



To: Senate Judicial Proceedings Committee

From: Tim Nelson, Counsel to the Maryland-DC-Delaware Broadcasters Association

Date: Submitted – January 27, 2026; Hearing – January 29, 2026

Re: Senate Bill 251

The Maryland-DC-Delaware Broadcasters Association (“MDCD” or the “Association”) appreciates the opportunity to submit this written testimony regarding Senate Bill 251, “Civil Actions - Maryland Uniform Public Expression Protection Act.”¹ On behalf of the Association and its Members, which include approximately 20 television stations and 110 radio stations, the Association thanks the Committee for holding a hearing on Senate Bill 251 and considering the Association’s perspective. MDCD strongly supports Senate Bill 251, which legislation would replace Maryland’s current law regarding so-called strategic lawsuits against public participation (“SLAPPs”) with a tested, uniform approach that strikes an appropriate balance between protecting speech and permitting potentially meritorious lawsuits to proceed.

At a high level, Senate Bill 251, like other anti-SLAPP laws around the country, would protect free speech by allowing courts to dismiss frivolous lawsuits early in litigation that—although meritless—threaten an expensive, lengthy defense and are often filed with the intent to punish and discourage speech. Fundamentally, the goal of those who file SLAPP suits is to leverage the expense associated with defending oneself in a lawsuit to force the cessation or removal of unfavorable coverage and encourage self-censorship in a manner that threatens the freedom of the press to report on matters of public interest.

In particular, MDCD supports Senate Bill 251’s updates to the text of Maryland’s current law, initially adopted more than 20 years ago, which will provide more meaningful protections of free speech—including the reporting, commentary, and debate that MDCD’s Members champion—and accounts for legal and societal developments since the current law’s passage. Senate Bill 251 would better advance the purpose of Maryland’s current law through a comprehensive, efficient framework for the resolution of SLAPPs, most notably by (1) eliminating the current law’s countervailing “bad faith” provision; (2) providing a logical “burden shifting” framework employed by a court; and (3) authorizing courts to order SLAPP plaintiffs to foot the bill for the societal resources their lawsuits drain.

Under current law, a lawsuit cannot be classified as a SLAPP unless a determination is made that the suit was “brought in bad faith,” which is a standard that is nearly impossible to prove in the early stages of litigation. Notably, unlike Senate Bill 251’s objective inquiry regarding whether a lawsuit has substantial legal or factual justification, whether a suit was “brought in bad faith” involves

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.

a nebulous, subjective inquiry into the state of mind and intent of the individual or entity who filed the lawsuit. The “bad faith” requirement of Maryland’s current anti-SLAPP law increases uncertainty, as well as judicial and societal costs, in litigating under the law, which undermines its purpose. Senate Bill 251 would resolve this by eliminating the “bad faith” provision and replacing the inquiry with a burden shifting framework.

In addition, Senate Bill 251’s three-phase analysis brings a commonsense and consistent approach to SLAPPs, putting the burden onto the plaintiff to show the court that the suit has merit and should, in fact, be permitted to proceed. And, as noted above, Senate Bill 251 would allow courts to require SLAPP plaintiffs to shoulder the aggregate expenses their lawsuits generate. Unlike current law, Senate Bill 251 would expressly allow a court to “award court costs, reasonable attorney’s fees, and reasonable litigation expenses” to the prevailing party in certain circumstances. Again, this approach targets a core component of SLAPP suits, given that plaintiffs typically file such suits knowing that the legal expenses of those they sue will cause an immense burden on the defendants. By allowing courts to shift that expense paradigm, Senate Bill 251 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, MDCD strongly supports this legislation and encourages a favorable report.

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