



Opposition Statement HB308

Courts – Civil Actions – Strategic Lawsuits Against Public Participation
By Laura Bogley-Knickman, JD
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We Respectfully Oppose HB308

On behalf of our 200,000 followers, we respectfully yet strongly object to HB308. 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. Instead this bill will *enable* SLAPP suits and restrict the exercise of free speech in Maryland.

The bill as written would amend 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 personal 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 for debate.

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 THE FOLLOWING CONDITIONSEXISTS:(I)EXCEPT FOR CLAIMS FOR ATTORNEY’S FEES,COSTS,OR PENALTIES,THE PLAINTIFF DOES NOT SEEK ANY RELIEF GREATER THAN OR DIFFERENT FROM THE RELIEF SOUGHT FOR THE GENERAL 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 THE PLAINTIFF IN RELATION TO THE PLAINTIFF’S STAKE IN THE MATTER.

For the reasons stated, we respectfully urge you to give an unfavorable report on House Bill 308.

Respectfully Submitted,

Laura Bogley-Knickman