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To Members of Judiciary Committee—H.B.650

This bill repeals the existing Md. SLAPP statute which has been applied in a landmark decision of the appellate court of Maryland by Judge Glenn Harrell, MCB Woodberry et al v. Council of Unit Owners et al, 253 Md. App. 279 (2021). The proposal weakens the Maryland law in the following respects and should be rejected for that reason:

1. I read the law as not applying to a controversy over the sale or leasing of goods or services. This could have a disastrous effect on controversies such as the erection of power lines in rural Maryland. I am told I am misreading the law. Even if true, the language is confusing and subject to misinterpretation.
2. The existing law provides a mechanism for immediate dismissal, a hotly contested feature upheld by the appellate court. The proposal allows discovery and summary judgment material, prolonging the court proceedings and imposing further burdens on citizens and community groups who can ill afford lengthy proceedings or an attorney.
3. The proposal allows the protestants to be liable for attorney fees for delay, an expansion of the existing law for attorney fees. This has the potential to be highly intimidating to citizens and community groups who might be faced with enormous bills for attorney fees.
4. The proposal eliminates the language of the existing law that it does not preclude other remedies. By omitting this language, and expressly providing for attorney fees, the law might be held to prevent other remedies such as damages which have been awarded in a number of states.

Respectfully submitted,

