



**STATEMENT OF THE OHIO STATE BAR ASSOCIATION  
IN SUPPORT OF SENATE BILL 237**

Before the House Civil Justice Committee  
Representative Brett Hillyer, Chair

Chairman Hillyer, Vice Chair Mathews, Ranking Member Isaacsohn, and members of the House Civil Justice Committee, thank you for the opportunity to submit written testimony in support of Senate Bill 237.

Senate Bill 237 is designed to prevent strategic lawsuits against public participation, also known as “anti-SLAPP” legislation. These lawsuits, typically alleging defamation, are intended to use the cost of litigation (monetary or otherwise) to silence critics who are engaging in constitutionally protected speech. They are time consuming and expensive but, in the end, meritless.

Because the legal determination of whether a defendant’s speech is protected generally comes at the end of litigation (whether summary judgment or trial) and because most people cannot afford to endure months or years of litigation, a SLAPP defendant must decide whether to voluntarily abandon their protected speech or fight a ruinously expensive lawsuit.

Senate Bill 237 discourages these lawsuits by frontloading the question of whether a statement is constitutionally protected. The bill creates a judicial process to allow for an earlier dismissal of lawsuits that attempt to intimidate individuals who engage in constitutionally protected free speech.

Senate Bill 237 adopts the Uniform Public Expression Protection Act proposed by the Uniform Law Commission. While we believe this legislation is a positive step forward, the Ohio Bar Media Law Committee has been working on amendments that will enhance the effectiveness of UPEPA. We look forward to discussing those changes with the committee.

Since the first anti-SLAPP statute was adopted in the 1990s, two-thirds of the states have adopted similar legislation. We believe it is long overdue for Ohio to join this effort.

Thank you for the opportunity to submit testimony in support of Senate Bill 237. We look forward to working with the committee on this important legislation.

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