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FOR FREEDOM OF THE PRESS

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By email

November 18, 2024

Ohio House of Representatives Civil Justice Committee

Re: Support for SB237—“Uniform Public Expression Protection Act”

Dear Civil Justice Committee Members,

The Reporters Committee for Freedom of the Press writes to convey its strong support for SB237. If signed into law, SB237—which passed unanimously out of the Ohio Senate—would allow courts to quickly dismiss meritless claims, including those for defamation, which are designed to chill speech about matters of public interest. Journalists and news organizations are frequent targets of such actions—so-called Strategic Lawsuits Against Public Participation, or “SLAPPs”—which are often filed by powerful parties with deep pockets in order to intimidate or punish speech.

SB237 mirrors 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://perma.cc/3WHX-9PBM> (“UPEPA Comments”). 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.*

As of this writing, 34 states and the District of Columbia have anti-SLAPP laws. *See Anti-SLAPP Legal Guide*, Reporters Committee (updated September 2023), *available at* <https://perma.cc/K6P6-KTH5>. Nine states have already enacted legislation based in whole or large part on UPEPA: Minnesota, Pennsylvania, Maine, New Jersey, Hawaii, Kentucky, Washington, Oregon, and Utah. *See* Unif. L. Comm’n, Pub. Expression Prot. Act (data as of November 15, 2024), *available at* <https://perma.cc/4FZ5-S3JM>. Ohio should be the tenth.

As explained in the UPEPA Comments, anti-SLAPP laws “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.” UPEPA Comments at 18 (citing *Sweetwater Union High Sch. Dist. v. Gilbane Bldg. Co.*, 434 P.3d 1152, 1157 (Cal. 2019) (alterations in original)).

For journalists and news organizations—as well as the public who relies on journalism to stay informed—SLAPPs are particularly pernicious. Journalists and news organizations in Ohio, and across the country, are

frequent targets of meritless lawsuits aimed at silencing reporting perceived as unflattering, negative, or critical of those with who have the financial resources to engage in protracted, expensive litigation. Anti-SLAPP laws have been enacted all over the country to give journalists and other defendants substantive and procedural protections against such claims arising out of First Amendment-protected speech.

Unflinching journalism is essential to expose wrongdoing and hold powerful public figures and 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. SB237 provides those essential protections. We respectfully urge you to pass it.

Please do not hesitate to contact Gabe Rottman, Policy Director at the Reporters Committee (grottman@rcfp.org) or Emily Hockett, Technology and Press Freedom Project Legal Fellow (ehockett@rcfp.org).

Sincerely,

Reporters Committee for Freedom of the Press