

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:

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\* All affiliations are listed for identification purposes only

<b>Name</b>	<b>Affiliation (for identification purposes only)</b>
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

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

