MILLER STARR REGALIA

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Anti-SLAPP Statute in the Real Estate Litigation Mix

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As anyone who has been sued can tell you, litigation is, at best, an annoyance, and at worst, and much more typically, scary, stressful, time-consuming and expensive. Given that the longstanding rule of American jurisprudence is that each party to a lawsuit pays its own attorneys' fees (absent a contractual or statutory provision to the contrary), defendants can find themselves at the mercy of aggressive plaintiffs who are able to inflict not insignificant financial harm by the simple act of filing a complaint. And while strategic and tactical considerations have always rightly been part of a lawyer's calculus in determining when, where and whom to sue, at times the brute force of a lawsuit becomes its own reason for being.

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