



The Problem:

- Strategic Lawsuits Against Public Participation (SLAPP) **chill free speech** and healthy debate by targeting those who communicate with their government or speak out on issues of public interest. SLAPPs are **used to silence and harass** critics by forcing them to spend money to defend these baseless suits. SLAPPs are effective because even a meritless lawsuit can take years and many thousands of dollars to defend. To end or prevent a SLAPP, those who speak out on issues of public interest frequently agree to muzzle themselves, apologize, or "correct" statements.
- SLAPPs cause serious harm to defendants, who are often individual citizens. Matt White, a Jefferson County resident, was subjected to a defamation suit after leaving a negative review of a local business on Yelp in 2013. A year later, Matt White's Yelp review cost him **\$65,000 in legal fees**. White settled his case for \$15,000, saying it was cheaper than going to trial.
- There is no federal anti-SLAPP protection.
- Anti-SLAPP protections in Colorado exist in case law only. They are not guaranteed and the state legislature has not acted proactively to protect citizens from SLAPPs.

The Solution:

- As of January 2019, 28 states have anti-SLAPP statutes: Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Kansas, Louisiana, Maine, Maryland, Massachusetts, Missouri, Nebraska, Nevada, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Tennessee, Utah, Vermont.
- HB19-1324 aims to **safeguard the constitutional rights** of persons to petition, speak freely, associate freely, and otherwise participate in government to the maximum extent permitted by law and, at the same time, to protect the rights of persons to file meritorious lawsuits for demonstrable injury.
- HB19-1324 stipulates that if a lawsuit is brought against a person resulting from that person's exercise of their right of petition or free speech, that lawsuit would be subject to a **special motion to dismiss**. This is only if the court determines that the plaintiff has established that there is a reasonable likelihood that they will prevail on the claim.
- A prevailing defendant on a special motion to dismiss would be **entitled to recover their attorney fees** and costs.

Supporting Organizations:

- ACLU
- Colorado Freedom of Information Coalition
- Colorado Civil Justice League
- Colorado Press Association
- Colorado Broadcasters Association

For more information: Contact Tjitske Dekker at 303-866-2582 or tjitske.cohouse@gmail.com

Sources: Public Participation Project, anti-slapp.org; Media Law Resource Center, medialaw.org; Fox 31 Denver, <https://kdvr.com/2015/05/18/yelp-review-gets-couple-sued/>