

TO: House Civil Justice Committee

FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio

DATE: November 19, 2024

RE: Senate Bill 237 - Proponent Testimony

To Chairman Hillyer, Vice Chair Mathews, Ranking Member Isaacsohn, and members of the House Civil Justice Committee, thank you for this opportunity to provide proponent testimony on Senate Bill 237.

As this committee has and will continue to hear from witnesses supporting SB 237, SLAPPs (Strategic Lawsuits Against Public Participation) are lawsuits and counterclaims that hijack our judicial system to silence others. The ACLU of Ohio normally concerns itself with actions of government and government entities restricting the rights of people. However, the ramifications of twisting our courts to directly and indirectly limit speech is so concerning to us, we have long advocated for laws to end this practice.

Our efforts have included testimony such as this, robust educational efforts about SLAPPs and what they do, the filing of amicus briefs in courts with SLAPPs before them for consideration, and direct legal representation of those negatively affected.

SLAPPs typically arise out of a power and financial imbalance between competing parties. A well-known scenario is grassroots activists speaking out about environmental, safety, or other concerns only to be sued or countersued for their advocacy. Those attacking the activists via the court system are unconcerned about final adjudication. Instead, they know the massive costs of litigation and legal defense act as a barrier against those without adequate financial resources to fight back and defend themselves. As a result, many stop speaking, advocating, and informing others about their concerns for fear of being sued. In other words, those with the power and finances fully realize the First Amendment protects speech they do not like or want voiced. So, they have found an end around via SLAPPs.

Of course, as this committee has heard and will hear from numerous others, SLAPPs may and do arise in a variety of other contexts and situations. As instances of SLAPPs increase and spread, the importance of legislation like SB 237 grows.



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Importantly, SB 237 strikes a balance allowing courts to determine the merits of lawsuits and counterclaims with an expedited process before defendants bear significant costs in time, money, and stress to fend off such legal claims. But, SB 237 also allows claims and the litigation process to proceed when there is merit.

The ACLU of Ohio enthusiastically supports Senate Bill 237 and appreciates the leadership of its sponsors, Senators Gavarone and Manning. It is long past time for Ohio to join the majority of states with protections against SLAPPs and further protect free speech. We hope this committee agrees and we encourage your passage of SB 237.