

Anti-SLAPP — A Constitutional Tug-Of-War
Jun 25, 2015

Article

Author, *Law360*, June 25, 2015

An increasing number of state legislatures have passed or are considering special laws — “anti-SLAPP” statutes — with the intention of protecting First Amendment rights. These laws are designed to deter, quickly resolve and punish “strategic lawsuits against public participation” — meritless lawsuits designed to silence those exercising certain First Amendment rights. While intending to protect constitutional rights, some legislatures are considering or have adopted anti-SLAPP statutes that are blatant infringements on equally important constitutional guarantees. Free speech does not stand as the only right the First Amendment shields from undue government interference. Indeed, the First Amendment promises the freedom to “petition the Government for a redress of grievances.” And, therein lies the rub.

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