



# The Truth About **SLAPP** Suits

A factsheet for community organizers and concerned citizens

## What is a **SLAPP** suit?

SLAPP is short for **Strategic Lawsuits Against Public Participation**. **SLAPP** suits are lawsuits filed in retaliation against individuals, community groups, or organizations for exercising their First Amendment rights to petition the government or speak out on public issues.

**SLAPP** suits are meritless and are meant to silence the recipient through intimidation and fear of costly litigation.

## Have you been **SLAPPED** for speaking out?

**SLAPP** suits are commonly brought by corporations, businesses, or developers against individuals, community groups, or organizations who publicly oppose their actions.

A typical **SLAPP** suit may involve a defamation, slander, or a libel claim brought against a community group for opposing a development project or zoning dispute.

### Pay Attention To What You Say:

If the language that you use has merit, and does in fact defame the business, organization, or individual, the lawsuit can go forward.

## What protects me from getting **SLAPPED**?

Vermont has an anti-SLAPP law – **12 V.S.A. § 1041** – that protects individuals, community groups, and organizations from meritless **SLAPP** suits. Using the anti-**SLAPP** law, a recipient of a **SLAPP** suit can file a special motion to strike, asking the court to throw out the lawsuit. If the **SLAPP** suit is dismissed, the court can award attorney's fees.

### **Did You Know?**

There are **THIRTY THREE** states in the U.S. which offer anti-**SLAPP** protection laws!

Maine, Massachusetts, New York, Rhode Island, and Connecticut all have anti-SLAPP laws. New Hampshire and New Jersey do not have **SLAPP** suit protections, and there is no federal anti-**SLAPP** law.

### Example

During an Act 250 proceeding in Vermont, neighbors were sued by the permit applicant for exercising their right to oppose the permit. Thanks to Vermont's anti-**SLAPP** law, the court threw out the case and ordered the permit applicant to pay the neighbors' attorney's fees.

DISCLAIMER – The information on this page is not, nor it is intended to be, legal advice. The information regarding SLAPP suits is meant to provide the public with general information as part of our on-going educational efforts. Each case depends on the specific facts and circumstances involved.

### Example

Murray Energy, a coal mining company, sued John Oliver, HBO, TimeWarner, and others for **libel**. Bob Murray stated that Oliver defamed his company in an episode of 'Last Week Tonight,' airing in June of 2017. Oliver was discussing miners' safety concerns and colorfully expressed his distaste for Murray's business practices. When hit with the suit, major groups, such as the ACLU, came to Oliver's rescue.

### What Does That Mean?

- **Slander** is a false and defamatory statement said in reference to another which can cause damage to the person's reputation.
- **Libel** is a defamatory statement expressed in a permanent medium (i.e., writing or picture) which has potentially harmful qualities.
- **Defamation** includes written or oral statements that the other party claims to be false and harmful to their reputation.

**BUT DON'T LET THAT STOP YOU FROM PARTICIPATING!** **SLAPP** suits occur because the aggressor wants to intimidate you and discourage public interest participation. That does not mean they can!

## What about the First Amendment?

The First Amendment of the U.S. Constitution protects free speech and the right to petition the government.

*"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."*

First Amendment, U.S. Constitution

## What happens if I get **SLAPPED**?

Seek legal assistance immediately, even if you are not sure whether the suit is a **SLAPP** suit. Vermont only grants **60 days** to file a special motion to strike your SLAPP suit.

### To Find More Information...

- **American Civil Liberties Union of Ohio.** <http://acluohio.org/slapped/what-is-a-slapp-suit>
- **Civil Liberties Defense Center.** <https://cldc.org.organizing-resources/slapp-suits>
- **American Civil Liberties Union of Vermont.** <https://www.acluvt.org/en/news/defending-speech-while-condemning-hate-why-aclu-weihed-kkk-leafletting-case>
- **Public Participation Project.** <https://anti-slapp.org/your-states-free-speech-protection/>

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