

September 16, 2015

The Honorable Bob Goodlatte
Chairman
Committee on the Judiciary
United States House of Representatives
2309 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Trent Franks
Chairman
Subcommittee on Constitution and Civil Justice
United States House of Representatives
2435 Rayburn House Office Building
Washington, D.C. 20515

The Honorable John Conyers
Ranking Member
Committee on the Judiciary
United States House of Representatives
2426 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Steve Cohen
Ranking Member
Subcommittee on Constitution and Civil Justice
United States House of Representatives
2404 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Goodlatte, Chairman Franks, Ranking Member Conyers, and Ranking Member Cohen:

We are a group of law professors and scholars of the law from across the country (see Attachment A showing the locations of this letter's supporters). We write this letter to urge you to support and help advance the bipartisan SPEAK FREE Act of 2015 as quickly as possible to protect Americans from abusive lawsuits that suppress their free speech rights.

As professors, we routinely take public positions on controversial high-profile matters. As a result, we face legal threats—and, sometimes, meritless lawsuits—intended to keep us from contributing to the public discourse. *See, e.g.,* Welch v. University of San Diego, 2015 WL 1542078, 2015 Cal. App. Unpub. LEXIS 2299 (Cal. App. Ct. Apr. 2, 2015). The SPEAK FREE Act of 2015 will give us more freedom to do our work as academicians, researchers and public commentators on important legal and policy matters.

When those legal threats emerge, we as professors are comparatively fortunate; we often have the legal and financial resources of our institution to help defend our speech. Most Americans, however, lack such advantages when their speech is challenged. Technology has enabled anyone to become an online journalist, editor, town crier, or anonymous pamphleteer—especially via consumer review websites, where citizens help their peers find quality vendors and avoid shady ones. But when those speakers face legal challenges to exercising their free speech rights, they face a serious dilemma: they can stand by their speech and risk financially ruinous legal defense costs, or they can try to avoid litigation at any cost by shutting up, even when the demands are clearly retaliatory or improper attempts by a plaintiff to silence critics and intimidate other Internet users from speaking up.

Anti-SLAPP laws help Americans navigate this dilemma by ending abusive anti-speech lawsuits early and making overreaching plaintiffs pay the legal fees and costs for those lawsuits. In this way, anti-SLAPP laws provide a crucial counterweight to keep legal proceedings from silencing voices that we all need to hear.

Some states have already enacted anti-SLAPP laws, but almost half of the states have not, and the existing laws vary in strength and breadth. This patchwork of state laws allows “forum shopping” by plaintiffs, who can file abusive anti-speech lawsuits in jurisdictions where anti-SLAPP protections are absent or weak. Plaintiffs can also avoid state anti-SLAPP laws by filing a federal claim in federal court. By closing these loopholes, the SPEAK FREE Act of 2015 would protect the speech of all Americans in all courts.

For these reasons, now is the time for Congress to come together and enact this bipartisan bill. We encourage you to advance this bill as quickly as possible and to strongly support it to show Americans how much you value their free speech rights.

Thank you for your consideration,



Professor Eric Goldman
Santa Clara University School of Law *

On behalf of himself and the 58 supporters listed on the following table:

* All affiliations are listed for identification purposes only

| Name | Affiliation (for identification purposes only) |
|------------------------|--|
| Donald K. Anton | University of Colorado School of Law (Distinguished Visiting Scholar) |
| David Ardia | University of North Carolina School of Law |
| Timothy K. Armstrong | University of Cincinnati College of Law |
| Hope Babcock | Georgetown University Law Center |
| Derek E. Bambauer | University of Arizona James E. Rogers College of Law |
| Jane Bambauer | University of Arizona James E. Rogers College of Law |
| Sandra S. Baron | Yale Law School's Information Society Project and Abrams Institute for Freedom of Expression (Senior Fellow) |
| Jeremy Bock | The University of Memphis Cecil C. Humphreys School of Law |
| John E. Bonine | University of Oregon School of Law |
| Michael C. Blumm | Lewis and Clark Law School |
| Annemarie Bridy | University of Idaho College of Law |
| John C. Brittain | David A. Clarke School of Law School, University of the District of Columbia |
| Brandon Butler | American University Washington College of Law (Practitioner-in-Residence) |
| Dr. Irene Calboli | Texas A&M University School of Law |
| Megan M. Carpenter | Texas A&M University School of Law |
| Michael A. Carrier | Rutgers Law School |
| Colleen Chien | Santa Clara University School of Law |
| Philip E. Cleary | University of Massachusetts School of Law |
| Juscelino F. Colares | Case Western Reserve University School of Law |
| Rebecca Curtin | Suffolk University School of Law |
| Frank Deale | CUNY Law School |
| Myanna Dellinger | University of South Dakota School of Law |
| Frances S. Fendler | University of Arkansas at Little Rock Bowen School of Law |
| A. Michael Fromkin | University of Miami School of Law |
| Brian L. Frye | University of Kentucky College of Law |
| Deborah Gerhardt | University of North Carolina School of Law |
| Dale D. Goble | University of Idaho College of Law |
| Leah Chan Grinvald | Suffolk University Law School |
| Hugh C. Hansen | Fordham University School of Law |
| Yaniv Heled | Georgia State University College of Law |
| Robert A. Heverly | Albany Law School |
| Oliver A. Houck | Tulane Law School |
| David Hricik | Mercer Law School |
| William S. Jordan, III | The University of Akron School of Law |
| Jessica M. Kiser | Gonzaga University School of Law |
| Mae Kuykendall | Michigan State University College of Law |
| Stacey M. Lantagne | The University of Mississippi School of Law |
| Mark A. Lemley | Stanford Law School |
| David S. Levine | Elon University School of Law |
| Lyrissa Lidsky | University of Florida Fredric G. Levin College of Law |

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| Yvette Joy Liebesman | Saint Louis University School of Law |
| Ryke Longest | Nicholas School of the Environment, Duke School of Law |
| Brian J. Love | Santa Clara University School of Law |
| Daniel R. Mandelker | Washington University in Saint Louis School of Law |
| James Edward Maule | Villanova University School of Law |
| Stephen M. Maurer | Goldman School of Public Policy, University of California at Berkeley |
| Stephen McJohn | Suffolk University Law School |
| Joel A. Mintz | Nova Southeastern University College of Law |
| Ira Steven Nathenson | St. Thomas University School of Law |
| Lisa Ramsey | University of San Diego School of Law |
| Robert D. Richards | Pennsylvania Center for the First Amendment, Penn State University |
| Jorge R. Roig | Charleston School of Law |
| Pamela Samuelson | UC Berkeley School of Law |
| Jessica Silbey | Northeastern University School of Law |
| Joshua M. Silverstein | University of Arkansas at Little Rock, William H. Bowen School of Law |
| Robert N. Strassfeld | Case Western Reserve University School of Law |
| Catherine Tucker | MIT Sloan School of Management |
| Rebecca Tushnet | Georgetown University Law Center |

Attachment A
Location of Letter Supporters

