



Maryland | Delaware | DC Press Association

P.O. Box 26214 | Baltimore, MD 21210

443-768-3281 | rsnyder@mddcpres.com

www.mddcpres.com

To: Senate Judicial Proceedings Committee

From: Rebecca Snyder, Executive Director, MDDC Press Association

Date: January 26, 2026

Re: SB 251 – Civil Actions - Maryland Uniform Public Expression Protection Act

The Maryland-Delaware-District of Columbia Press Association represents a diverse membership of news media organizations, from large metro dailies such as the Washington Post and the Baltimore Sun, to hometown newspapers such as the Star Democrat and Dorchester Banner, to publications such as The Daily Record, Baltimore Jewish Times, and online-only publications such as the Baltimore Banner, Maryland Matters and Baltimore Brew. Our members report on local government, courts, education, development, public safety, and civic life. That reporting is essential to an informed public and a functioning democracy. Senate Bill 251 is critical to protecting the ability of local news organizations to carry out that role without fear of abusive litigation.

Strategic Lawsuits Against Public Participation, or SLAPP suits, are not filed to vindicate legitimate legal claims. They are filed to intimidate, punish, or silence speech by imposing the heavy financial and emotional costs of litigation. For local news organizations—many of which operate as small businesses with limited staff and resources—even a meritless lawsuit can be devastating. The threat alone can chill reporting on matters of public concern, discourage investigative journalism, and divert scarce resources away from serving the community. 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 2024 episode with Max Mishkin of Ballard Spahr (<https://open.spotify.com/episode/72sQpfJjRp8mUY1mnlujHu>).

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



We believe a strong news media is central to a strong and open society.

was favorable to the residents in this instance, it does not obviate the 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.

More recently, in 2024 a group of neighbors in Fells Point were threatened with litigation for speaking out against Atlas Restaurant Group's plan to expand a restaurant's offerings to include a large outdoor seating area.

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. 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.**"

Maryland's current anti-SLAPP statute, adopted more than two decades ago, no longer provides meaningful protection against these lawsuits. Its unique requirement that a defendant prove a lawsuit was brought in "bad faith" imposes an extraordinarily high and often unworkable burden. In practice, this standard frequently requires costly discovery and prolonged litigation before relief is available—precisely the harm anti-SLAPP laws are meant to prevent. As a result, Maryland's law has fallen behind those of many other states and has failed to deter SLAPP suits effectively.

Senate Bill 251 would modernize Maryland law by adopting a clear, balanced, and well-tested framework through adoption of the Uniform Public Expression Protection Act ("UPEPA"). We believe adopting the ULC version of this legislation will create more uniformity between Maryland and its neighbors (Delaware and Pennsylvania have already adopted UPEPA). The bill allows courts to address SLAPP suits early, before defendants are forced to endure extensive discovery and mounting legal expenses. It establishes a logical burden-shifting process that requires plaintiffs to demonstrate that their claims have legal and factual merit at the outset. Importantly, it authorizes courts to award attorney's fees and costs when a SLAPP suit is dismissed—an essential deterrent to lawsuits filed solely to silence criticism or reporting.

For MDDC's members, these protections are not theoretical. Reporting on zoning disputes, development projects, alleged misconduct, or controversial public decisions can provoke powerful interests. When local journalists and publishers must weigh the risk of financial ruin against their duty to inform the public, the result is less transparency and weaker civic engagement. Senate Bill 251 helps ensure that truthfully reporting on matters of public concern does not come with an unacceptable personal or financial risk.

At the same time, Senate Bill 251 preserves access to the courts for plaintiffs with legitimate claims. It does not protect false reporting or prevent meritorious cases from proceeding. Rather, it restores an appropriate balance—filtering out abusive litigation while allowing valid claims to be heard.

At a moment when local journalism faces unprecedented economic pressure, Maryland should not allow outdated legal standards to further undermine the press's ability to serve the public. Strengthening the state's anti-SLAPP protections will benefit not only news organizations, but all Marylanders who rely on a free and independent press.

The Press Association urges a favorable report.