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April 22, 2024

VIA ELECTRONIC MAIL

Honorable Nathan H. Manning, Chairman Ohio Senate Judiciary Committee
Honorable Michele Reynolds, Vice Chair Ohio Senate Judiciary Committee
Honorable Paula Hicks-Hudson, Ranking member Ohio Senate Judiciary Committee

Re: Senate Bill 237

Good afternoon Chairman Manning, Vice-Chair Reynolds, and Ranking Member Hicks-Hudson. I offer this testimony in support of Senate Bill 237. Ohio should join 33 other states and the District of Columbia and adopt this ant-SLAPP legislation.

As an attorney with 34 years of experience representing media outlets throughout Ohio I believe I can speak with some authority on this issue. I appreciate this opportunity to do so.

The First Amendment unquestionably protects speech on matters of public importance. Indeed, it has been said that speech on such matters should be uninhibited, robust and wide open. In *New York Times v. Sullivan*, the United States Supreme Court said:

The general proposition that freedom of expression upon public questions is secured by the First Amendment has long been settled by our decisions. The constitutional safeguard, we have said, "was fashioned to assure unfettered interchanges of ideas for the bringing about of political and social changes desired by the people." ... The maintenance of the opportunity for free political discussion to the end that government may be responsive to the will of the people and that changes may be obtained by lawful means, an opportunity essential to the security of the Republic, is a fundamental principle of our constitutional system.

But if this protection is to be something more than aspirational, it requires passing legislation such as S.B. 237. Many of the media outlets I represent are faced with diminishing resources and are doing more with less every day. While a libel verdict can be crushing, the cost

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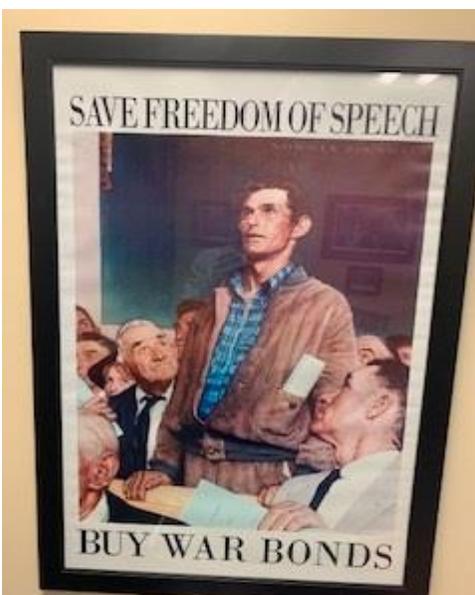
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of prevailing in a libel suit can be nearly as draining. Earlier this year, I wrapped work on a libel suit filed in federal court in 2019. The case was filed in United States District Court, so there was no anti-SLAPP legislation available. Five years later, my client prevailed on a motion for summary judgment, but not until it and a number of co-defendants incurred hundreds of thousands of dollars in legal fees. And, under the American system, those fees are not recoverable.

It seems counterintuitive to refer to an ordeal that drained newsroom resources for nearly 5 years as a “victory.” But that is too often the reality. Media outlets that lack the resources or fortitude to engage in a years long battle have no choice but to pay out settlements, or cease producing hard hitting, investigative journalism on matters of intense public interest.

I will not reiterate the salutary aspects of S.B. 237, but will note that a procedure that permits an expedited consideration of the merits will help to avoid the kind of five year ordeal I’ve described above. And the prospect that the filing party will be responsible for attorney fees has a two fold benefit. It will allow a defendant in a SLAPP suit to recoup the dollars spent on the matter, but it will serve as a deterrent against the filing of baseless suits in the first place.

And it is important to note that while I speak on behalf of my clients who happen to be media outlets, this bill is not limited in scope such that it protects only media outlets. Public Interest groups, non-profits and individual citizens benefit from this legislation and the protection it affords to speak out on matters of public interest. It is interesting to note that when Norman Rockwell painted his famous “Four Freedoms” paintings, he chose to depict “Freedom of Speech” not by depicting a newsroom or a broadcast studio, but rather by depicting a Vermont citizen speaking his mind at a town meeting.



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That Vermont citizen would have benefitted from the protection offered by S.B.
237. Ohio citizens deserve as much.

Very truly yours,

/s/ John C. Greiner

John C. Greiner

JCG/jmc

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