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C O N T E N T S

ARTICLE

The New Rule to Deter SLAPPs

Robert A. Kudlicki III1

A Strategic Lawsuit Against Public Participation (SLAPP) serves to intimidate and chill the speech of defendants who are engaged in First Amendment protected forms of speech and press. A SLAPP is not filed with the intention of presenting a legitimate claim against a defendant; rather, it serves only to silence. Defendants face significant litigation costs during a SLAPP; thus, they become fearful of speaking out and criticizing the plaintiff again in the future. While some jurisdictions have protections against SLAPP suits, others have no protection or only limited forms of protection from SLAPP suits. This article proposes creating a new professional conduct rule for adoption by the American Bar Association that specifically prohibits SLAPP suits. By implementing a new rule, attorney discipline and attorney self-regulation can be utilized to deter SLAPP suits.

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