the SLAPP will ultimately silence the defendant’s speech.”¹ It is a favored technique to stop people and organizations from receiving legal assistance to right a wrong.

This bill is an attempt to restore a balance between those harmed by business actions and those who could benefit if the court were to find they were harmed in some way. The court can then declare specific relief from and punishment for the illegal conduct. It makes civil liability dependent on a presentation of the facts and not on the ability to afford to present and prosecute that case.

I respectfully urge this committee to return a favorable report on SB0568.

1

https://www.iadclaw.org/assets/1/17/Business_Litigation_March_2020.pdf#:~:text=In%20a%20nutshell%2C%20the%20purpose%20of%20a%20SLAPP,the%20SLAPP%20will%20ultimately%20silence%20the%20defendant%E2%80%99s%20speech.