

The undersigned organizations support strong anti-SLAPP laws protecting free speech and commend Texas for having one of the best in the nation.

We are concerned that, in its current form, HB 2781 would undermine the effectiveness of the existing law by altering an essential procedural protection for speakers. The measure would remove the stay of a case under appeal if an anti-SLAPP motion to dismiss is frivolous, untimely, or subject to an exemption.

Trial courts sometimes make mistakes, which is why the right to an immediate appeal of a denied anti-SLAPP motion is so important. Errors often come from trial courts interpreting the law's twelve exemptions. Mistakes in timeliness are made too. For example, the Texas Supreme Court ruled in *Kinder Morgan v. Scurry County* and *Montelongo v. Abrea* that trial courts erred in dismissing anti-SLAPP motions based on timeliness.

But consider the consequences when a court makes a mistake and removes the stay while a speaker appeals the ruling. The litigation costs of defending the lawsuit would increase dramatically because the trial would begin. If the appeal succeeds, the unnecessary trial work burdens the speaker defendant, the plaintiff, the courts, and the taxpayers who fund the court system.

States with the most effective anti-SLAPP laws protect speakers throughout the appeals process, and Texas is among those exemplary states. As currently written, HB 2781 would give an advantage to plaintiffs who file frivolous lawsuits seeking to punish speech, weaken current law, and chill speech.

Sincerely,

Institute for Free Speech
ACLU of Texas
Americans for Prosperity-Texas
Center for Biological Diversity
Competitive Enterprise Institute
Foundation for Individual Rights and Expression (FIRE)
Institute for Justice
National Coalition Against Censorship
National Right to Life
National Taxpayers Union
PEN America
Public Participation Project
The Authors Guild
True Texas Project