



## Opposition Statement SB162

Courts – Civil Actions – Strategic Lawsuits Against Public Participation  
By Laura Bogley-Knickman, JD  
Director of Legislation, Maryland Right to Life

### We Respectfully Oppose SB162

On behalf of our supporters across the state, we respectfully yet strongly object to SB162. The bill actually expands the use of SLAPP suits but simply will not exempt a broad category of frivolous lawsuits from that definition. This bill would restrict free speech and deny legal remedy in direct conflict with the original purpose of the statute, which was enacted to *prevent* Strategic Lawsuits Against Public Participation or “SLAPP” suits. Instead this bill will *enable* SLAPP suits and restrict the exercise of free speech in Maryland.

The bill would create exemptions from the statute, and confuse the public purpose by imposing a subjective set of criteria to deny individuals and organizations legal remedy against SLAPP suits. The language would substitute free speech with subjective or political value judgments. What may or may not be “in the public interest” or what may or may not “confer a significant benefit”, is not a settled matter of law but a matter of opinion.

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

**The exercise of free speech is one of our most valued benefits of citizenship and must not be curtailed.** We specifically object to the following proposed language:

(C)A LAWSUIT IS NOT A SLAPP SUIT IF:(1)THE LAWSUIT IS BROUGHT IN THE PUBLIC INTEREST OR ON BEHALF OF THE GENERAL PUBLIC AND EACH OF THEFOLLOWING CONDITIONSEXISTS:(I)EXCEPT FOR CLAIMS FORATTORNEY’S FEES,COSTS,OR PENALTIES,THE PLAINTIFF DOES NOT SEEK ANY RELIEF GREATER THAN OR DIFFERENT FROM THE RELIEF SOUGHT FOR THEGENERAL PUBLIC OR A CLASS OF WHICH THE PLAINTIFF IS A MEMBER;(II)THE LAWSUIT,IF SUCCESSFUL,WOULD ENFORCE AN IMPORTANT RIGHT AFFECTING THE PUBLIC INTEREST AND WOULD CONFER A SIGNIFICANT BENEFIT,PECUNIARY OR NONPECUNIARY,TO THE GENERAL PUBLIC OR A LARGE CLASS OF PERSONS;AND(III)PRIVATE ENFORCEMENT IS NECESSARY AND PLACES A DISPROPORTIONATE FINANCIAL BURDEN ON THEPLAINTIFF IN RELATION TO THE PLAINTIFF’S STAKE IN THE MATTER.

**For the reasons stated, we respectfully urge you to give an unfavorable report on SB162.**

Respectfully Submitted,

Laura Bogley-Knickman