

**SPJ SB0251 Testimony.pdf**

Uploaded by: Anne Marie Tamburro

Position: FAV

Testimony for the Record

Submitted to the Maryland Senate Judiciary Committee  
For the Hearing Regarding Senate Bill 251 (Uniform Public Expression Protection Act)  
1/27/2026

Submitted by Anne Marie Tamburro, Press Freedom Counsel  
Society of Professional Journalists

Chair Smith, Vice Chair Waldstreicher and Members of the Committee: Thank you for considering my written testimony regarding Senate Bill 251 and for your attention to proposed legislation supporting press freedom and freedom of expression.

My name is Anne Marie Tamburro, and I am the Press Freedom Counsel at the Society of Professional Journalists, the nation's most broad-based journalism organization, dedicated to encouraging the free practice of journalism and upholding high ethical standards since 1909. My work focuses on advocating for the rights of journalists to report freely and safely and to advance public knowledge in pursuit of transparency and accountability. I speak on behalf of our members in strong support of Senate Bill 251 as a crucial measure to protect freedom of the press and freedom of expression in Maryland.

Anti-SLAPP (Strategic Lawsuit Against Public Participation) laws like Senate Bill 251, modeled after the Uniform Law Commission's ("ULC") Uniform Public Expression Protection Act ("UPEPA"), provide journalists with protections and procedures to stop baseless attempts to censor their speech using the courts. When someone pursues litigation for the purpose of censoring expression they find disfavorable, anti-SLAPP laws like Senate Bill 251 offer recourse to journalist defendants by expediting the process to stop malicious and baseless lawsuits before they can incur a significant toll in terms of time, energy and cost.

Without anti-SLAPP laws, aggrieved subjects of reporting can pursue litigation like defamation claims against journalists and their publications as a way to stop expression they dislike in its tracks and impose administrative hurdles on continued reporting. Journalists are left to defend themselves against these meritless lawsuits on a standard court timeline, where litigation costs rise exponentially and reporting languishes in judicial purgatory for weeks to months on end, perhaps never seeing the light of day. By contrast, anti-SLAPP laws even the playing field for the press, giving them the opportunity to move for dismissal or stay proceedings from the outset of the lawsuit. This discourages the use of the legal system as a tool of censorship and equips journalists with a tool to quickly combat litigation that is not founded on legitimate claims and whose primary goal is to censor.

By codifying Senate Bill 251, Maryland would join the ranks of 39 other states across the country that have already implemented anti-SLAPP laws, 14 having adopted laws that mirror UPEPA. The press in our country is currently under attack from all angles, more so now than

any time in recent history, and anti-SLAPP laws like Senate Bill 251 are vital for journalists to defend themselves against those attacks as they are carried out in the courts. We respectfully urge the committee to stand with the press in Maryland and across the country and to advance SB 251.

Please do not hesitate to contact me at [amtamburro@hq.spj.org](mailto:amtamburro@hq.spj.org) if you would like to discuss our concerns on press freedom and support for Senate Bill 251. Thank you for your time and attention to this matter.

Sincerely,

Anne Marie Tamburro  
Press Freedom Counsel, Society of Professional Journalists

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Sincerely,

Anne Marie Tamburro  
Press Freedom Counsel, Society of Professional Journalists

# **SB0251\_Civil\_Actions\_Maryland\_Uniform\_Public\_Expre**

Uploaded by: Cecilia Plante

Position: FAV



## TESTIMONY FOR SB0251

### Civil Actions – Maryland Uniform Public Expression Protection Act

**Bill Sponsor:** Senator Love

**Committee:** Judicial Proceedings

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Cecilia Plante, co-chair

**Position:** FAVORABLE

I am submitting this testimony in favor of SB0251 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

Our system of law is designed to ensure that there are remedies for individuals and companies that have been harmed. However, you can pretty much drive a truck through the loopholes. If you have money, you can file a frivolous lawsuit, known as a Strategic Lawsuit Against Public Participation (SLAPP) the purpose of which is to make the defendant in the suit waste money and potentially lose their assets or their business. This happens in all kinds of situations, and we have seen it play out in national news. National press, law firms, universities have all been sued in order to get them to back away from their core mandates. It has had a chilling effect in silencing some of the organizations, such as the press, that we all rely upon.

The issue is that the current law requires that the defendant provide proof that the lawsuit they are the target of was brought in bad faith, which puts the burden of proof squarely on the victim. This is some seriously backwards logic.

This bill, if enacted, would change that dynamic. It allows courts to address SLAPP suits early, before defendants are forced to endure extensive discovery and mounting legal expenses. It flips the burden of proof to the 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 drive firms and individuals into bankruptcy and silence the businesses that we rely upon to protect us.

We strongly support this bill and recommend a **FAVORABLE** report in committee.

# **PPP Maryland Letter of Support.pdf**

Uploaded by: Evan Mascagni

Position: FAV



# Public Participation Project

## Fighting for Free Speech

January 27, 2026

Senate Judicial Proceedings Committee  
Maryland General Assembly  
Legislative Services Building  
90 State Circle  
Annapolis, MD 21401

**RE: Support for SB 251 (Love)**

Dear Members of Senate Judicial Proceedings Committee,

I am the Policy Director of the Public Participation Project (PPP), a non-profit organization fighting for the First Amendment rights of all Americans.

I am writing to you on behalf of PPP in support of Senator Love's SB 251 (Uniform Public Expression Protection Act), a bill that will enact strong anti-SLAPP legislation in Maryland, strengthening the First Amendment rights of all Marylanders.

SLAPPs are Strategic Lawsuits Against Public Participation. These damaging suits chill free speech and healthy debate by targeting those who communicate with their government or speak out on issues of public interest. Anti-SLAPP laws protect individuals and organizations from SLAPPs, often by providing a fast-track dismissal process and allowing successful defendants to recover attorney's fees.

For background, here is a link to a scorecard for state anti-SLAPP laws across the country, drafted by the Institute for Free Speech, an organization fights for First Amendment rights:

<https://anti-slapp.org/your-states-free-speech-protection/>

As you can see, Maryland currently has a "D" on the scorecard because it does not have adequate protection against SLAPPs for all Marylanders. For example, unlike most strong state anti-SLAPP laws that have a mandatory attorneys fees provision for a prevailing SLAPP defendant, Maryland currently has no provision for fee- and cost-shifting at all. A mandatory attorneys fees provision is critical because it allows a defendant who has valid defenses but could not otherwise afford an attorney to secure an attorney on a contingency basis. The attorneys fees provision also helps give an anti-SLAPP law real teeth, creating a deterrent effect on potential SLAPP filers.

It's time for Maryland to be among the ranks of states with great anti-SLAPP laws that provide strong protections for First Amendment activities within the state. It will send a clear and strong message to all of those in Maryland that you strongly value and respect their rights of free speech and petition activity.

Please do not hesitate to contact me if you have any questions or would like to discuss further.

Thank you for your attention to this important piece of legislation.

Sincerely,

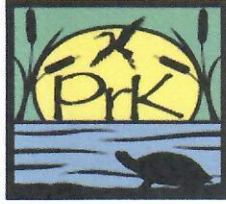
A handwritten signature in black ink, appearing to read "E-mascagni". The signature is fluid and cursive, with a large initial "E" and a stylized "m" and "g".

Evan Mascagni  
Policy Director  
Public Participation Project  
[www.anti-SLAPP.org](http://www.anti-SLAPP.org)  
804-723-0565

# **SB 251 Testimony.pdf**

Uploaded by: Frederick Tutman

Position: FAV



Patuxent Riverkeeper Center, 17412 Nottingham Road, Upper Marlboro, MD 20772

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January 27, 2026

House Judiciary Committee  
Maryland General Assembly  
House Office Building, Room 101  
6 Bladen St., Annapolis, MD 21401

Dear Sir/Madam,

Patuxent Riverkeeper supports SB-251 because it strengthens the current State laws related to SLAPP lawsuits. A few years ago, our organization was the target of such a SLAPP lawsuit. I will explain very generally about the circumstances in order to illustrate why we need to update these anti-SLAPP laws.

In 2016 Patuxent Riverkeeper was the target of a classic SLAPP suit. Citizens had reported a chronic violator to our office, we investigated the matter and then sent a letter about it to Maryland Department of the Environment. We subsequently learned that the "MDE" was already prosecuting the polluter, had imposed over \$300,000 of fines and then entered into a consent decree with the polluter. Subsequently that same violator filed a defamation and false light lawsuit against our organization arguing that our single written report to the State had resulted in economic loss and moreover damage to their reputation. Intriguingly, their claim for damages against us was precisely the amount of their State fines.

The case against Patuxent Riverkeeper was eventually dismissed at trial after nearly a year of legal depositions, pre-trial motions and legal expenditures. But, our organization had to bear the cost and time investment of defending a legal case where the plaintiffs had already conceded in a consent decree virtually all of the violations we had reported in our original letter to the State. At the initial judicial hearing held to adjudicate our motion for summary judgment, not only did the defendants fail to actually produce the actual letter to MDE that they claimed had defamed them, but the judge declined to dismiss the case and scheduled it for trial. In short, the current SLAPP statute was of no help in preventing the expense and effort of a needless and pointless trial. Notably, the existing law expressly forbids prosecution based upon citizen's written communications with their government. Up front, our tormentors made clear that they would drop the lawsuit against us if we simply revealed the names and identities of any neighboring citizen complainants we might have been in touch with, presumably so they might be "SLAPP'ed" as well.

So the present day SLAPP statute as currently written really does not serve as a deterrent to frivolous and malicious prosecution. Had HB-251 existed in law back then, it would have provided clearer guidance and potentially spared both the public and private cost of a trial that is

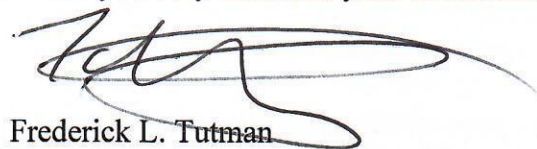
no more than a form of economic harassment and bullying by monied and guilty bad actors. In our case there was absolutely no question that the litigation was a reprisal for nothing more than good faith citizen vigilance reporting violations to the lawful authorities. Commendably, the State was doing its job by prosecuting this violator. But the violator was and continues to attack citizens today as a vindictive reprisal in order deter future such reports and watchfulness. This legal case, issued in bad faith as well as many others just like it, continue to consume both public and private resources needlessly for legal cases highly likely to fail on merit. Their point is entirely to silence citizens. Clearly, their purpose is not truly to prevail, but rather to stall and tie up citizen resources, to intimidate and compel them to be silent about reporting information about pollution—which is their right--and to get them to spend their resources on defending lawsuits instead of on continued vigilance. Moreover, it seeks to coerce the disclosure of further information about other citizens who might speak up!

Several other States have SLAPP suit statutes that are much more stringent and forceful than the ones currently in effect here in Maryland. The current statute was a good start but ultimately it has not been equal to its goals. Clearly the aim of the law is and was to deter frivolous and/or malicious lawsuits and speedily dispose of them in order to protect already crowded court dockets, and to spare citizens the distress of being sued for doing the right thing.

Patuxent Riverkeeper, like all Waterkeeper organizations, and like many other citizen watchdog groups relies heavily on citizen vigilance and participation to do our work of helping to enforce environmental laws while protecting public health and safety from environmental threats. But if citizens fear communicating with us about local water quality problems, and if our organization or civic-minded complainants face civil lawsuits as a reprisal for using the First Amendment, then our efforts at promoting enforcement of environmental laws would be chilled if citizens are potentially subject to SLAPP lawsuits for their trouble.

So clearly, the laws need to be made stronger in order to protect both citizens as well as society from harassment from monied and aggressive violators who want to contort the legal process in order to stifle citizen engagement. We urge you to give a favorable report on SB-251 that is much needed to spare civic - minded Marylanders the trouble of defending malicious lawsuits that intentionally attack our rights.

Thank you very much for your consideration. Respectfully,



Frederick L. Tutman  
Riverkeeper, CEO  
Patuxent Riverkeeper

# **Uniform Law Commission Testimony SB 251 - FINAL.pd**

Uploaded by: Kaitlin Wolff

Position: FAV



**Written Testimony of Kaitlin Wolff  
In Support of  
SB 251  
Before the Senate Judicial Proceedings Committee  
Thursday, January 29, 2026**

Dear Chair Smith, Vice Chair Waldstreicher, Committee Members:

Thank you for the opportunity to share **support for SB 251**, which would enact the Uniform Public Expression Protection Act (“UPEPA”). The Uniform Law Commission drafted this bill to address the problem of strategic lawsuits against public participation, or “SLAPPs.” Below, I offer some details about SB 251 and how it can benefit Marylanders.

***“Anti-SLAPP” Protections Nationally***

First, what is a “SLAPP” suit and what is an “anti-SLAPP” statute? A SLAPP suit—or Strategic Lawsuit Against Public Participation—is a lawsuit brought not to seek legal redress or relief for harm, but instead, to subject a citizen to lengthy and expensive litigation. In essence, it is using the legal system to silence or punish someone for exercising his or her First Amendment rights. Anti-SLAPP statutes provide an expedited process to deal with SLAPPs and serve as a deterrent to filing SLAPPs in the first place.

Thirty-nine states, the District of Columbia, and Guam all have some version of an anti-SLAPP statute. The scope and protections of these statutes vary. Modern anti-SLAPP statutes have a wide scope, covering speech and conduct in a wide variety of circumstances. SB 251 contains this broad scope, encompassing *all* constitutionally protected communication about issues of public concern, including blog posts or X posts, for example. A broad statute is important given how quickly methods of communication have evolved and will continue to evolve as technology advances.

***Maryland’s Existing Anti-SLAPP Statute***

Though Maryland was an early adopter of anti-SLAPP protections in 2004, its statute is now outdated and in need of reform. Maryland’s law offers little protection to citizens because it contains a unique “bad faith” provision [Md. Code, Cts. & Jud. Proc. § 5-807(b)(1)]. This provision requires a defendant to show the underlying lawsuit was brought in “bad faith,” which is nearly impossible to do without significant discovery. In addition, the law only permits, does not require, a stay upon the filing of an anti-SLAPP motion. The statute also does not expressly limit discovery or provide a fee-shifting provision. These missing features seriously undermine the effectiveness of the Maryland statute.

***Key Features of SB 251***

SB 251 offers Marylanders clear, comprehensive protections for their First Amendment rights. SB 251 includes the following key features:

1. Creates a specific vehicle for filing a motion to dismiss/strike early in the litigation process;
2. Requires an expedited hearing on the motion, coupled with a stay or limitation of discovery until after the motion is resolved;
3. Requires the plaintiff to demonstrate the case has some degree of merit;
4. Imposes cost-shifting sanctions that award attorney's fees and other costs when the plaintiff is unable to carry its burden; and
5. Allows for an interlocutory appeal of a decision to deny the defendant's motion.

### ***Why Uniformity Matters***

Addressing SLAPP suits in a uniform way is important for several reasons. One significant reason for uniformity is because it will prevent "libel tourism." Libel tourism is a type of forum shopping by which a plaintiff who has choices among the states in which to bring a libel action—the most common type of "SLAPP" suit—will file in a state that does not have an anti-SLAPP law or has a "weak" or narrow one. Given the significant differences among state statutes—which, aside from scope, include different burdens of proof assigned to the parties, different rules relating to discovery, and different remedies for prevailing parties—uniformity is sorely needed. The adoption of a uniform act among the states will not only reduce the incidence of, and the motivation for, forum shopping, but it will clarify what kinds of protections citizens have when they choose to participate in public discourse.

### ***Support for SB 251***

Many stakeholders shared their expertise and participated in the drafting of this uniform act. Stakeholders included participants from government and industry, First Amendment advocates, the Motion Picture Association of America, Inc., the National Center for State Courts, the Public Participation Project, the American Association for Justice, and the American College of Real Estate Lawyers. UPEPA has enjoyed wide, bipartisan support across the states. Attached is a letter from nearly 30 organizations in support of the bill. UPEPA has been enacted in 15 states so far: Delaware, Hawaii, Idaho, Iowa, Kentucky, Maine, Michigan, Minnesota, Montana, New Jersey, Ohio, Oregon, Pennsylvania, Utah, and Washington. UPEPA has also been introduced in Illinois, Mississippi, Missouri, Nebraska, New Mexico, South Carolina, West Virginia, and Wisconsin in the last year.

Thank you for your consideration of SB 251. The bill would provide Maryland citizens with much-needed protection for their Constitutional rights to fully participate in governmental proceedings and exercise their rights to freedom of speech, freedom of the press, and to petition the government, without fear of frivolous litigation.

Thank you for your time and consideration of SB 251, and I urge a favorable vote.

Respectfully Submitted,

Kaitlin Wolff

## **An Open Letter in Support of the Uniform Law Commission's Uniform Public Expression Protection Act**

The undersigned organizations represent an array of views across the political spectrum, which often results in disagreements on certain issues. Yet protection from meritless lawsuits to punish speech, known as Strategic Lawsuits Against Public Participation (“SLAPP”), is one principle that we all agree on. Our organizations strongly support robust anti-SLAPP laws modeled after the Uniform Law Commission’s (“ULC”) Uniform Public Expression Protection Act (“UPEPA”).

The First Amendment protects our right to freedom of speech, press, assembly, and petition, which are fundamental to free expression, liberty, and democracy. Some individuals and entities seek to suppress or punish speakers, artists, or publishers through SLAPPs. Such unscrupulous litigants will start expensive and meritless litigation in an effort to intimidate and harass a speaker into silence.

Anti-SLAPP laws protect the public from frivolous lawsuits that arise from speech on matters of public concern. These laws protect speakers by providing special procedures for defendants to defeat weak or meritless claims. The stronger the statute, the more deterrence there is against filing SLAPP lawsuits.

Already, 35 states have anti-SLAPP statutes, though many could be significantly improved by adopting some or all of the UPEPA’s language. Every state should adopt an anti-SLAPP law that follows the provisions in the UPEPA to provide national uniformity against abusive litigation that undermines First Amendment-protected freedom of expression.

The following six features in the UPEPA are necessary for an effective anti-SLAPP law:

### **1. Protection of all expression on matters of public concern.**

Strong anti-SLAPP statutes protect a wide spectrum of speech. The best statutes protect all speech on matters of public concern in any forum, as the UPEPA does.

### **2. Minimization of litigation costs by allowing defendants to file an anti-SLAPP motion in court.**

Under the UPEPA, the filing of an anti-SLAPP motion automatically halts discovery and all other proceedings until the court rules on the motion. Discovery, which includes document production and depositions, imposes expensive and invasive burdens on defendants. Instructing courts to rule promptly on the anti-SLAPP motion minimizes the cost of meritless lawsuits that harm free expression rights.

### **3. Requiring plaintiffs to show they have a legitimate case early in the litigation.**

The UPEPA puts the burden of proof on the plaintiff when responding to an anti-SLAPP motion to “establish a prima facie case as to each essential element” of the lawsuit. It forces plaintiffs to substantiate their claims, and demonstrate that they can overcome any applicable First Amendment protection, at an early stage of the litigation. Alternatively, the defendant can win the anti-SLAPP motion by showing that the plaintiff “failed to state a claim” or that “there is no genuine issue as to any material fact and the [defendant] is entitled to judgment as a matter of law.” If the court approves the anti-SLAPP motion, the case is dismissed.

### **4. The right to an immediate appeal of an anti-SLAPP motion ruling.**

The UPEPA and strong anti-SLAPP statutes also reduce the coercive and punitive nature of litigation by providing the defendant with the right to immediately appeal a denial of an anti-SLAPP motion. This is important because lower courts can err in judgment, and a successful appeal of a ruling denying an anti-SLAPP motion can avoid an expensive and stressful trial that would burden a speaker's First Amendment rights.

#### **5. Award of costs and attorney fees.**

Strong anti-SLAPP statutes, like the UPEPA, require the court to award costs and reasonable attorney's fees to a prevailing defendant. This is a vital deterrent against SLAPP lawsuits. Without an award, a defendant might win the lawsuit, but still suffer financial devastation from costs owed to their lawyers. Every state should reduce the punishment that unscrupulous litigants can mete out to their critics and adversaries. Automatic costs and attorney's fee awards do just that. Importantly, such fee-shifting also enables more attorneys to represent those with limited means fighting a SLAPP.

#### **6. Broad judicial interpretation of anti-SLAPP laws to protect free speech.**

The UPEPA and several state anti-SLAPP statutes instruct judges to read the statute broadly and/or liberally to protect free expression rights.

We appreciate the work of the Uniform Law Commission to craft the UPEPA and support its passage in states across the country with weak or no anti-SLAPP laws. Please share this letter with those working to enact or improve anti-SLAPP laws. Our organizations are ready and willing to lend support to such efforts.

Sincerely,

Organizing Signers:

American Civil Liberties Union  
Institute for Free Speech  
Institute for Justice

Public Participation Project  
Reporters Committee for Freedom of the  
Press

Joined by:

American Society of Journalists and  
Authors  
Americans for Prosperity  
Authors Guild  
Center for Biological Diversity  
Center for Individual Freedom  
Comic Book Legal Defense Fund  
Competitive Enterprise Institute  
Defending Rights & Dissent  
Electronic Frontier Foundation  
Foundation for Individual Rights and  
Expression  
Freedom of the Press Foundation  
International Association of

Better Business Bureaus  
James Madison Center for Free Speech  
League of Conservation Voters  
Motion Picture Association, Inc.  
National Association of Broadcasters  
National Coalition Against Censorship  
National Right to Life Committee  
National Taxpayers Union  
News Leaders Association  
News Media Alliance  
PEN America  
R Street Institute  
Society of Professional Journalists  
Woodhull Freedom Foundation

**1-27-2026 -- Testimony in favor of Maryland SB0251**

Uploaded by: Kennedy Woodard

Position: FAV

# REPORTERS COMMITTEE

FOR FREEDOM OF THE PRESS

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MATT THOMPSON  
The New York Times

VICKIE WALTON-JAMES  
NPR

*Affiliations appear only for purposes of identification.*

By portal

January 27, 2026

The Honorable William C. Smith, Jr.  
Judicial Proceedings Committee  
Maryland Senate  
2 East Miller Senate Office Building  
Annapolis, MD 21401

The Honorable Jeff Waldstreicher  
Judicial Proceedings Committee  
Maryland Senate  
2 East Miller Senate Office Building  
Annapolis, MD 21401

Re: Support for Senate Bill 251

Dear Chair Smith and Vice Chair Waldstreicher:

The Reporters Committee for Freedom of the Press strongly supports Senate Bill 251, a measure which would amend current law to provide journalists in Maryland greater protection when faced with frivolous “Strategic Litigation Against Public Participation,” or SLAPP, lawsuits. Should the amendment pass, Senate Bill 251 would allow courts to quickly dismiss meritless claims, including those for defamation, which are designed to chill speech about matters of public interest. SLAPP suits—brought by plaintiffs as an effort to suppress protected speech, not in an expectation of succeeding on the merits—significantly restrict the free flow of newsworthy information.

The Reporters Committee was founded by leading journalists and media lawyers in 1970 when the nation’s news media faced an unprecedented wave of government subpoenas forcing reporters to name confidential sources. Today, its attorneys provide pro bono legal representation, amicus curiae support and other legal resources to protect First Amendment freedoms and the newsgathering rights of journalists.

Senate Bill 251 is based on the Uniform Public Expression Protection Act (“UPEPA”). The Uniform Law Commission drafted UPEPA to serve as a model anti-SLAPP law providing “a clear process through which SLAPPs can be challenged and their merits fairly evaluated in an expedited manner.” Unif. Pub. Expression Prot. Act 3 (Unif. L. Comm’n 2020), available at <https://bit.ly/4oZIFWF>. UPEPA serves two purposes: “protecting individuals’ rights to petition and speak freely on issues of public interest, while at the same time, protecting the rights of people and entities to file meritorious lawsuits for real injuries.” *Id.* Moreover, anti-SLAPP suits “do not insulate defendants from any liability for claims arising

from protected rights of petition or speech. [They] only provide[] a procedure for weeding out, at an early stage, meritless claims arising from protected activity.” *Id.* at 18 (citing *Sweetwater Union High Sch. Dist. v. Gilbane Bldg. Co.*, 434 P.3d 1152, 1157 (Cal. 2019) (alterations in original)).

Effective anti-SLAPP laws allow defendants who have been sued for speech on matters of public interest to dismiss the case early, before incurring significant legal fees, and require those who bring SLAPP suits to pay fees and costs, which serves to deter unmeritorious cases. While Maryland currently has an anti-SLAPP law, the protection is relatively narrow, defining a SLAPP suit as one “brought in bad faith” and intended to “inhibit or inhibits the exercise of rights under the First Amendment.” Md. Code Ann., Cts. & Jud. Proc. § 5-807 (2010). It also does not shift the burden of proof to the plaintiff and thus provides no guidepost for courts to use in deciding whether a case has been brought frivolously. Senate Bill 251 would strengthen the protections of current law by mandating a pause in discovery and other proceedings while the court considers the motion, requiring the respondent to show that the claims in the underlying lawsuit have merit, providing a defined timeline for review, and awarding attorney’s fees and costs to the prevailing party. These tools help courts weed out SLAPP suits quickly and economically.

For journalists and news organizations—as well as the public that relies on journalists and news reporting to remain informed—SLAPPs are particularly pernicious. Anti-SLAPP laws have been enacted all over the country to give journalists and other defendants substantive and procedural protections against meritless lawsuits arising out of First Amendment-protected speech. Unflinching journalism is essential to hold public officials to account. Such vital news reporting depends upon journalists’ ability to identify, investigate, and report stories without fear that the subjects of their reporting will target them or their newsroom with costly, meritless litigation. Senate Bill 251 provides those essential protections. We respectfully urge that you pass it.

Please do not hesitate to contact the Reporters Committee’s Vice President of Policy Gabe Rottman ([grottman@rcfp.org](mailto:grottman@rcfp.org)) with any questions.

Sincerely,

Reporters Committee  
for Freedom of the Press

# **SLAP suits - senate testimony - 2026 - MCASA SB F**

Uploaded by: Lisae C Jordan

Position: FAV



**Working to end sexual violence in Maryland**

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**Testimony Supporting Senate Bill 251**  
**Lisae C. Jordan, Executive Director & Counsel**  
January 29, 2026

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 Judicial Proceedings Committee to report favorably on Senate Bill 251.

**Senate Bill 251 -- 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. Legislation has been introduced this session to specifically address these lawsuits, however SB251 is another tool to help discourage this type of litigation abuse.

**The Maryland Coalition Against Sexual Assault urges the  
Judicial Proceedings Committee to  
report favorably on Senate Bill 251**

# **Mishkin Testimony in Support of Senate Bill 251.pd**

Uploaded by: Maxwell Mishkin

Position: FAV

**MARYLAND GENERAL ASSEMBLY**

**Senate Judicial Proceedings Committee**

**Testimony of Maxwell S. Mishkin\* in Support of Senate Bill 251**

**(Civil Actions – Maryland Uniform Public Expression Protection Act)**

**January 29, 2026**

Mr. Chair, Mr. Vice-Chair, and Members of the Committee, thank you for the opportunity to submit this testimony in support of Senate Bill 251, which would reinvigorate Maryland’s commitment to freedom of expression by replacing our outdated and ineffective anti-SLAPP law with the modern and far more robust Uniform Public Expression Protection Act (“UPEPA”). The UPEPA statute, which has already been adopted by more than a dozen states – including several of our neighbors – powerfully protects the reporting, advocacy, commentary, and debate that we all need to be informed members of our participatory democracy.

I submit this testimony only on my own behalf, but my views are informed by my experience as an attorney in the Media and Entertainment Law Group at Ballard Spahr LLP, where my colleagues and I have the privilege of counseling and litigating on behalf of clients that range from global news and entertainment companies to local newspapers and freelance journalists, as well as nonprofits, documentary filmmakers, and other content creators of all stripes. Our work includes regularly defending against SLAPP suits in jurisdictions with strong anti-SLAPP laws and in jurisdictions with weak or no anti-SLAPP laws whatsoever.

SLAPPs – Strategic Lawsuits Against Public Participation – are a powerful weapon for plaintiffs looking to attack and ultimately chill speech that they find undesirable. For one, it takes far less resources to *file* libel lawsuits than it takes to *defend* such lawsuits, even when they are meritless. Frequent libel plaintiff Donald Trump admitted as much in speaking to the press in 2016 about his unsuccessful defamation case against a journalist who reported on his net worth: “I spent a couple of bucks on legal fees, and they spent a whole lot more. I did it to make his life miserable, which I’m happy about.”<sup>1</sup> For another, even the threat of a libel lawsuit can discourage important speech. As the federal appellate court for the District of Columbia observed, “[u]nless persons . . . desiring to exercise their First Amendment rights are assured freedom from the harassment of lawsuits, they will tend to become self-censors,” and such “self-censorship affecting the whole public is ‘hardly less virulent for being privately administered.’”<sup>2</sup>

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\* Partner, Ballard Spahr LLP, <https://www.ballardspahr.com/people/attorneys/m/mishkin-max>.

<sup>1</sup> Paul Farhi, *What really gets under Trump’s skin? A reporter questioning his net worth*, The Washington Post (Mar. 8, 2016), [https://www.washingtonpost.com/lifestyle/style/that-time-trump-sued-over-the-size-of-hiswallet/2016/03/08/785dee3e-e4c2-11e5-b0fd-073d5930a7b7\\_story.html](https://www.washingtonpost.com/lifestyle/style/that-time-trump-sued-over-the-size-of-hiswallet/2016/03/08/785dee3e-e4c2-11e5-b0fd-073d5930a7b7_story.html).

<sup>2</sup> *Washington Post Co. v. Keogh*, 365 F.2d 965, 968 (D.C. Cir. 1966) (quoting *Smith v. California*, 361 U.S. 147, 154 (1959)).

The threat that SLAPP suits pose to free speech only continues to grow. My former colleague Lee Levine, one of the nation’s leading First Amendment attorneys and scholars, has observed that “public officials and other powerful people and entities are now instituting libel actions at an unprecedented and deeply troubling rate,” and that “the vast majority of these cases has been brought, not to secure compensation for actual injury to reputation, but rather to punish the press for speaking truth to power and to dissuade it from doing so in the future, lest it pay the price of the burdens and enormous expense of litigation, regardless of the merits of the claim.”<sup>3</sup>

Enacting the UPEPA in Maryland would not solve all of these problems, but it would substantially protect important speech in several significant ways, including:

- 1) The UPEPA allows a defendant facing a frivolous defamation suit to file a “special motion” to dismiss early in the case, which flips the burden onto the plaintiff to show that the case is not meritless.
- 2) The UPEPA stops defamation plaintiffs from quickly imposing costs on defendants in frivolous cases by pausing the discovery process unless the plaintiff can show that the case has merit.
- 3) The UPEPA provides that when a SLAPP suit is dismissed, the plaintiff must pay the attorneys’ fees and costs that the defendant has reasonably incurred in the case.

These changes have been adopted by many other states around the country, and they help achieve the right balance between allowing claims with merit to survive while filtering out the frivolous ones designed to harass, punish, and chill speakers on matters of public concern.

Senate Bill 251 is a rare proposal in that it benefits everyone who speaks or publishes on matters of public concern: individuals and organizations, long-established institutions and fast-growing startups, for-profits and nonprofits, conservatives and liberals, the bipartisan and the nonpartisan and the apolitical alike. In short, Senate Bill 251 benefits the public by protecting the “freedom of expression upon public questions” necessary “to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people.”<sup>4</sup>

With thanks in particular to Senator Love and Senator Hettleman for sponsoring this legislation, I very much appreciate the opportunity to offer my support for Senate Bill 251 and urge the Committee to report it favorably.

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<sup>3</sup> See *New York Times v. Sullivan: The Case for Preserving an Essential Precedent* at 193, Media Law Resource Ctr. (Mar. 2022), <https://medialaw.org/new-york-times-v-sullivan-the-case-for-preserving-an-essential-precedent/>.

<sup>4</sup> *New York Times v. Sullivan*, 376 U.S. 254, 269 (1964) (quoting *Roth v. United States*, 354 U.S. 476, 484 (1957)).

# **2026-01 Coalition Letter for ULC Model Act.pdf**

Uploaded by: Peter Russo

Position: FAV

## **An Open Letter in Support of the Uniform Law Commission's Uniform Public Expression Protection Act**

The undersigned organizations represent an array of views across the political spectrum, which often results in disagreements on certain issues. Yet protection from meritless lawsuits to punish speech, known as Strategic Lawsuits Against Public Participation (“SLAPP”), is one principle that we all agree on. Our organizations strongly support robust anti-SLAPP laws modeled after the Uniform Law Commission’s (“ULC”) Uniform Public Expression Protection Act (“UPEPA”).

The First Amendment protects our right to freedom of speech, press, assembly, and petition, which are fundamental to free expression, liberty, and democracy. Some individuals and entities seek to suppress or punish speakers, artists, or publishers through SLAPPs. Such unscrupulous litigants will start expensive and meritless litigation in an effort to intimidate and harass a speaker into silence.

Anti-SLAPP laws protect the public from frivolous lawsuits that arise from speech on matters of public concern. These laws protect speakers by providing special procedures for defendants to defeat weak or meritless claims. The stronger the statute, the more deterrence there is against filing SLAPP lawsuits.

Already, 39 states have anti-SLAPP statutes, though many could be significantly improved by adopting some or all of the UPEPA’s language. Every state should adopt an anti-SLAPP law that follows the provisions in the UPEPA to provide national uniformity against abusive litigation that undermines First Amendment-protected freedom of expression.

The following six features in the UPEPA are necessary for an effective anti-SLAPP law:

### **1. Protection of all expression on matters of public concern.**

Strong anti-SLAPP statutes protect a wide spectrum of speech. The best statutes protect all speech on matters of public concern in any forum, as the UPEPA does.

### **2. Minimization of litigation costs by allowing defendants to file an anti-SLAPP motion in court.**

Under the UPEPA, the filing of an anti-SLAPP motion automatically halts discovery and all other proceedings until the court rules on the motion. Discovery, which includes document production and depositions, imposes expensive and invasive burdens on defendants. Instructing courts to rule promptly on the anti-SLAPP motion minimizes the cost of meritless lawsuits that harm free expression rights.

### **3. Requiring plaintiffs to show they have a legitimate case early in the litigation.**

The UPEPA puts the burden of proof on the plaintiff when responding to an anti-SLAPP motion to “establish a prima facie case as to each essential element” of the lawsuit. It forces plaintiffs to substantiate their claims, and demonstrate that they can overcome any applicable First Amendment protection, at an early stage of the litigation. Alternatively, the defendant can win the anti-SLAPP motion by showing that the plaintiff “failed to state a claim” or that “there is no genuine issue as to any material fact and the [defendant] is entitled to judgment as a matter of law.” If the court approves the anti-SLAPP motion, the case is dismissed.

#### **4. The right to an immediate appeal of an anti-SLAPP motion ruling.**

The UPEPA and strong anti-SLAPP statutes also reduce the coercive and punitive nature of litigation by providing the defendant with the right to immediately appeal a denial of an anti-SLAPP motion. This is important because lower courts can err in judgment, and a successful appeal of a ruling denying an anti-SLAPP motion can avoid an expensive and stressful trial that would burden a speaker's First Amendment rights.

#### **5. Award of costs and attorney fees.**

Strong anti-SLAPP statutes, like the UPEPA, require the court to award costs and reasonable attorney's fees to a prevailing defendant. This is a vital deterrent against SLAPP lawsuits. Without an award, a defendant might win the lawsuit, but still suffer financial devastation from costs owed to their lawyers. Every state should reduce the punishment that unscrupulous litigants can mete out to their critics and adversaries. Automatic costs and attorney's fee awards do just that. Importantly, such fee-shifting also enables more attorneys to represent those with limited means fighting a SLAPP.

#### **6. Broad judicial interpretation of anti-SLAPP laws to protect free speech.**

The UPEPA and several state anti-SLAPP statutes instruct judges to read the statute broadly and/or liberally to protect free expression rights.

We appreciate the work of the Uniform Law Commission to craft the UPEPA and support its passage in states across the country with weak or no anti-SLAPP laws. Please share this letter with those working to enact or improve anti-SLAPP laws. Our organizations are ready and willing to lend support to such efforts.

Sincerely,

Organizing Signers:

American Civil Liberties Union  
Institute for Free Speech  
Institute for Justice

Public Participation Project  
Reporters Committee for Freedom of the Press

Joined by:

American Society of Journalists and  
Authors  
Americans for Prosperity  
Authors Guild  
Center for Biological Diversity  
Center for Individual Freedom  
Comic Book Legal Defense Fund  
Competitive Enterprise Institute  
Defending Rights & Dissent  
Electronic Frontier Foundation  
Foundation for Individual Rights and  
Expression  
Freedom of the Press Foundation  
International Association of Better Business  
Bureaus

James Madison Center for Free Speech  
League of Conservation Voters  
Motion Picture Association, Inc.  
National Association of Broadcasters  
National Coalition Against Censorship  
National Right to Life Committee  
National Taxpayers Union  
News Media Alliance  
PEN America  
R Street Institute  
Radio Television Digital News Association  
Society of Professional Journalists  
Woodhull Freedom Foundation

# **SB251 - MDDC Support.pdf**

Uploaded by: Rebecca Snyder

Position: FAV



**Maryland | Delaware | DC Press Association**

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[www.mddcpres.com](http://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.

**MD.UPEPA.Itr.1.27.26.pdf**

Uploaded by: Renata Colbert

Position: FAV



# MOTION PICTURE ASSOCIATION

**MOTION PICTURE ASSOCIATION, INC.**

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**Benjamin S. Sheffner**

Senior Vice President & Associate General Counsel, Law & Policy

**VIA ELECTRONIC SUBMISSION**

Maryland General Assembly  
Senate Judicial Proceedings Committee  
Miller Senate Office Building  
11 Bladen St.  
Annapolis, MD 21401

January 27, 2026

**Re: Uniform Public Expression Protection Act (S.B. 251)**

Dear Chair Smith, Vice Chair Waldstreicher, and Members of the Senate Judicial Proceedings Committee:

The Motion Picture Association, Inc. (“MPA”) and our member studios strongly support, and urge you to advance, Senate Bill 251, the Uniform Public Expression Protection Act (“UPEPA”), which establishes a robust set of mechanisms to protect citizens and corporations sued in Maryland for exercise of their First Amendment rights on issues of public concern.

The MPA is a not-for-profit trade association founded in 1922 to address issues of concern to the motion picture industry. Since that time, the MPA has advanced the business and art of storytelling, protected the creative and artistic freedoms of storytellers, and brought entertainment and inspiration to audiences worldwide. The MPA’s member companies are: Amazon Studios LLC, Netflix Studios, LLC, Paramount Pictures Corporation, Sony Pictures Entertainment Inc., Universal City Studios LLC, Walt Disney Studios Motion Pictures, and Warner Bros. Entertainment Inc. In addition, several of the MPA’s members have as corporate affiliates major news organizations (including ABC, NBC, and CBS News, and CNN) and dozens of owned-and-operated television stations with broadcast news operations.

The motion picture and television industry is directly responsible for nearly 10,000 jobs in Maryland, including about 2,760 production-related jobs and 7,220 jobs in businesses that distribute movies, television and video content to consumers, e.g. at movie theaters and television broadcasters. In total, our industry supports almost 26,000

jobs and more than \$800 million in wages in the state, including indirect and induced jobs and wages supported by the industry, such as caterers, lumber yards, and restaurants.<sup>1</sup>

The MPA’s members and their affiliates are in the business of engaging in free speech on issues of public concern, whether they tell stories through fictional films, television documentaries, or news broadcasts of national or local interest. Unfortunately, that speech sometimes results in defamation or other lawsuits by individuals and corporate entities unhappy with how they were portrayed. These lawsuits—even if ultimately unsuccessful—are often expensive and burdensome to defend, and have the especially pernicious effect of chilling constitutionally protected speech on controversial topics, for fear that it will result in litigation, however meritless.

To combat this problem, 39 states and the District of Columbia have enacted so-called anti-SLAPP (“Strategic Lawsuit Against Public Participation”) statutes, which provide a powerful tool for those who are unjustly sued for the exercise of their free speech rights on public issues. The MPA’s members, as well as their affiliated news organizations, are strong supporters, and frequent users, of such statutes, which help ensure that their First Amendment rights to entertain and inform the public are not chilled by meritless lawsuits. But to be clear: anti-SLAPP statutes benefit not only the companies we represent, but all who speak out on public issues, from citizens voicing their views on the issues of the day, to victim-rights advocates, to online reviewers who posts their opinions of local businesses. That’s why UPEPA has won support from across the political spectrum, including from groups ranging from the ACLU, Reporters Committee for Freedom of the Press, and Authors Guild to conservative and libertarian groups such as Institute for Free Speech, National Right to Life Committee, and Institute for Justice, among many others.<sup>2</sup>

MPA urges Maryland to join the strong majority of states that have enacted anti-SLAPP protections to safeguard the First Amendment rights of their citizens and those who do business there. We thus respectfully urge your support of S.B. 251.

Very truly yours,



Benjamin S. Sheffner

cc: Senator Sara Love  
Senator Shelly Hettleman

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<sup>1</sup> See <https://www.motionpictures.org/advocacy/driving-local-economies/#map>.

<sup>2</sup> See Institute for Free Speech, *An Open Letter in Support of the Uniform Law Commission’s Uniform Public Expression Protection Act* (June 23, 2022), [https://www.ifs.org/wp-content/uploads/2022/06/Coalition-Letter-for-ULC-Model-Act\\_6.23.22.pdf](https://www.ifs.org/wp-content/uploads/2022/06/Coalition-Letter-for-ULC-Model-Act_6.23.22.pdf).

# **Testimony in support of SB0251 - Civil Actions - M**

Uploaded by: Richard KAP Kaplowitz

Position: FAV

SB0251\_RichardKaplowitz\_FAV  
01/29/2026  
Richard Keith Kaplowitz  
Frederick, MD 21703-7134

**TESTIMONY ON SB#0251 - POSITION: FAVORABLE**  
**Civil Actions - Maryland Uniform Public Expression Protection Act**

**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, Frederick County. I am submitting this testimony in support of SB#/0251, **Civil Actions - Maryland Uniform Public Expression Protection Act**

The purpose of this bill is to protect Maryland residents from the weaponization of the judiciary to suppress dissent and to provide a challenge to the current deprivations by the Federal Government.

As documented by Greenpeace: <sup>1</sup>

SLAPP Lawsuits are a major way people in power silence dissent to conduct business without environmental or social accountability.

Powerful corporations have developed many tactics for silencing protests and public debate around unlawful or controversial activities. **SLAPP (Strategic Lawsuits Against Public Participation) lawsuits and other forms of legal harassment are common strategies for [closing civic spaces and silencing opponents](#)** through isolation, intimidation, and financial and psychological burdens. They are a major way people in power silence dissent to conduct business without environmental or social accountability.

Numerous examples of weaponization exist. “Trump has used SLAPP tactics against opponents as a private (really rich) citizen. [Seven cases](#) of the [thousands of lawsuits](#) he has been party to have been efforts to silence authors, media, and individuals. In his SLAPP case against author Tim O’Brien, Trump said “**I spent a couple of bucks on legal fees, and they spent a whole lot more. I did it to make his life miserable, which I’m happy about**”. Allies of Trump, like Big Oil and other corporate billionaires, would likely benefit from a lack of interference by a Trump administration if they levy SLAPP cases against critics.” <sup>2</sup>

This bill will accomplish its purposes by repealing a certain provision relating to strategic lawsuits against public participation; authorizing a person served with a pleading asserting a certain cause of action based on the person's communication related to a governmental proceeding or exercise of certain constitutional rights to file a special motion for expedited relief to dismiss the cause of action; generally relating to civil actions and public expression; and applying the Act prospectively. It will add significant protection for Marylanders from this conduct.

**I respectfully urge this committee to return a favorable report on SB0251.**

<sup>1</sup> <https://www.greenpeace.org/usa/trump-slapps-and-the-erosion-of-democratic-freedoms/>

<sup>2</sup> *ibid*

# **SB 251 Slapp Position Paper 2026 MAJ fin .pdf**

Uploaded by: Ronald Jarashow

Position: FAV



## 2026 POSITION PAPER

### SB 251 Maryland Uniform Public Expression Protection Act FAVORABLE

The Maryland Association for Justice (MAJ) supports SB 251 (the Maryland Uniform Public Expression Protection Act) to modernize existing law and to make Maryland law consistent with nationwide SLAPP statutes and the Uniform Public Expression Protection Act.

The purpose of this proposed legislation is to protect First Amendment free speech rights guaranteed by the United States Constitution. When citizens speak out against wrongful conduct or laws, sometimes individuals who take issue with their speech file meritless lawsuits as a deterrent to free expression, known as “SLAPP” lawsuits (strategic lawsuits against public participation). The UPEPA protects individuals from SLAPP lawsuits, which are intended to suppress free speech.

Why is it necessary to modernize Maryland law? As can be seen in the attached chart from the Institute for Free Speech, Maryland’s current law rates the **lowest** in protecting freedom of expression, earning a score of only 10 out of 100! Only five states score under 50. In contrast, 27 out of 35 states score between 85 and 100.

In 2020, the Uniform Law Commission (ULC), a nonprofit, nonpartisan organization of state commissioners on uniform laws, promulgated the Uniform Public Expression Protection Act (UPEPA) as a model anti-SLAPP statute. ([www.ifs.org/anti-slapp-report/#The-Uniform-Law](http://www.ifs.org/anti-slapp-report/#The-Uniform-Law)). In the past 5 years, at least 14 states have adopted the UPEPA.

By adopting the UPEPA, SB 251 fixes weaknesses in existing Maryland law, including but not limited to the following:

- 1) Eliminates defendant’s need to prove that the plaintiff was acting in “bad faith” by filing the SLAPP lawsuit, instead focusing on whether the plaintiff intended to suppress speech;
- 2) Expands breadth of application to any communications with government;
- 3) Makes it quicker and more economical to challenge a SLAPP suit by providing special preliminary motions and a stay for expedited relief; and
- 4) Establishes limited discovery rights.

SB 251 replaces Maryland’s outdated anti-SLAPP law and protects free speech by discouraging meritless suppressive lawsuits, creating appropriate remedies, and bringing Maryland into congruity with many other States.

**The MAJ urges a FAVORABLE Report.**

#### About Maryland Association for Justice

The Maryland Association for Justice (MAJ) represents over 1,250 trial attorneys throughout Maryland. MAJ advocates to preserve the civil justice system, protect consumers’ rights, and educate and advance members’ knowledge and abilities.

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Here is a summary of the points earned for these five protective components in each jurisdiction with an anti-SLAPP law:

Jurisdiction	Anti-SLAPP Law Protections					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	20	12	25	40	3	100
District of Columbia	0	12	20	25	0	57
Florida	5	6	25	10	0	46
Georgia	20	12	25	40	3	100
Hawaii	20	12	25	40	3	100
Idaho	20	12	25	40	3	100
Illinois	20	12	25	36	3	96
Indiana	18	0	0	36	0	54
Iowa	20	12	25	40	3	100
Kansas	20	12	25	36	3	96
Kentucky	20	12	25	40	3	100
Louisiana	18	12	0	40	0	70
Maine	20	12	25	40	3	100
Maryland	10	0	0	0	0	10
Massachusetts	18	12	20	36	0	86
Minnesota	20	12	25	40	3	100
Missouri	18	0	5	36	0	59
Montana	20	12	25	40	3	100
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
Ohio	20	12	25	40	3	100
Oklahoma	18	12	25	36	0	91
Oregon	18	12	25	40	3	98
Pennsylvania	0	0	25	40	3	68
Rhode Island	18	6	0	36	0	60
Tennessee	18	12	25	36	0	91
Texas	18	12	25	38	3	96
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

P. 25 of “2025-Anti-SLAPP-Scorecard-HQ.pdf” by Institute for Free Speech, a nonpartisan, nonprofit 501(c)(3) promoting and defending First Amendment rights. [www.ifs.org/anti-slapp-report/](http://www.ifs.org/anti-slapp-report/)

# **SB 251 - UPEPA Written -- Love.pdf**

Uploaded by: Sara Love

Position: FAV

SARA N. LOVE  
Legislative District 16  
Montgomery County

Judicial Proceedings Committee



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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**SB 251 — Uniform Public Expression Protection Act**

SB 251, the Maryland Uniform Public Expression Protection Act (UPEPA), will update and strengthen Maryland's anti-SLAPP (Strategic Lawsuits Against Public Participation) law. The goal of a SLAPP is to entangle the defendant in expensive litigation, stifling the defendant's ability to engage in constitutionally protected activities. SB 251 is designed to challenge a SLAPP and quickly dismiss a claim without merit.

SB 251 is a uniform act, designed and supported by the Uniform Law Commission. Fifteen states have passed UPEPA, with six more (including Maryland) introducing the legislation in 2026<sup>1</sup>. Just last month, in December 2025, Michigan unanimously passed a UPEPA<sup>2</sup>. A uniform act provides consistency across states, so litigants and judges know what the law is and what to expect. It also cuts down on forum shopping.

Current Maryland law is outdated and does not provide adequate protection for free speech. Under Maryland law, a defendant must prove the plaintiff brought the suit intentionally and in bad faith - a nearly impossibly high standard that no other state requires. Last year we heard from attorney Tom Coale about someone he briefly represented before he too was sued by the same plaintiff. Those suits - plus the others that the plaintiff has filed - are clearly SLAPPs, but our current law is insufficient, so the defendant has been paying thousands of dollars for attorneys fees and costs, through 2 trials (which she won) over 5 years. And, she is still in litigation. Under UPEPA, this case would have been settled years ago. The defendant would not be out thousands of dollars, the plaintiff would be financially responsible for the SLAPPs, and it likely would have deterred the plaintiff from suing others who also had to pay for representation.

The process under SB 251, Maryland UPEPA, is as follows:

<sup>1</sup> [Uniform Law Commission: UPEPA bill tracking list](#)

<sup>2</sup> [Institute for Free Speech: Michigan Becomes the 39th State to Adopt an Anti-SLAPP Law](#)

The case starts when a plaintiff, usually a large corporation, powerful individual, or the government, files a lawsuit, usually against the press or advocates. The lawsuit often claims defamation, but there are other causes of action employed. The person or group who was sued believes this is not a suit to redress actual injury, but to chill criticism. So that individual or group files a motion with the court saying this is a SLAPP suit. Upon filing of that motion, all proceedings – including discovery – between the parties are stayed, with a few exceptions.

The court then addresses the motion in essentially three expedited phases:

In the first phase, the Court effectively decides whether the Act applies:

- The burden is upon the moving party to show that the original suit implicates their right to free speech, petition and association. If the moving party fails to do that, the motion is denied and the original case goes on.
- If the moving party succeeds in showing their First Amendment rights are at issue, the responding party can show its cause of action fits into one of the three exceptions. If they succeed, the motion is denied and the original case goes on.
- If the moving party succeeds in showing the Act applies and the responding party fails to show it falls within an exception, the court proceeds to step #2.

In the second phase, the Court determines if the responding party has a viable cause of action on its face:

- In this phase, the respondent (the one who filed the original case) has to establish a prima facie case for each essential element of the cause of action challenged.
- If the Court holds they did not do this, then the motion is granted and the original case is dismissed. The moving party is entitled to costs, attorneys fees and expenses for having to defend against the suit.
- If the respondent does show a prima facie case, then the court moves to the third phase.

In the third phase, the Court determines if the respondent has a *legally* viable case. Here, the burden shifts back to the moving party to show that the respondent failed to state a cause of action upon which relief can be granted, or that there is no genuine issue of material fact and they are entitled to judgement as a matter of law (summary judgment). If the moving party shows that, motion granted. If they fail to show that, the motion is denied and the underlying case goes on.

UPEPA has support from entities such as the press, the National ACLU, the National Right to Life, the Motion Picture Association, and the International Association of Better Business Bureaus, among others. It has been enacted in red, blue, and purple states. And I hope we will add Maryland to the list this year.

For these reasons, I respectfully request your favorable report on SB 251.

# **SB0251 Testimony Stephanie Flasch.pdf**

Uploaded by: Stephanie Flasch

Position: FAV

**SB0251 - Testimony****Stephanie Flasch, 1902 Norwood Court, Fallston, MD 21047**

Never did I imagine when I engaged in a bagel shop conversation that sparked the creation of a petition to encourage public participation in Harford County land use planning that I would be a defendant in a lawsuit one month later because of my efforts. As a prior military officer, member of several community advocacy groups, and a volunteer of community organizations, I understand the value of participating in county public hearings, following local government policies and being able to communicate with elected representatives for my community.

Beth Poggioli and I started a petition in March 2016 that informed neighbors of the possible "expansion of the development envelope" (approximately 5 miles south of my house in the Fallston area) being proposed in the HarfordNext, Harford County's 2016 Master Land Use Plan legislation. The petition encouraged the public to voice their opinions on the possible impacts on infrastructure and the precedent for other agricultural zoned properties in Harford County. I felt strongly about providing an informative petition after speaking with some County Councilmen who mentioned that citizens were not contacting them about the expansion proposed, which led them to assume that the minor expansion was okay with the community. My only goal was to ensure citizens understood what the expansion meant for our community.

Beth and I were amazed at how quickly neighbors responded with the feedback of "I do not support" the expansion (over 1000 electronic signatures). So, Beth and I scheduled meetings; one with our district's Councilman Joe Woods and another with County Executive Barry Glassman and Mr. Brad Killian, the Director of Planning & Zoning. We shared our thoughts on HarfordNext and provided a printed copy of the petition. At meetings with local elected officials I was discouraged to hear the petition's feedback and comments being critically scrutinized for credibility instead of attention being paid to the important feedback given by the public. And I was just a little

disturbed when an official mentioned that a developer was very interested in who was behind the petition. But, overall we were pleased to have increased public participation, hopeful of citizen-driven changes to the proposed expansion and happy that our efforts provided much needed community statements to the County Council and County Executive.

When I received a phone call from the local paper asking how I felt about being named as a defendant on a lawsuit over materials we had distributed, I was at a loss for words. This surely must have been a mistake! But, shortly after getting this call, we were scheduled to meet with our district's Councilman Joe Woods, who encouraged us to meet in person with the plaintiff in the lawsuit, Mr. Michael A. Euler Sr., for resolution. Mr. Euler had a lawyer, and we did not; we both declined a meeting with Mr. Euler, and not long after a knock on my door delivered the lawsuit paperwork.

I was shocked, astonished, confused, panicked, and trying to understand why I was being sued for causing harm to a developer even though our petition never even identified a developer or business. We were accused of falsifying names on a petition, but the supposedly false names never specified. Plus, we were charged with having and acted with malice or disregard for the truth. And the claim for a judgement in excess of \$75,000 was downright scary. I was overwhelmed with the reality that a deep pocket developer was going to shut down all public participation and I had no protections against this frivolous lawsuit without paying a fortune. I had to question my efforts and wonder, "was the community advocacy worth the cost"?

My husband and family were stressed about the financial burden and my kids (15 and 11 years old) were living in a household of constant duress. Friends were shocked and upset about the lawsuit but shied away from public support due to fear that the developer might retaliate against them too, with a lawsuit. We decided to stick to our guns and found a lawyer, running up \$8,000 in legal expenses. Happily, a GoFundMe secured some public support for our defense, and the ACLU eventually stepped in, but

not before Beth and I had to pay \$1500 each for out of pocket legal services. Once the plaintiff found out that he could not drive us out of the public forum by running up our legal expenses, because the ACLU moved for dismissal of the lawsuit, the plaintiff dropped the suit against us instead of filing a response to the motion. You can find the docket of our case here:

<https://casesearch.courts.state.md.us/casesearch/inquiryDetail.jis?caseId=12C16001216&loc=56&detailLoc=ODYCIVIL>. And here is the brief that the ACLU filed for us: [https://www.aclu-md.org/sites/default/files/field\\_documents/pld.motion\\_to\\_dismiss\\_memo\\_0.pdf](https://www.aclu-md.org/sites/default/files/field_documents/pld.motion_to_dismiss_memo_0.pdf)

I am beyond grateful for the ACLU's pro bono representation in our efforts for freedom of speech because the intimidation of a financial burden would eventually have influenced my level of public participation. Even so, I became hesitant in my advocacy efforts, relying on public comments to be reviewed by lawyers, and I noticed that the community withdrew from participating with the mindset that deep pocket developers will always triumph, so why bother? Not everybody can get pro bono help. A strong anti-SLAPP law is much needed in Maryland to protect all who have the courage to speak up.

# **2026 Testimony -- MDCD Broadcasters Association --**

Uploaded by: Timothy Nelson

Position: FAV



**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**

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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.”<sup>1</sup> 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

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<sup>1</sup> 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.

\* \* \* \* \*

**UNFAVORABLE.SB251.L.Bogley.MDRTL.pdf**

Uploaded by: Laura Bogley

Position: UNF



**Unfavorable Statement SB251**  
**Civil Actions - Maryland Uniform Public Expression Protection Act**  
Laura Bogley, JD  
Executive Director, Maryland Right to Life

**We Respectfully Oppose SB251**

**This bill will *enable* frivolous SLAPP suits and restrict the exercise of free speech in Maryland.**

On behalf of our chapters and members across the state, we oppose SB251. The Maryland General Assembly enacted the underlying statute to defend the exercise of free speech against frivolous Strategic Lawsuits Against Public Participation and has rejected similar bills year over year. We respectfully urge you to protect free speech and the integrity of this Assembly, by rejecting this bill and its **expansion of SLAPP suits**.

**CONTENT DISCRIMINATION INFRINGES ON CONSTITUTIONAL RIGHTS**

It is our position that this bill will empower the State to infringe upon this right in order to suppress political or ideological opponents. The bill could make pro-life citizens and others, victims of endless lawfare.

The First Amendment exists to protect the rights of citizens to speak out against the actions of their Government. Anti-SLAPP laws should ensure equal protection to all citizens, particularly those with whom the Government disagrees. The current statute achieves that with no need for amendment.

However, this bill proposes to altogether repeal the First Amendment protections currently cited in Section 5-8007(b)(d) of the Courts and Judicial Proceedings Article which states that a SLAPP suit is a suit “Intended to inhibit or inhibits the exercise of rights under the First Amendment of the U.S. Constitution or Article 10, Article 13, or Article 40 of the Maryland Declaration of Rights.”

**THE BILL UNDERMINES THE INTENT OF THE GENERAL ASSEMBLY**

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.

The bill, as written 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 legal loophole by empowering the State to deny defendants the affirmative defense that the suit is frivolous, when the State itself is the plaintiff. The bill carves out an exception to existing protections, when the State brings a suit to “enforce a law to protect against an imminent threat to public health or safety”, without defining what activity may constitute a threat or whether even speech that does not incite violence, could be considered a threat.

The particular language that we oppose is as follows:

SUBTITLE 13.

5-1302

(B) THIS SUBTITLE DOES NOT APPLY TO A CAUSE OF ACTION ASSERTED:

(2) BY A GOVERNMENTAL UNIT OR AN EMPLOYEE OR AGENT OF A GOVERNMENTAL UNIT ACTING IN AN OFFICIAL CAPACITY TO ENFORCE A LAW TO PROTECT AGAINST AN IMMINENT THREAT TO PUBLIC HEALTH OR SAFETY;

5-1304

(G) DURING A STAY UNDER THIS SECTION, THE COURT FOR GOOD CAUSE SHOWN MAY HEAR AND RULE ON:

(2) A MOTION SEEKING A SPECIAL OR PRELIMINARY INJUNCTION TO PROTECT AGAINST AN IMMINENT THREAT TO PUBLIC HEALTH OR SAFETY.

### **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 pose “an imminent threat to public health or safety” is not a settled matter of law but of subjective opinion. All defendants should have the opportunity to file a special motion with the courts for an affirmative defense and expedited relief. The courts retain the right to deny the motion.

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

### **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 4<sup>th</sup> 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.

## **NOTE ON LEGISLATIVE INTENT**

This bill is based on the Uniform Public Expression Protection Act (UPEPA) which is model uniform legislation drafted by the Uniform Law Commission. According to a drafter of the uniform act:

“Of course we did not intend, when we wrote this bill to apply this exception to speech (as violence) or as speech itself as being a threat to public health and safety, unless it is "incitement" or a "true threat" which are not protected by the First Amendment.”

While the current bill sponsor suggests similar legislative intent, we do not have confidence that the legislative intent will be enough to restrain the judicial branch or protect defendants against the court's political or ideological biases when applying the law if enacted.

**The Maryland General Assembly enacted the existing 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 SB251 and its expansion of frivolous SLAPP suits that will infringe of First Amendment free speech.**

Respectfully Submitted,  
Laura Bogley, JD  
Maryland Right to Life

**sb251.pdf**

Uploaded by: Will Vormelker

Position: INFO

HON. STACY A. MAYER  
CIRCUIT COURT  
JUDGE  
BALTIMORE COUNTY  
CHAIR

HON. RICHARD SANDY  
CIRCUIT COURT  
JUDGE  
FREDERICK COUNTY  
VICE-CHAIR



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## MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

### MEMORANDUM

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** Senate Bill 251  
Civil Actions – Maryland Uniform Public Expression Protection  
Act  
**DATE:** January 21, 2026  
(1/29)

### INFORMATIONAL COMMENT PAPER

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The Judiciary respects the separation of powers doctrine and acknowledges the policy-making authority of the legislative branch. As such, the Judiciary has no position on the policy aims of this legislation.

The Judiciary only writes to note that Maryland Rule 2-311(f) requires a party desiring a hearing on a motion to file a request for a hearing. Generally, the request for a hearing coincides with the filing of the motion. However, in some circumstances the request for a hearing may be filed separately from the motion itself. As drafted, this bill requires the court to hear the motion within 60 days from filing of the motion. Clarification would be helpful as to how a separate request for a hearing relates to the triggering of the 60-day timeline to hear the motion.

cc. Hon. Sara Love  
Judicial Council  
Legislative Committee  
Kelley O'Connor