

## TEXAS NEIGHBORHOODS TOGETHER

**PRIORITY**

### ***Deter SLAPP Suits***

#### **Recommendation**

Stop SLAPP Suits (Strategic Lawsuits Against Public Participation.) Amend the Civil Practice and Remedies Code to provide that a Defendant may recover litigation expenses if the Plaintiff does not prevail in suits based upon communications relating to or a decision made by a government official concerning matters pending before governmental entities. In addition, give judges the discretion to require the posting of security for litigation expenses where the court finds that the claim arises out of a citizen's or a neighborhood group's participation in a public process. Further, provide that the Defendant shall be entitled to recover damages if the action is brought in violation of Chapters 9 and 10 of the Civil Practices and Remedies Code (relating to frivolous actions.)

#### **Background**

Every Texan has the right to participate in civic affairs, to speak freely on public issues, and to contact elected officials about issues of concern. Despite the constitutional guarantee, some parties attempt to discourage participation in the public process by threatening elected officials, private citizens, or neighborhood groups with frivolous but potentially expensive lawsuits. These lawsuits are sometimes called SLAPP suits (Strategic Lawsuits Against Public Participation).

SLAPP suit plaintiffs frequently use ordinary civil claims such as defamation, conspiracy, malicious prosecution, nuisance, and tortious interference with contracts as a means of transforming legitimate public debate into a lawsuit. While these suits are rarely successful in court, they can be very successful in chilling debate and in discouraging the average citizen from participating in the public process. Quite simply, the cost monetarily and time-wise of defending one of these lawsuits can be enough to intimidate even the most stalwart public-minded citizen. Fearful of being the target of future litigation, other citizens also refrain from speaking out.

#### **Impact**

Citizens and neighborhood groups will be provided additional protection from the most grievous types of frivolous lawsuits – those lawsuits intended to quell our citizens' right to free speech.