

HB 434 - Courts - Strategic Lawsuits Against Publi

Uploaded by: Catherine OMalley

Position: FAV

BILL NO: House Bill 434
TITLE: Courts – Civil Actions – Strategic Lawsuits Against Public Participation
COMMITTEE: Judiciary
HEARING DATE: February 12, 2025
POSITION: **SUPPORT**

House Bill 434 clarifies the exercise of constitutional rights to petition the courts, and exercise free speech, by amending existing law regarding SLAPP Suits – Strategic Lawsuits Against Public Participation. These lawsuits intentionally target survivors, whistleblowers, and advocates who speak out against powerful perpetrators, creating a chilling effect on other victims who may seek to do the same. They have become an all-too common tool at silencing criticism and intimidating victims.

As a statewide legal services organization, we strongly believe in the right to petition the courts. Yet, we also believe a balanced approach is necessary when individuals, particularly those wielding power, utilize the courts as a weapon against those who speak out against abuse. The Women's Law Center has received an alarmingly increasing number of inquiries and requests for support in cases where survivors across the country are facing lawsuits brought to discourage them from exercising their rights in college sexual misconduct proceedings, or for bringing protective orders in response to intimate partner violence. The result of those malicious lawsuits is to discourage survivors from continuing their pursuit of safety and recourse. While not all of these retaliatory suits will qualify as SLAPP suits, some will and HB 434 will help discourage this type of litigation abuse and allow victims access to justice.

Our courts and judicial system must not be allowed to be weaponized against victims. Because HB 434 will help prevent litigation abuse, the Women's Law Center of Maryland, Inc. SUPPORTS House Bill 434.

The Women's Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change, working to ensure physical safety, economic security, and bodily autonomy for women in Maryland.

HB 434 - Courts - Strategic Lawsuits Against Publi

Uploaded by: Denise Riley

Position: FAV

**Written Testimony to the Maryland House Judiciary Committee
HB 434 - Courts - Strategic Lawsuits Against Public Participation
February 12, 2025**

SUPPORT

Chair Clippinger and members of the Committee, AFT-Maryland asks for a favorable report on HB 434, legislation that would provide necessary protections from the abusive use of lawsuits against public participation (SLAPPs), particularly those targeting unions.

SLAPP suits are a baseless and dangerous tool used by employers to exploit the legal system and suppress union activism, silence workers who are exercising their right to organize, bargain collectively, and advocate for better workplace conditions. These lawsuits are often not filed with the expectation of winning on the merits but rather as a means of imposing financial and legal burdens on unions.

Employers often use allegations of defamation, interference with contracts, and, in extreme cases, claims under the Racketeer Influenced and Corrupt Organizations Act (RICO) to frame unions as engaging in unlawful conduct.

When unions face the threat of relentless litigation, workers may become hesitant to organize or take collective action. The result is a weakened labor movement and a loss of hard-fought workplace protections.

HB 434 will ensure that unions and other advocacy organizations can efficiently challenge and dismiss SLAPP suits before they become excessively burdensome. A strong anti-SLAPP statute would also deter employers from filing these retaliatory lawsuits in the first place.

By providing a mechanism to dismiss frivolous claims early in the legal process and allowing defendants to recover attorney's fees, this bill protects the US Constitutional rights of unions and workers to engage in public advocacy without fear of financial ruin.

HB 434 is a critical step in safeguarding the rights of unions and their members from exploitative legal tactics designed to silence them. Maryland must take a stand against these abusive lawsuits and ensure that workers can organize and advocate without intimidation. I urge the Committee to issue a favorable report on HB 434 and protect the rights of workers and unions across the state.

HB 434 - Courts - Strategic Lawsuits Against Publi

Uploaded by: Donna Edwards

Position: FAV



MARYLAND STATE & D.C. AFL-CIO

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**HB 434 - Courts - Strategic Lawsuits Against Public Participation
House Judiciary Committee
February 12, 2025**

SUPPORT

**Donna S. Edwards
President
Maryland State and DC AFL-CIO**

Chairman and members of the Committee, thank you for the opportunity to submit testimony in support of HB 434. My name is Donna S. Edwards, and I am the President of the Maryland State and District of Columbia AFL-CIO. On behalf of Maryland's 300,000 union members, I offer the following comments.

Strategic Lawsuits Against Public Participation (SLAPP), are a common litigation practice to intimidate individuals and silence their right to free speech on important public issues, including those of workers advocating for fair wages, safe working conditions, and organizing efforts. These lawsuits, regardless of their outcome, have crippling effects, often discouraging workers' rights, fostering an environment of fear and retaliation, and draining resources.

Maryland's current anti-SLAPP law is narrow and ineffective, allowing for lengthy lawsuits that require extensive discovery from defendants, creating ambiguity in identifying SLAPP suits that exclude certain topics, and placing the financial burden on those targeted. Given this turbulent time in our country and the expansion of SLAPP suits, Maryland must strengthen its current SLAPP law to reinforce its commitment to protecting individuals' right to Freedom of Speech.

HB 434 addresses these weaknesses by making it easier to recognize SLAPP suits and prevent them before they cause unnecessary action. This legislation redefines what is considered a SLAPP suit, protecting individuals by ensuring that lawsuits are filed based on merit, not as a tool for intimidation. Additionally, this legislation holds plaintiffs accountable when they file meritless SLAPP suits by requiring them to cover the defendant's legal fees if the case is dismissed. This alleviates the financial burdens caused by the lawsuit and helps to prevent frivolous legal actions that only serve to silence those who wish to come forward and speak out on workplace issues and other matters of public concern.

Workers should not have to choose between advocating for their rights and risking financial challenges due to a baseless lawsuit. HB 434 provides much-needed protections so Maryland remains a state where workers can speak freely without fear of retaliation through the courts.

For these reasons, we urge a favorable vote on HB 434.

HB 434 - MNADV - FAV.pdf

Uploaded by: Laure Ruth

Position: FAV



BILL NO: House Bill 434
TITLE: Courts - Strategic Lawsuits Against Public Participation
COMMITTEE: Judicial Proceedings
HEARING DATE: February 12, 2025
POSITION: **SUPPORT**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the COMMITTEE to favorably Report on HB 434.**

House Bill 434 redefines a SLAPP (Strategic Lawsuit Against Public Participation) as a lawsuit brought against a person based on an act or statement made in furtherance of their right of petition or free speech under the U.S. Constitution, Maryland Constitution, or Maryland Declaration of Rights in connection with a public issue or issue of public interest.

Domestic violence abusers use countless forms of manipulation and abuse against their victims including the court system. Lawsuits are often intended to intimidate or silence victims who speak out about their experiences or seek justice. Such actions can deter survivors from coming forward or engaging in advocacy, as they may fear legal repercussions. Abusers use the court system as a way to maintain power and control over their victims, bringing their victims into court countless times or threatening them with lawsuits if they seek protective orders. Victims should not fear seeking safety such as in the form of a protective out of fear of legal retaliation from their abuser. While not all of these retaliatory suits will qualify as SLAPP suits, some will, and HB 434 will help discourage this type of litigation abuse and allow victims access to justice.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on HB 434.**

For further information contact Laure Ruth ■ Public Policy Director ■ 301-852-3930 ■ lruth@mnadv.org

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SLAP suits - house testimony - 2025 - HB434 FAV.p

Uploaded by: Lisae C Jordan

Position: FAV



Working to end sexual violence in Maryland

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For more information contact:
Lisae C. Jordan, Esquire
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Testimony Supporting House Bill 434
Lisae C. Jordan, Executive Director & Counsel
February 12, 2025

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judiciary Committee to report favorably on House Bill 434.

House Bill 434 -- SLAPP Suits

This bill clarifies and supports the exercise of constitutional rights to petition and exercise free speech by amending the law regarding SLAPP Suits – Strategic Lawsuits Against Public Participation. Sexual assault survivors across the country are increasingly facing lawsuits brought to discourage exercising their rights in college sexual misconduct proceedings and related Title IX actions. Some survivors encouraged to speak out about sexual violence by the #MeToo movement have also been met with lawsuits designed to silence them. House Bill 629 specifically addresses these lawsuits, however HB43 is another tool to help discourage litigation abuse.

**The Maryland Coalition Against Sexual Assault urges the
Judiciary Committee to
report favorably on House Bill 434**

MDDC Support HB434.pdf

Uploaded by: Rebecca Snyder

Position: FAV



Maryland | Delaware | DC Press Association

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To: Judiciary Committee

From: Rebecca Snyder, Executive Director, MDDC Press Association

Date: February 10, 2025

Re: HB434 - FAVORABLE

The Maryland-Delaware-District of Columbia Press Association represents a diverse membership of news media, from large metro dailies like the Washington Post and the Baltimore Sun, to hometown newspapers such as The Annapolis Capital and the Maryland Gazette to publications such as The Daily Record, Baltimore Jewish Times, and online-only publications such as The Baltimore Banner, MarylandReporter.com and Baltimore Brew.

The Press Association is pleased to support House Bill 434, which would strengthen Maryland's anti-SLAPP law by removing Maryland's unusual "bad faith" provision, clarifying the definition of a SLAPP suit and dismissal proceedings, and shifting of attorneys' fees. We feel this legislation respects and maintains the difficult balance of protecting citizens' free speech while avoiding overly punitive measures so as not to deter the filing of valid lawsuits and ensure every deserving party gets their day in court.

This legislation would bring Maryland's law more in line with 30 other states who protect free speech. Most notably, Pennsylvania passed [HB 1466](#) in 2024 and Ohio has passed [SB 237](#), both of which conform more to the Uniform Public Expression Protection Act (UPEPA). SLAPPs stifle public debate, threaten news reporting and diminish civic engagement – principles fundamental to our democracy. This is especially important to members of the press because informing and engaging the public can leave publications vulnerable to frivolous lawsuits. As businesses, our members cannot absorb large litigation costs. Legal challenges can present a significant burden for news organizations, both financially, in the form of legal fees, and because responding to often-frivolous challenges can be a time-consuming distraction for editors, reporters, photographers and managers. That burden, in both money and time, diminishes our members' ability to cover the communities they serve. For a more in-dept discussion of SLAPP suits, please refer to MDDC's [Five Dubs podcast](#) with Max Mishkin of Ballard Spahr.

They also pose burdens for individuals. For instance, in 2021, residents of the Clipper Mill development in Baltimore were hit with a \$25 million lawsuit by developer ValStone for opposing additional housing units within the condo development. Larry Jennings, ValStone's co-founder and senior managing director, called the five residents and two community associations named in the suit "obstructionists." In December 2022, the Court of Special Appeals affirmed the lower court's decision in favor of the condo residents. Although the decision was favorable to the residents in this instance, it does not obviate the



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central to a strong and open society.**

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need to eliminate the obligation to demonstrate bad faith, which is an almost impossibly high bar. Many SLAPP lawsuits occur over development, with deep pocketed investors filing suit against individuals and homeowner associations.

Within our membership, SLAPP suits also take a toll. The Frederick News-Post, although fortunate in recent years to avoid the kind of drawn-out cases that can cost hundreds of thousands in legal fees, still has spent up to \$45,000 a year responding to legal challenges, typically cases of alleged defamation. In some, there may be legitimate questions of law at stake. Most, however, are frivolous, like the time the local restaurant sued them because that quoted a police report that used the restaurant's name in describing the location of a shooting. Getting that dismissed cost about \$7,500.

That is money that is not spent on reporting staff or on other investments to support their journalistic mission. For many news organizations, an expense like that could have a chilling effect on their willingness to report certain stories.

For instance, Carroll County Times and reporter Brett Lake were defendants in a 2012 suit that claimed then-reporter Lake defamed the Chief Deputy State's Attorney Daggett in a series of articles that were fairly reported and substantiated by PIA requests and witness testimony. Under the existing anti-SLAPP law, Landmark Communications, the then-owner of the Carroll County Times, moved for summary judgement. Daggett appealed and the case dragged on for another three years, resolving in favor of the Carroll County Times in 2015. This suit placed a considerable burden on the publication and cost it hundreds of thousands of dollars in legal fees. This lawsuit could have been prevented with the appeals process contemplated in this bill.

For some of our members, one SLAPP suit could mean financial ruin. Many of our members are small business owners who have put everything they own into their publication because they believe in the importance of covering their local community. Susan Lyons, a long-time publisher of Coastal Point, is one of those members. Her weekly publication covers nine small communities and sometimes their reporter is the only person sitting in a small-town planning and zoning meeting. Coastal Point reports what happened so neighbors know that a gas station is being built on the property next door to them, that parking fees are going up, that the school is having overpopulation problems, that drug addicts are breaking into cars and garages in their neighborhood. Things that they need to know that no one else is going to tell them. Not radio, not TV, not even daily papers. Community news is the glue that binds non-profits, businesses, schools, local government and families together in an area. Susan believes a SLAPP suit would devastate her business and publication. Defending a suit and spending thousands of dollars on litigation - even if she knew she was in the right - is something to think long and hard about. She says:

"I would have to take out loans (if I could even get them for something like this) and would have years of stress and worry that I might somehow lose. Would it be worth putting everything that I have worked so hard for on the line? It is my home, my reputation, my income, my family, my employees that depend on me that I am putting on the line. I can see where a small business could say that it is not worth the fight and just back off. Too much is at stake. It is not right that whoever has the deepest pockets gets what they want even if it is not in the best interest of the community."

Any journalistic organization that does its job will occasionally discomfort the subjects of its reporting. When there is harm and a real cause for action, there should be recourse. We support the proposed changes to Maryland's anti-SLAPP legislation as an important rebalancing that makes it harder to silence journalists. We urge a favorable report.

EASRCC Carpenters testimony_HB434_FAV.pdf

Uploaded by: Roger Manno

Position: FAV



Eastern Atlantic States REGIONAL COUNCIL OF CARPENTERS

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Testimony of Mungu Sanchez

On Behalf of the Eastern Atlantic States Regional Council of Carpenters

In Support of HB 434 – Courts – Strategic Lawsuits Against Public Participation (SLAPP Suits)

Before the House Judiciary Committee

Chair Clippinger, Vice Chair Bartlett, and Members of the Committee,

My name is Mungu Sanchez, and I am submitting this testimony on behalf of the Eastern Atlantic States Regional Council of Carpenters (EASRCC), which represents thousands of union carpenters across Maryland. Our mission is to protect the rights and livelihoods of hardworking men and women in the construction industry. We strongly support House Bill 434, which strengthens protections against Strategic Lawsuits Against Public Participation (SLAPP suits).

The Threat of SLAPP Suits to Union Members and Workers' Rights

SLAPP suits are an insidious legal tactic used by employers and other powerful entities to silence opposition, intimidate workers, and obstruct organizing efforts. These lawsuits are not about legitimate legal claims; instead, they serve as a weapon to discourage workers and unions from exercising their First Amendment rights to speak out on labor conditions, unfair treatment, or unethical business practices.

Workers and labor organizations play a crucial role in advocating for better wages, benefits, and safe working conditions. However, we have seen firsthand how employers weaponize litigation to stifle these efforts. A frivolous lawsuit, even one without merit, imposes a crippling financial and time burden on unions, diverting resources away from representing workers and fighting for their rights.

How HB 434 Protects Workers from Retaliatory Lawsuits

HB 434 modernizes and strengthens Maryland's anti-SLAPP protections by:

1. Expanding the Definition of SLAPP Suits – The bill broadens protections to include any lawsuit based on acts or statements made in connection with public issues or participation in government proceedings, ensuring workers and their unions are covered when they engage in protected speech.

2. Shifting the Burden to the Plaintiff – The bill places the burden on the filer of the lawsuit to prove that their case has substantial legal merit, preventing baseless lawsuits from dragging on and draining union resources.
3. Providing a Mechanism for Dismissal – HB 434 requires courts to hear motions to dismiss SLAPP suits expeditiously, limiting the financial strain on defendants.
4. Awarding Attorney's Fees for Frivolous Lawsuits – If a SLAPP suit is found to be frivolous, the court may require the plaintiff to pay the legal costs incurred by the union or worker in defending against the lawsuit.

The Urgency of Protecting Maryland's Workers

Unions exist to empower workers, ensure fair wages, and provide a voice on the job. When employers and special interests use the courts to harass labor organizations and suppress speech, they undermine these fundamental rights. HB 434 ensures that Maryland law stands firmly on the side of free speech, worker advocacy, and fair legal processes.

On behalf of the Eastern Atlantic States Regional Council of Carpenters and the thousands of workers we represent, we urge this committee give HB 434 a favorable report, and send a clear message that Maryland will not tolerate legal intimidation tactics against workers and unions.

Thank you for your time and consideration.

Sincerely,

Mungu Sanchez

Eastern Atlantic States Regional Council of Carpenters

HB 434 Slapp Position Paper 2025 MAJ .pdf

Uploaded by: Ronald Jarashow

Position: FAV



2025 POSITION PAPER HB 434

HB 434 Courts-Strategic Lawsuits Against Public Participation FAVORABLE

MAJ Position In Support of HB 434, Courts – Strategic Lawsuits Against Public Participation.

The Maryland Associations for Justice (MAJ) supports HB 434 which modernizes the existing SLAPP statute, Md. Ann. Code, *Courts and Judicial Proceedings* Art. §5-807, by modifying Maryland’s law to be consistent with SLAPP statutes in other jurisdictions.

Starting in the 2020 General Assembly, the MAJ worked with bill sponsors and other supporters to modify the then-proposed SLAPP bill to improve it. HB 434 incorporates those changes.

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. SLAPP statutes exist in 34 states to protect people from lawsuits that have a purpose of suppressing free speech by providing grounds for dismissal, expedited motions to dismiss, and awards of attorney’s fees against the filing party. See “State Anti-Slapp Laws” <https://anti-slapp.org/your-states-free-speech-protection/#scorecard> [PDF attached]. Maryland’s statute is rated as a “D”, next to the lowest “F” rating. The attached chart rates Maryland’s law at “10” out of 100 points. Only Maryland and Virginia rate so low. The next lowest score is Florida at 21 points.

HB 434 updates the Maryland law to provide better protection for free speech rights by discouraging litigants from commencing a lawsuit with the suppressive intent.

The MAJ requests a FAVORABLE Committee Report.

The Maryland Association for Justice urges a FAVORABLE Report on HB 434.

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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State Anti-SLAPP Laws

Much of PPP's work focuses on state anti-SLAPP legislation. PPP works with state-based organizations and activists, as well as state legislators, to build support for anti-SLAPP legislation, strengthen existing anti-SLAPP laws, and protect those laws from being gutted.

Scroll or click below for two useful tools for those seeking more information about their state anti-SLAPP laws:

[State Anti-SLAPP Law Scorecard](#)[State Anti-SLAPP Reference Chart](#)

State Anti-SLAPP Law

Chart

Special thanks to the Institute for Free Speech for providing this score card in reference to states with Anti-SLAPP laws. If you wish to learn more about their scoring and grades you can learn more by hitting this button below.

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	3	100
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

Learn more from IFS

HB434 tmy Final Final .pdf

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Position: FAV

SAMUEL I. "SANDY" ROSENBERG
Legislative District 41
Baltimore City

Health and Government Operations
Committee

Chair

Health Occupations and
Long-Term Care Subcommittee

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Joint Committee on Administrative,
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Testimony of Delegate Samuel I Rosenberg

Before the Judiciary Committee

In Support of

House Bill 0434

Courts - Strategic Lawsuits Against Public Participation

Chair Clippinger and Members of the Committee,

I testify in support of House Bill 434 which would modernize and strengthen Maryland's protections against frivolous lawsuits. Strategic Lawsuits Against Public Participation (SLAPP suits) are baseless lawsuits designed to intimidate and silence individuals who engage in public discourse. HB 434 would ensure these abuses are addressed and that Marylanders can exercise their First Amendment rights without fear of legal retaliation.

SLAPP suits have been weaponized against community members, journalists, and advocacy groups. A notable example occurred when Baltimore residents were sued for \$25 million in punitive damages simply for testifying against a proposed development. Maryland's current anti-SLAPP law has proven inadequate in preventing such abuses, earning a "D" rating from the Public Participation Project. HB 434 strengthens our statute by removing the burdensome "bad faith" requirement, expediting court rulings on SLAPP motions, and allowing defendants to recover legal fees if a case is dismissed as a SLAPP suit.

These reforms align Maryland's law with those of over 30 other states that have enacted robust anti-SLAPP protections. They also ensure that individuals targeted by baseless lawsuits are not financially or emotionally drained simply for exercising their constitutional rights. The ability to petition the government and engage in public discourse must be safeguarded, not threatened by legal intimidation tactics.

Last year, similar legislation passed the House but did not receive a vote in the Senate. Now is the time to take action. Strengthening our anti-SLAPP statute will protect Marylanders from frivolous lawsuits designed to suppress free speech. I urge the committee to issue a favorable report on HB 434 and move Maryland toward stronger protections for civic engagement.

Hearing: Wednesday, February, 12th.

Favorable

Uploaded by: Steven Lapham

Position: FAV



February 6, 2025

Dear Delegate Luke Clippinger, Chair, Judiciary Committee

CHARM Maryland, in furtherance of our Vision and Mission, supports

SB167 (HB434) "Courts - SLAPP (Strategic Lawsuit Against Public Participation)"

CHARM Maryland is a civic advocacy organization, incorporated in the state of Maryland, dedicated to fighting for the rights and interests of individual homeowners who live in common ownership communities. Current Maryland law is tilted in the interest of Boards of Directors and their management companies. We hope to change that, with your help, by amending the laws of our state.

CHARM Maryland envisions a future where individual homeowners in common ownership communities can live without fear of their own association, which shall abide by the law; be transparent, accountable, and fair; and be welcoming to all residents.

CHARM Maryland seeks to advocate for any bill that would advance our Mission, to

- * End predatory practices of homeowner associations
- * Protect the civil rights and financial security of the individual homeowner; and/or
- * Strengthen the democratic aspects of elections and decision making in homeowner associations.

Please add this letter to the records of public comment about this bill, and kindly advise us of opportunities to provide testimony or otherwise support this bill.

Sincerely,

SSL

Steven Sellers Lapham, President, CHARM Maryland, Inc.

Common Ownership Community Homeowners Advocating for Reform (CHARM) in Maryland

EMAIL: CHARM.MD.contact@gmail.com

WEBSITE: CHARM-MD.org

MDCD Broadcasters Association -- Nelson Written Te

Uploaded by: Timothy Nelson

Position: FAV



MARYLAND GENERAL ASSEMBLY

House Judiciary Committee

Written Testimony of Timothy G. Nelson on behalf of the Maryland-DC-Delaware Broadcasters Association Regarding House Bill 434

(Courts – Strategic Lawsuits Against Public Participation)

Submitted February 10, 2025

Thank you for the opportunity to submit this written testimony regarding House Bill 434, “Courts – Strategic Lawsuits Against Public Participation.” My name is Tim Nelson, and I serve as counsel to the Maryland-DC-Delaware Broadcasters Association (“MDCD” or the “Association”).¹ On behalf of the Association and its Members, which include approximately 20 television stations and 110 radio stations, I thank the Committee for holding a hearing on House Bill 434 and considering the Association’s perspective. I write to express MDCD’s support of House Bill 434.

House Bill 434, along with its companion legislation in the Senate, Senate Bill 167, would amend Maryland’s current law regarding so-called strategic lawsuits against public participation (“SLAPPs”) by positively addressing weaknesses in the current law, while also striking an appropriate balance between protecting speech and permitting meritorious lawsuits to proceed.

In particular, MDCD believes that the current text of Maryland’s law, initially adopted more than 20 years ago, must be updated to continue to meaningfully protect free speech—including reporting, commentary, and debate—and to account for legal and societal developments since the law’s passage. Indeed, House Bill 434 would help advance the purpose of Maryland’s current law, which, like other anti-SLAPP laws around the country, protects free speech by allowing courts to dismiss frivolous lawsuits that—although having no chance to succeed—threaten an expensive defense, thereby punishing and discouraging speech. House Bill 434 would accomplish in a common-sense and appropriate manner updates necessary to ensure the continued efficacy of Maryland’s existing law, most notably by better: (1) defining what qualifies as a SLAPP; and (2) allowing courts to require SLAPP plaintiffs to foot the bill for the resources their lawsuits drain.

To better define what qualifies as a SLAPP, House Bill 434 appropriately focuses the inquiry primarily on speech and actions “in connection with a public issue or an issue of public interest” and whether a plaintiff’s lawsuit regarding such speech or actions “has substantial

¹ The Maryland-DC-Delaware Broadcasters Association is a voluntary, non-profit trade association that advocates for the interests of its member radio and television stations and, more generally, the interests of broadcasting in Maryland, Delaware, and Washington, D.C.

justification in law and fact.” This goes to the core of the harm caused by SLAPPs; such lawsuits are used by those who wish to silence critical speech *with little if any regard for the legal and/or factual merits of their lawsuit*. It is thus not only proper, but desirable, for a determination to be made regarding the justification for a lawsuit that a defendant believes to be a SLAPP.

Under current Maryland law, however, a lawsuit cannot be classified as a SLAPP unless a determination is made that the suit was “brought in bad faith.” Notably, unlike House Bill 434’s objective inquiry regarding whether a lawsuit has substantial legal or factual justification, whether a suit was “brought in bad faith” involves a nebulous, subjective inquiry into the state of mind and intent of the individual or entity who filed the lawsuit. This increases uncertainty, as well as judicial and societal costs, in litigating under Maryland’s current anti-SLAPP law, which undermines its purpose. House Bill 434 would help resolve those problems.

Additionally, as noted above, House Bill 434 would allow courts to require SLAPP plaintiffs to shoulder the aggregate expenses their lawsuits generate. Unlike current law, House Bill 434 would expressly allow a court to “award costs and reasonable attorney’s fees to” the party who was subjected to a SLAPP suit “if the court determines that justice and equity require it.” Again, this practical modification of Maryland’s current law successfully targets a core component of SLAPP suits, given that plaintiffs typically file such suits knowing that the legal expenses of those they sue will likely far exceed their own. By allowing courts to shift that expense paradigm, House Bill 434 would simultaneously better protect those against whom SLAPP suits are levied and hold the filers of SLAPP suits accountable for their actions.

For all the foregoing reasons—as well as other beneficial changes House Bill 434 would make to current Maryland law²—MDCD supports this legislation.

* * * * *

² Among other things, MDCD further notes and supports HB 434’s additional language requiring a judge to “rule expeditiously” on the merits of whether a lawsuit is a SLAPP.

HB 434 SLAPP Laws Support 2025.pdf

Uploaded by: Tom Clark

Position: FAV



International Brotherhood of Electrical Workers

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TESTIMONY IN SUPPORT OF HB 434 COURTS-STRATEGIC LAWSUITS AGAINST PUBLIC PARTICIPATION February 12, 2025

To: Chair Clippinger, Vice Chair Bartlett, Members of the House Judiciary Committee
From: Tom Clark, Political Director, International Brotherhood of Electrical Workers 26

Mr. Chair, Madam Vice Chair, members of the Committee, IBEW Local 26 is in full **support of HB 434**, a bill that centered around the First amendment of the US Constitution and vital to organized labor as well as any group that protects the working class. SLAPP or Strategic Lawsuits against Public Participation are used to deter unions from exercising their right to organize and advocate for workers.

Even if a labor organization is “in the right” and has a strong legal defense, the entire process can be expensive and time consuming. Those anti-worker groups use SLAPP lawsuits not to win, but to drain the resources from Unions and those that support the middle class. It reminds me of the Maryland General Assembly bringing up “Right to Work” legislation each session. A Right to Work bill will never pass in Maryland, but the idea of bringing up for a vote each year is just a way of wasting time and resources for those that represent workers. Many jurisdictions have enacted anti-SLAPP laws, like HB 434, that allow defendants to quickly dismiss frivolous lawsuits and the threat of costly litigation. I encourage Maryland to do the same.

Now that the new Federal Administration has taken office and set its sights on the working people of this country, we need leaders to stick up for the middle-class and it starts right here in the Maryland House of Delegates, Judiciary Committee. Please defend Mr. and Mrs. Marylander and those that represent them. Let’s rid the system of lawsuits that have lack of merit and designed to “muddy” the legal systems and the reputation of those who support a safer and more productive workplace.

I ask for a **favorably report on HB 434**. Thank you.



TESTIMONY BEFORE HOUSE JUDICIARY COMMITTEE HB434.20

Uploaded by: Claudia Barber

Position: UNF

TESTIMONY BEFORE HOUSE JUDICIARY COMMITTEE
Wednesday, February 12, 2015 at 1 pm

House Bill 434 (AGAINST)

Good afternoon Committee Members. I urge you to vote against House Bill 434.

The Strategic Lawsuits Against Public Participation bill looks very meaningful on its face. However, it definitely has 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 blanket immunity and attorney's fees. Not even civil rights litigants enjoy this special attention to resolve a case quickly by making a special motion.

On January 6, 2021, now known as INSURRECTION DAY, we saw 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' livelihood and reputation.

In 2016, an ex-judge filed an irresponsible 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 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 in 2016.

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 Anti-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 more than six years since this ethics complaint was filed, and I have spent an enormous amount of legal expenses trying to defend my reputation. Many cases remain pending at this time. Just as Bryan Stevenson noted who authored JUST MERCY, and currently serves as the executive director for the Equal Justice Initiative, we cannot rely on the judiciary to protect the wrongly convicted. Nor can we rely on the judiciary to see ulterior motives and protect those innocently attacked as I was in 2016.

2025 Gordana Schifanelli HB 434 Testimony.pdf

Uploaded by: Gordana Schifanelli

Position: UNF

February 10, 2025

The Honorable Luke Clippinger
Chair, House Judiciary Committee
The Honorable J. Sandy Bartlett
Vice-Chair, House Judiciary Committee
The Members of the House Judiciary Committee
100 & 101 Taylor House Office Building
Annapolis, Maryland 21401

RE: HB 434 Courts - Strategic Lawsuits Against Public Participation

Dear Chair Clippinger, Vice Chair Bartlett and Members of the Committee:

Thank you for the opportunity to testify on HB 434, Strategic Lawsuits Against Public Participation on Wednesday. In addition to my oral testimony, I am submitting the following article for your consideration.

Sincerely,

Gordana Schifanelli, Esq

"Goliath v. David": Maryland's SLAPP in the Face

January 31, 2025 | Law, Politics

Marc Schifanelli-



Maryland's Progressive legislators are seeking even stronger protections for their constituents who try to defame fellow citizens that don't share their [cultural-Marxist ideology](#). They want to protect those who contact other people's employers, doxx them, spread fake news about them, or make other attempts at socio-political coercion and intimidation. This time, Katie O'Malley - former governor O'Malley's wife - is assisting in the

charge to revise [Maryland's anti-SLAPP statute](#).

"SLAPP" stands for "strategic lawsuit against public participation." Codified by many states, they are strictly intended to help insulate from civil suit those citizens who actually engage in

otherwise lawful speech that is protected by the First Amendment, e.g., commenting on matters of public interest or petitioning for government redress.

O'Malley [recently testified](#) before the Maryland Senate's Judicial Proceedings Committee in support of HB0167, arguing that women are often the defendants of *frivolous* lawsuits and, as such, they are often unable to afford representation.

Opposition came from committee member Senator Mike McKay of Western Maryland, who read from a letter in opposition submitted by

[Maryland Right to Life:](#)

"[T]his bill will create a large legal loophole which will enable large media outlets and others to willfully malign or defame elected officials, nonprofits and individuals, as they've done in the past, but now without legal repercussions," the letter said.

Katie O'Malley got my attention when she brought up - as a prime example why our current anti-SLAPP law needs revising - a 2021 case in which I was personally involved as plaintiff's counsel. According to her, the case concerned a "teacher" from Kent County who was sued for defamation by "a professor at the U.S. Naval Academy" and a "prominent law firm" after the "teacher" informed the Academy and its Alumni Association that the professor had (in O'Malley's words) made some "very, very racist remarks online." The poor teacher, she continued, racked up over "\$800,000" in attorney's fees defending the professor's defamation action against her, and even though later "acquitted" by a jury.

The implication: that the defamation suit was frivolous and meant only as a tool to inhibit the "teacher's" First Amendment rights.

[Maryland papers](#), of course, realized the case about which Katie O'Malley spoke concerned plaintiff and adjunct Professor of Law and Economics, Gordana Schifanelli, and defendant, Mary Ella Jourdak, both residents of Queen Anne's County.

More about that case in a moment.

Strategic Lawsuits Against Public Participation

Maryland's current "[anti-SLAPP](#)" law provides that a person is "not civilly liable for communicating with a federal, State, or local government body or the public at large, if the defendant, *without constitutional malice*, reports on, comments on, rules on, challenges, opposes, or in any other way exercises rights under the First Amendment of the U.S. Constitution or Article 10, Article 13, or Article 40 of the Maryland Declaration of Rights *regarding any matter within the authority of a government body or any issue of public concern.*"

For example, in 2024, Baltimore residents living behind Thames Street in Fell's Point petitioned the Baltimore Liquor Board to deny a liquor license application filed by Atlas Restaurant Group. According to a [local news outlet](#), Atlas had recently "purchased the Waterfront Hotel at 1710 Thames, overhauled the second floor to create a larger venue for live bands and added speakers blasting music out to an open next-door lot (1706 Thames Street) where they enhanced the patio and built an outside bar." In response to the residents' petition, an attorney for Atlas sent

the residents a letter stating that Atlas "...is evaluating, and strongly considering, all potential legal remedies, including but not limited to, filing a lawsuit against certain parties..."

Had Atlas filed such a suit against the residents, the latter would certainly have invoked the anti-SLAPP statute and under those circumstances a judge likely would have dismissed the case immediately. The residents certainly had every right to address the liquor board, a government entity with decision making authority and on an issue of local public concern.

Anti-SLAPP and Defamation

Most often, anti-SLAPP laws are invoked by defendants who are sued for defamation after saying something in public about someone else, like a politician, government official, or even a private person or corporation. Defamation occurs when the defendant publishes a written or verbal statement about the plaintiff that is not true and is not very flattering, perhaps impugning the plaintiff's good reputation by falsely stating that he or she was a thief or adulterer. To succeed, a private person plaintiff must show that the statement was both false and derogatory (i.e., defamatory). On the other hand, to have such a suit thrown out under anti-SLAPP, the defendant must prove that the plaintiff brought the suit in "bad faith" and solely with the intent to "inhibit...the [defendant's] exercise of rights under the First Amendment of the U.S. Constitution..."

Yet, these anti-SLAPP statutes are not meant to be a free ride to publish speech *not* protected by the First Amendment, including false and derogatory remarks against a private person (or even a public person when the speech is made "with malice").

This apparently includes posting on legacy Twitter and tagging a person's employer when you don't appreciate them exercising their own right to speak freely and for criticizing a local school superintendent whom you support. Falsely informing the employer that a professor is making racist comments online, instigating violence, or is running a "smear campaign" against her kid's school superintendent is not the type of speech that anti-SLAPP was meant to protect.

When presented with these facts as they were alleged in the case of [*Schifanelli v. Jourdak*](#), the presiding judge dismissed Ms. Jourdak's attempt to invoke an anti-SLAPP defense, thus allowing the case to go to a jury trial.

The Cause of Mary Ella Jourdak

Katie O'Malley's public use of *Schifanelli v. Jourdak* to make a point that people and corporations need *more* anti-SLAPP protections from frivolous defamation suits was very misleading. She left out or got wrong a few important facts about the poor "teacher." First, Ms. Jourdak was *not* a teacher in Kent County. She wasn't a teacher at all and never had been. She was, however, a supporter of *Defund the Police*, of *Black Lives Matter*, and of the then Queen Anne's County school superintendent, also a vocal BLM supporter, who had come under public scrutiny and criticism in 2020.

Gordana Schifanelli, as most of you know, was in 2020 a professor at the U.S. Naval Academy (long before she was a candidate for Lt. Governor). When Schifanelli began criticizing the superintendent's public support of BLM and for publicly commending high schoolers for

organizing a political march, Jourdak took measures in hand. At a meeting of a local county subcommittee, Jourdak disseminated the contact information for the Academy where Schifanelli was a prof. Jourdak and at least one other member tagged the Academy and its Alumni Association via Twitter. When Schifanelli discovered Jourdak's several communications to her employer - an entity with no connection to, or authority over, local political matters - she told Jourdak to stop. Instead, Jourdak doubled down, posting on an "equity" Facebook page "I will never back down! **We** will never back down!" She also posted about Schifanelli on the Maryland Bar Association's public Facebook page.

Schifanelli sued Jourdak, not because Jourdak was speaking out in support of the school superintendent, and certainly not to prevent her from speaking at board meetings, commissioner meetings, or in any public forum. Rather, she sued because she felt Jourdak was trying to prevent *her* from speaking out about her own child's school superintendent by trying to get Schifanelli fired from her professorship; for contacting *her* employer with false and derogatory statements. This was a fact pattern very different from the Fell's Point scenario above, since Jourdak wasn't invoking free speech to address the matter of the school board and superintendent, but seemingly to intimidate Schifanelli into silence by defaming her.

Katie O'Malley also failed to mention that at the same time, Jourdak had been sued for defamation by *another* county resident. He was a young Army combat veteran and bartender at a local pub. After he criticized online the *Defund the Police* movement, a platform that Jourdak vehemently supported, she contacted *his* employer informing that he was posting disturbing things online. (Aldridge v. Jourdak; the case later settled).

The Jury Found that Jourdak Did Defame Schifanelli

O'Malley also left out the fact that the jury found that Jourdak *had* defamed Schifanelli. When they went into deliberations, the jurors were asked to answer the following question:

"Do you find that Mary Ella Jourdak made a false statement about Gordana Schifanelli that exposed Gordana Schifanelli to public scorn, hatred, contempt, or ridicule and discouraged others in the community from having a good opinion of, or associating with, Gordana Schifanelli?" [Maryland's definition of defamatory statement].

The jury answered unanimously in the affirmative, "YES."

In other words, Jourdak had defamed Schifanelli. Thus, the case was not "frivolous" as Katie O'Malley made it seem.

However, the "acquittal" that O'Malley mentioned (actually a 'finding of non-liability' since it wasn't a criminal case) came only after the judge - at the end of the trial and over plaintiff's objections - decided that as a *legal* matter Schifanelli was not a private person but a "limited public figure." Not because she was by now a candidate for Lt. Governor (she wasn't when the defamatory remarks were made), but because she in 2020 had created a Facebook group whose members called for the resignation of the superintendent. Because of this legal designation as a "limited public figure," Schifanelli was required to prove something above and beyond defamation: that Jourdak actually *knew* her statements were false at the time she made them (a/k/a actual or "Constitutional malice").

Lastly, O'Malley's assertion that Ms. Jourdak was in for \$800,000 in attorney's fees as a result of Schifanelli's lawsuit appears to have been made for dramatic emotional effect and to fool the public. To the contrary, Jourdak was represented throughout the case by five *pro bono* (i.e., working free of charge) attorneys, including O'Malley's own daughter and another on free loan from the *Dannon* Corporation in Colorado.

Goliath v. David

Senator McKay's reading of the Maryland Right to Life's letter was quite on point. The Progressive Left is [notorious for bullying private citizens](#) who are on the right of the political center. Left of center media has been successfully sued on several occasions recently, and there is an army of Leftist activists still set on targeting conservative speech by demanding silence or compliance by private citizens: either through fear of physical harm or fear of losing their jobs and livelihoods. It is common enough that - at least prior to the change in winds this past November - many feared to be publicly associated with their truly held religious and conservative values.

Making the [proposed changes](#) to the current anti-SLAPP statute would create a chilling effect on those people who, like Schifanelli, are subjected to Leftist defamation, are not 'wealthy,' and who under the proposed changes in HB067 would fear suing the person defaming them because they themselves could be subject to financial liability.

"If we pass this," Senator McKay continued, "it sounds like we have the reversal, a *Goliath vs. David*..."

UNFAVORABLE.SLAPP.HB434.MDRTL.LauraBogley.pdf

Uploaded by: Laura Bogley

Position: UNF



Opposition Statement HB434/SB167
Courts – Strategic Lawsuits Against Public Participation
Laura Bogley, JD
Executive Director, Maryland Right to Life, Inc.

To the honorable Chairman Clippinger and Members of the House Judiciary Committee,

We Respectfully Oppose HB434 because it would *enable* frivolous SLAPP suits and restrict the exercise of free speech in Maryland. The existing statute “as is” provides protections against frivolous lawsuits that this bill undermines.

On behalf of our chapters and members across the state, we respectfully urge you to protect free speech and the integrity of this Assembly, by rejecting this bill and its broad **expansion of frivolous SLAPP suits**. The Maryland General Assembly enacted the underlying statute to defend the exercise of free speech against frivolous Strategic Lawsuits Against Public Participation and has rightly rejected this bill many times.

But this bill creates a large legal loophole which will enable large media outlets and others to willfully malign and defame elected officials, nonprofits and individuals as they have done in the past – but now without legal repercussions.

THE BILL UNDERMINES THE INTENT OF THE GENERAL ASSEMBLY

The Assembly has seen fit to reject this bill several times as it would restrict free speech and deny legal remedy in conflict with the purpose of the original statute, which was enacted to *prevent* Strategic Lawsuits Against Public Participation or “SLAPP” suits, which waste public tax dollars and create judicial backlogs with frivolous lawsuits.

The bill would weaken the original statute and create a huge legal loophole for well –funded media conglomerates and bad actors to evade legal liability for acts of defamation including libel and slander. The bill would deny the affirmative defense that a lawsuit is frivolous, and tie the hands of judges who would no longer be able to grant remedy and dismiss a case as frivolous. The bill favors those with economic and political advantage who can afford to drag out costly litigation in an attempt to bring individuals and nonprofit organizations to bankruptcy.

CONTENT DISCRIMINATION INFRINGES ON CONSTITUTIONAL RIGHTS

In 2021, the *Washington Post* testified in favor of this bill after a 2019 defamation lawsuit was filed against them by Nicolas Sandmann, a Catholic pro-life teenager who was the target of misleading, biased news coverage during the National March for Life in Washington, D.C. in 2019. The young man and his family were threatened with violence and his school was closed in response to threats against Catholic children resulting from the false reporting. In July 2020 the *Washington Post* reached a settlement with Sandmann for an undisclosed amount, after an independent investigation revealed that the Post’s accusations against the teen were in fact, false. **READ MORE.** This bill would enable the Washington Post and other media outlets to wantonly malign innocent parties with no accountability.

THE BILL CREATES AN INEQUITABLE AND UNENFORCEABLE JUDICIAL STANDARD

The bill would unfairly burden individuals and organizations, by imposing a subjective set of criteria to deny only certain individuals and organizations legal remedy against SLAPP suits. This questionable standard would be impossible for courts to apply equitably and would be highly likely to have a discriminatory effect. The language would substitute free speech with content discrimination and personal or political value judgments. What may or

may not be “in the public interest” or what may or may not “confer a significant benefit”, is not a settled matter of law but of subjective opinion. **Our right to Freedom of Speech was designed to protect speech that is not popular.**

The bill also would undermine the judicial requirement of **standing**, by allowing legal actions on behalf of the general population or some subset of the population otherwise undefined.

THE BILL BROADLY CHILLS SPEECH, NOT LIMITED TO COMMERCIAL SPEECH

Contrary to prior testimony of the bill proponents, application of this bill would not be limited to consumer or trade practices (as evidenced by the word “OR” in Subsection (c) III.) We specifically object to the legal loophole created by the operative proposed language:

(C)A LAWSUIT IS NOT A SLAPP SUIT IF: (1) THE LAWSUIT IS BROUGHT IN THE PUBLIC INTEREST OR ON BEHALF OF THE GENERAL PUBLIC AND EACH OF THE FOLLOWING CONDITIONS EXISTS:

(I) EXCEPT FOR CLAIMS FOR ATTORNEY’S FEES, COSTS, OR PENALTIES, THE PLAINTIFF DOES NOT SEEK ANY RELIEF GREATER THAN OR DIFFERENT FROM THE RELIEF SOUGHT FOR THE GENERAL PUBLIC OR A CLASS OF WHICH THE PLAINTIFF IS A MEMBER;

(II)THE LAWSUIT, IF SUCCESSFUL, WOULD ENFORCE AN IMPORTANT RIGHT AFFECTING THE PUBLIC INTEREST AND WOULD CONFER A SIGNIFICANT BENEFIT, PECUNIARY OR NONPECUNIARY, TO THE GENERAL PUBLIC OR A LARGE CLASS OF PERSONS; AND

(III) PRIVATE ENFORCEMENT IS NECESSARY AND PLACES A DISPROPORTIONATE FINANCIAL BURDEN ON THE PLAINTIFF IN RELATION TO THE PLAINTIFF’S STAKE IN THE MATTER; **OR**

FEDERAL PRECEDENT PROHIBITS TARGETING PRO-LIFE SPEECH

In conflict with federal court precedent, this bill attempts to authorize frivolous and costly suits that will likely **target pro-life speech which has been under attack as commercial speech** in Maryland. In [*Greater Baltimore Ctr. for Pregnancy Concerns, Inc. v. Mayor & City Council of Baltimore*, 879 F.3d 101 \(4th Cir. 2018\)](#), the City of Baltimore acting on behalf of abortion advocates, attempted unsuccessfully to put pro-life pregnancy centers out of business by enacting a targeted ordinance against **commercial** speech as "deceptive advertising".

The federal appeals court for the 4th Circuit affirmed the lower court’s decision in favor of the pro-life pregnancy center, noting that *“the City has considerable latitude in regulating public health and deceptive advertising. But Baltimore’s chosen means here are too loose a fit with those ends, and in this case compel a politically and religiously motivated group to convey a message fundamentally at odds with its core beliefs and mission.”* The City also failed to establish that the pro-life pregnancy center was engaged in commercial or professional speech, which required the Court to apply higher scrutiny against the government action. Without proving the inefficacy of less restrictive alternatives, providing concrete evidence of deception, or more precisely targeting its regulation, the City did not prevail.

The Maryland General Assembly enacted the underlying statute to defend the exercise of free speech against Strategic Lawsuits Against Public Participation. We respectfully urge you to protect that right for all and to preserve the integrity of this Assembly, by rejecting HB434 and its broad expansion of frivolous SLAPP suits.

Respectfully Submitted,
Laura Bogley, JD
Maryland Right to Life, Inc.

Pro-Life Teen Nicholas Sandmann Wins Settlement From Washington Post For Smearing Him

National | Micaiah Bilger | Jul 24, 2020 | 1:15PM | Washington, DC

Covington Catholic High School teen Nicholas Sandman won a second defamation settlement against a major news outlet, he and his lawyers announced Thursday.

The pro-life teen was the target of misleading, biased news coverage during his Kentucky high school's trip to the March for Life in 2019. On Thursday, Sandmann said his lawyers and the Washington Post reached a settlement agreement, [WLWT News 5 reports](#).

"On 2/19/19, I filed \$250M defamation lawsuit against Washington Post. Today, I turned 18 & WaPo settled my lawsuit. Thanks to [attorneys Lin Wood and Todd McMurtry] for their advocacy. Thanks to my family & millions of you who have stood your ground by supporting me. I still have more to do," Sandmann wrote Friday on Twitter.

In the lawsuit, Sandmann accused the newspaper of "wrongfully targeting and bullying" him "because he was the white, Catholic student wearing a red 'Make America Great Again' souvenir cap on a school field trip to the Jan. 18 (2019) March for Life in Washington, D.C."

The details of the settlement were not released publicly. A spokesperson for The Washington Post [told Fox News](#), "We are pleased that we have been able to reach a mutually agreeable resolution of the remaining claims in this lawsuit."

Many news outlets implied Sandmann and other Covington students were racist based on [a short video showing a brief confrontation between them and Native American protester Nathan Phillips](#) near the Lincoln Memorial. The negative publicity [led to death threats and the temporary closure of his Catholic high school for several days](#) due to security concerns.

Later, however, longer video footage of the incident disproved many of the claims against Sandmann and other students from the school.

Click Like if you are pro-life to like the LifeNews Facebook page!

Wood congratulated the teen on the settlement Friday and wished him a happy birthday, noting that their lawsuits against other news outlets are still pending. These include NBC, ABC, CBS, Rolling Stone, Gannett and the New York Times.

"More presents to be delivered to you this next year," [Wood wrote on Twitter](#). "You deserve justice. We all deserve justice."

Earlier this year, Sandmann's lawyers [reached a similar settlement with CNN](#).

The lawsuits came after an independent investigation confirmed that a group of Covington Catholic teens told the truth about their viral confrontation with a Native American man in Washington, D.C. [The report by Greater Cincinnati Investigation, Inc.](#) states that the pro-life teens did not initiate the confrontation or use any racial slurs against Native American Nathan Phillips or the Black Hebrew Israelites group.

"We found no evidence of offensive or racist statements by students to Mr. Phillips or members of his group," the report states. "We found no evidence that the students performed a 'Build the Wall' chant."

Previously, Wood said Phillips told "lies and false accusations" about Sandmann and other students after the Jan. 18, 2019 incident.

Phillips did not participate in the independent investigation. According to Townhall, he lied about the students chanting "Build the wall!" and his Vietnam service.

"We have attempted to reach out to Mr. Phillips by phone and by e-mail, informing him that we desired to interview him in person and that we were prepared to meet him in Michigan or any location he might prefer," the investigators wrote. "We also sent Mr. Phillips' daughter an e-mail as they both appear to be involved in the Native Youth Alliance and have shared their e-mail addresses after the event to thank everyone for reaching out and supporting them."

They said Phillips never responded.

"Mr. Phillip's public interviews contain some inconsistencies, and we have not been able to resolve them or verify his comments due to our inability to contact him," the investigators continued.

They said it was the Black Hebrew Israelite group that yelled racial slurs against the boys as well as Native Americans.

In an statement after the initial publicity, Sandmann said he was confused by the whole incident and he smiled only to let the other protesters know that he would not be intimidated.

"I am a faithful Christian and practicing Catholic, and I always try to live up to the ideals my faith teaches me – to remain respectful of others, and to take no action that would lead to conflict or violence," he said.

Testimony Opposing House Bill 434.pdf

Uploaded by: Sharon Brown

Position: UNF

TESTIMONY BEFORE HOUSE JUDICIARY COMMITTEE

HOUSE BILL 434 (AGAINST)

To: Committee Members

From: Sharon Brown, Disabled Veteran and Citizen of the State of Maryland.

I submit my written testimony, before you today to urge logical and careful consideration of House Bill 434, as its passage would further remove transparency and deepen the disconnect between the judiciary and the people of Maryland. This bill is not in the best interest of the people—it undermines constitutional rights by limiting the electoral process, effectively institutionalizing partisan practices that do not serve the broader public interest.

The absence of community representation within the judiciary of Anne Arundel County is well-documented. Currently, the county maintains an all-white magistrate judge panel and all-white court auditors. It took the Anne Arundel Circuit Court **369 years** to appoint its first African American female magistrate judge, yet there has been a subsequent return to a judiciary that does not reflect the demographics of the county. The current judicial appointment process does not align with stated equal opportunity for all standards, as evidenced by the historical pattern of appointing minimal or no candidates of color.

Passing House Bill 434 will not remedy this long-standing issue; rather, it will likely reinforce existing disparities and further disenfranchise the judiciary with the community. The Anne Arundel County Judicial Nominating Commission has historically nominated all-white candidates at disproportionately high rates. Since Judge Elizabeth Morris' s appointment in 2018, the Commission continued to submit shortlists composed entirely of white candidates, including in 2019. This trend is not isolated but follows a negative pattern dating back to at least **2005 through 2015 and re-emerging from 2019 through 2022**. Without a structured mechanism for oversight and accountability, the Commission is positioned to continue a nomination process that fails to include merit defined as competition among all qualified candidates, including those of color. The result is creating a judiciary that is not representative of the community it is warranted to serve.

The Maryland legislature must take pride in its duty to be on the right side of history and provide a fair and transparent legal process for those who are unfairly excluded from judicial nominations. An overwhelmingly white judiciary compromises the integrity

of our justice system—especially not in our state’ s capital. Maryland’ s history of systemic bias in sentencing should give every legislator pause before rushing to change an open electoral process into a closed, exclusionary one.

As a citizen of Maryland, I urge you to consider the long-term implications of this bill. House Bill 434 will not improve our judicial system—it demonstrates the consolidation of power from the constituency and into the hands of a few; deliberate in silencing the voices of those most impacted by judicial decisions. The rule of law and a with a sound unbiased legal system is paramount, especially now.

Thank you, Committee Members, for your time and thoughtful consideration of this critical issue