

Governor Phil Murphy

# Governor Murphy Signs Bipartisan Bill Protecting Against Lawsuits Designed to Suppress Free Speech

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*'Uniform Public Expression Protection Act' Establishes Expedited Process for Dismissal of Strategic Lawsuits Against Public Participation (SLAPP)*

**TRENTON** – Governor Phil Murphy today signed the 'Uniform Public Expression Protection Act' to protect people from meritless lawsuits intended to intimidate them for exercising their free speech rights. Powerful entities and individuals often use lawsuits and litigation threats to punish and silence those who might speak unfavorably about them. The bipartisan legislation will enable defendants to seek the expedited dismissal of such lawsuits, commonly referred to as 'Strategic Lawsuits Against Public Participation' (SLAPP), which have historically been used against journalists, academics, advocates, and whistleblowers – among others (<https://anti-slapp.org/slapp-stories>).

A SLAPP is generally used to silence individuals or organizations from publicly criticizing or bringing legitimate issues to light about an individual or entity with greater power and resources.

"For far too long, the powerful have abused the justice system to suppress free speech through illegitimate lawsuits," **said Governor Murphy**. "By pursuing meritless court cases, these powerful parties aim to silence their critics by making it impossible for those with fewer resources to spend the time and money necessary to legally defend themselves. This law will expedite the process to get these cases dismissed on behalf of the journalists, small businesses, activists, and countless others who have been unfairly targeted by these lawsuits over the years."

If a SLAPP is initiated, the bill (S-2802/A-4393) now allows eligible defendants to file paperwork requiring the plaintiff to demonstrate the basis for the lawsuit and requiring the court to consider the issues in an expeditious manner. This process will enable these kinds of cases to be dismissed quickly, and at less expense to the defendant, rather than being drawn out in court.

In addition to the expedited timeline, other related legal proceedings may be paused until the request for an expedited dismissal is resolved. The bill also allows defendants in some cases to recover legal fees if the lawsuit is dismissed.

"People should be able to speak their mind on the issues that matter most to them without the fear of becoming ensnared in an expensive, time-consuming lawsuit," **said First Assistant Attorney General Lyndsay V. Ruotolo**. "The law signed by Governor Murphy today makes it much more difficult to use the legal system as a weapon, with the intent to bully individuals into silence. New Jersey is proud to become the latest state to enact a law that discourages, and creates a streamlined process to dismiss, baseless lawsuits that improperly target the lawful exercise of free speech."

With this bill signing, New Jersey joins a host of other states in adopting an anti-SLAPP law and becomes the sixth state to specifically enact particularly strong protections based on the Uniform Law Commission's 'Uniform Public Expression Protection Act.'

Sponsors of the legislation include Senator Joseph Lagana and Assemblyman Raj Mukherji, as well as Senator Jon Bramnick and Assembly members Carol Murphy and Kevin J. Rooney.

“Lawsuits should not be weaponized as a means of silencing someone speaking out about a controversial issue,” **said Senator Lagana**. “This legislation will protect residents against frivolous, ill-intentioned lawsuits and insulate them from the financial hardships these cases can produce.”

“Money and power shouldn't be tools to muzzle the voices of critics and whistleblowers,” **said Assemblyman Mukherji**. “While our democracy thrives on free speech, frivolous SLAPP lawsuits aim to stifle that freedom. With this law, we're handing back the microphone and the pen and providing a powerful remedy so that journalists and citizens can confidently speak up without fear of unwarranted retribution.”

“Many states throughout the country have enacted laws specifically aimed at discouraging SLAPP suits. Until today, those statutes did not exist in New Jersey,” **said Senator Bramnick**. “Anti-SLAPP suit laws allow the defendant in a suit to file a motion that permits the court to dismiss the lawsuit for being without merit. This legislation will enact something similar in New Jersey so that people can exercise their First Amendment rights without the fear of getting bogged down in legal proceedings.”

“Too often SLAPP suits have been used to silence criticism through costly and time-consuming legal proceedings. It's a shame that bad actors have exploited our legal system to effectively strip outspoken New Jersey residents of their First Amendment rights,” **said Assemblywoman Murphy**. “Today, we are taking a stand by expediting the dismissal of these lawsuits, doing away with this intimidation tactic, and protecting freedom of speech in our state.”

“I am a proud champion of diverse discourse. New Jersey must discourage those who weaponize the legal system to intimidate detractors, because it impedes healthy debate,” **said Assemblyman Rooney**. “Free speech in New Jersey is protected under the Constitution, but with this bill signing, the law will stand up for the vocal citizens who are too often silenced by money and power.”

“I am thrilled that New Jersey has enacted the Uniform Public Expression Protection Act (UPEPA), a strong anti-SLAPP bill that protects filmmakers, journalists, and everyday citizens from attacks on their First Amendment rights,” **said Charles Rivkin, Chairman and CEO of the Motion Picture Association**. “Under the leadership of Governor Murphy and the state legislature, New Jersey has become a major hub of film and television production, making it ever more urgent and important that the state protect the principles of free speech and artistic freedom on which a thriving creative ecosystem depends. Thank you, Gov. Murphy and the bill sponsors, Senator Joseph Lagana and Assemblyman Raj Mukherji, for working to enact UPEPA. On behalf of the MPA and our member studios, we look forward to further strengthening our excellent relationship with the Garden State.”

“The right to free speech is a cornerstone of our democracy, and we commend Governor Murphy and the bill sponsors for protecting this foundational right by making this bill law,” **said ACLU of New Jersey Executive Director Amol Sinha**. “This bill will help protect the public against serious and continuing threats to free speech in New Jersey by limiting the harms that people can face for speaking out on important public issues. The ACLU-NJ fights for New Jerseyans' rights every day and we are proud to say that our rights have stronger protections today.”

“The enactment of the ‘Uniform Public Expression Protection Act’ represents a significant milestone for the State of New Jersey,” **said Peggy Arbitell, Executive Director of the New Jersey Press Association**. “This legislation, which enables early resolution of Strategic Lawsuits Against Public Participation (SLAPP), is designed to thwart lawsuits intended to intimidate or punish those engaged in constitutionally protected activity. The New Jersey Press Association strongly and enthusiastically supports this legislation, which now places New Jersey with the majority of States that recognize the importance of robust anti-SLAPP laws.”

“Anti-SLAPP laws provide essential protections for journalists and news organizations to be able to quickly dismiss meritless lawsuits from powerful parties seeking to intimidate, punish, or chill their reporting,” **said Lisa Zycherman, Deputy Legal Director of Reporters Committee for Freedom of the Press**. “Journalists must be able to report stories about matters of public interest without fear that the subjects of their coverage will target them or their newsroom with costly, baseless legal proceedings. These kinds of protections are vital to preserving the unflinching journalism that informs communities, exposes wrongdoing, and holds public figures and officials accountable.”

“This new law will protect the constitutional rights of those who engage in public protest or who advocate on issues

of public importance. Too often, unjust lawsuits known as Strategic Lawsuits Against Public Participation (SLAPP), are filed not for the purpose of seeking justice but to punish or prevent people from exercising their constitutional rights," said **Patricia M. Giordano, Esq., President of the New Jersey Association for Justice**. "We thank Governor Murphy for supporting the right to free speech and signing this important legislation into law. We also thank Senators Lagana and Bramnick, Assemblymen Mukherji and Rooney, and Assemblywoman Murphy for shepherding this important affirmation of constitutional rights through the legislative process."

"After unanimous passage in both the Assembly and Senate, New Jersey municipalities appreciate the Governor signing this legislation that protects the local government's ability to function, without hampering the ability for residents to communicate, and ensuring that the threat of frivolous lawsuits is greatly diminished," said **Michael Cerra, Executive Director of New Jersey League of Municipalities**.

"We thank Governor Murphy for signing this important legislation that will protect the rights of communities to fight back against development proposals that have a detrimental environmental impact on their neighborhoods," said **Allison McLeod, Policy Director for the New Jersey League of Conservation Voters**. "Unscrupulous developers have long utilized SLAPP suits as a way of silencing local voices. This law will enable community groups to voice their opinions on critical issues involving warehouse sprawl, water quality, and other conservation matters."

## Governor Phil Murphy

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