



Citizen Media Law Project and Cyberlaw Clinic Call On Illinois Supreme Court to Preserve Broad Purpose of Citizen Participation Act

FOR IMMEDIATE RELEASE

March 4, 2010 – Cambridge, MA – The Citizen Media Law Project, joined by the Public Participation Project, the Online News Association, and the Chicago Current, submitted an [amicus curiae brief](#) to the Illinois Supreme Court this week, urging the Court to reject two lower courts' narrow interpretations of the state's Anti-SLAPP statute. The statute, known as the Citizen Participation Act, allows defendants to secure quick dismissals and recover fees when faced with meritless lawsuits that threaten their ability to speak and petition the government.

The case – *Wright Development Group LLC v. Walsh* – involves defamation claims brought by a developer over statements made by an individual to a reporter at a public forum in Chicago. A trial court denied defendant Walsh's motion to dismiss under the Citizen Participation Act, apparently because he made the statements at issue to a reporter and not to a government body. An intermediate appellate court refused to let Walsh appeal that ruling because, while the appeal was pending, the case had been dismissed on other grounds, thereby depriving him of an opportunity to recover legal fees under the Act. The case is now on appeal to the Illinois Supreme Court.

The *amicus* coalition argued that the Walsh's appeal should proceed, highlighting the history of Anti-SLAPP laws in Illinois and throughout the country and the importance of fee-shifting provisions. Such statutes are designed to discourage baseless and harassing litigation, in large part by awarding legal costs and fees to a SLAPP defendant. If defendants cannot pursue their Anti-SLAPP claims after the cases against them are dismissed on other grounds, the impact of the Citizen Participation Act could be undermined.

Amici also addressed the merits of the case, arguing that Walsh's motion to dismiss under the Citizen Participation Act was wrongly denied. *Amici* drew the Court's attention to the breadth of the Citizen Participation Act, which addresses a range of activities beyond direct petitioning activity, and to the fact that statements to the press are vital to public participation.

Harvard Law School's Cyberlaw Clinic authored the brief, with the assistance of local counsel Julie Bauer and Lindsay Beyer at the law firm Winston & Strawn in Chicago. Both the Clinic and the CMLP are based at Harvard University's Berkman Center for Internet & Society. Clinical students Heather Casteel, Hank Greenberg, and David

Jacobs worked with the Clinic's Assistant Director, Christopher Bavitz, and CMLP's David Ardia and Sam Bayard to draft the brief.

About the Citizen Media Law Project

The Citizen Media Law Project, which began operations in May 2007, provides assistance, training, research, and other resources for individuals and organizations involved in online and citizen media. CMLP endeavors to serve as a catalyst for creative thinking about the intersection of law and journalism on the Internet. Through the project's website, the active engagement of lawyers and scholars, and occasional sponsored conferences, project staff are working to build a community of lawyers, academics, and others who are interested in facilitating citizen participation in online media and protecting the legal rights of those engaged in speech on the Internet. For more information, visit <http://www.citmedialaw.org>.

About the Harvard Law School Cyberlaw Clinic

The Cyberlaw Clinic, based at the Berkman Center for Internet & Society, engages Harvard Law School students in a wide range of real-world litigation, licensing, client counseling, advocacy, and legislative projects and cases, covering a broad spectrum of Internet, new technology, and intellectual property legal issues. The Clinic was the first of its kind, and it continues its tradition of innovation in its areas of practice. More information can be found at <http://cyber.law.harvard.edu/clinical>.

About the Berkman Center for Internet & Society

The Berkman Center for Internet & Society at Harvard University is a research program founded to explore cyberspace, share in its study, and help pioneer its development. Founded in 1997, through a generous gift from Jack N. and Lillian R. Berkman, the Center is home to an ever-growing community of faculty, fellows, staff, and affiliates working on projects that span the broad range of intersections between cyberspace, technology, and society. More information can be found at <http://cyber.law.harvard.edu>.

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