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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) with any questions.

Sincerely,

Reporters Committee
for Freedom of the Press