

Higher bar for anti-SLAPP in malpractice suits

Daily Journal

06.15.2013

In the 1990s, California experienced a disturbing increase in the number of lawsuits filed against its citizens for exercising their constitutional petition and free speech rights under the First Amendment. These types of lawsuits targeted a wide array of activities, including posting reviews on the Internet, testifying at public hearings, publishing articles and filing lawsuits. Although cloaked with titles such as "defamation," "libel," "slander" and "malicious prosecution," when the veil was lifted, these lawsuits were revealed to be nothing more than strategic efforts "to chill the valid exercise of the constitutional rights of freedom of speech and petition for the redress of grievances." And they did just that. By embroiling citizens in protracted and costly litigation to defend against such claims, plaintiffs could essentially force their opponents to give up their constitutional rights, notwithstanding the baseless nature of the claims against them. These lawsuits gained notoriety as "Strategic Lawsuits Against Public Participation," or SLAPPs, known for their intent to repress, censor and silence critics by burdening them with the cost of a legal defense until they were forced into silence to avoid further expense.

This article can be read in full at <https://www.dailyjournal.com>.

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