

OHIO ANTI-SLAPP ACT INTRODUCED IN OHIO SENATE

By: Jack Greiner on October 21, 2019 on graydon.law

Earlier this month Ohio State Senator Matt Huffman introduced in the Ohio Senate the [Citizen Participation Act](#). The bill is more generically referred to as an “anti-SLAPP” statute. And for my eagle eyed readers, I did not misspell “slap.”

This bill does not concern whacks across the face. It does concern “Strategic Litigation Against Public Participation” (hence, the second “P”). The law is intended to discourage plaintiffs from filing defamation lawsuits designed not to protect anyone’s reputation, but rather to chill debate on contentious issues. We’ve seen plenty of examples of such lawsuits in recent years. [Coal magnate Robert Murray](#) is a high volume user of the courts. More recently, [Congressman Devin Nunes has sued Twitter](#) and three Twitter account holders for setting up parody accounts called @DevinNunesMom and @DevinCow.

Twenty nine states have enacted some sort of anti-SLAPP legislation, so Ohio is a little late to the party, but it’s still good they are taking this step. The key elements of the bill give defendants in these type of cases the ability to get a quick dismissal, before having to engage in extensive motion practice and expensive discovery. And if the court grants the motion to strike, it must award attorney fees to the defendant, and may award punitive damages.

The purpose of the statute is to make plaintiffs think twice before filing a lawsuit to shut down legitimate criticism. In our society, which values public debate on matters of public concern, we’d expect people to do the right thing. But this bill puts some teeth in that expectation. As Ronald Reagan famously said, “if you can’t make them see the light, make them feel the heat.”