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SLAPP Happy: An Analysis of California’s Anti-SLAPP (Strategic Lawsuits Against Public Participation) Statute

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The seemingly lighthearted "SLAPP" acronym belies the potentially devastating nature of so-called Strategic Lawsuits Against Public Participation, as well as "anti-SLAPP" statutes enacted to counteract them. An acronym that leads itself to overuse and bad puns, SLAPP describes civil lawsuits aimed at preventing citizens from exercising their political rights or punishing those who have done so.

The paradigm SLAPP suit is one filed by a large business against local activists or associations to chill the defendants’ political or legal opposition to the company’s plans, whether those plans involve land development or selling more hamburgers. The SLAPP plaintiff ’s objective is not necessarily to win; rather its purpose is to effectively “muzzle” the defendants from engaging in constitutionally protected activity. In essence, the SLAPP plaintiff achieves its goals by filing the lawsuit. Because they are primarily concerned with stifling speech or petition rights, SLAPP suits often lack underlying merit.

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