

Anti-SLAPP Law Takes Effect in New Jersey

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To our clients and colleagues:

“Strategic lawsuits against public participation”, or “SLAPP” suits, are sometimes brought against individuals or organizations who are opposing new development. On October 7, 2023, New Jersey (“NJ”) became the 33rd state to offer relief to those targeted by SLAPP suits.

The [Uniform Public Expression Protection Act](#), P.L.2023, c.155 (“the Act”), offers eligible defendants three forms of protection in the early stages of litigation proceedings to ensure that SLAPP suits are based on legitimate legal grounds:

- First, the defendant may file an Order to Show Cause that requires the SLAPP plaintiff to demonstrate that the factual and legal basis for the lawsuit is legitimate, and requires the court to consider the issues in an expeditious manner.
- Defendants have an immediate right to appeal the trial judge’s denial of the Order to Show Cause, in which case the SLAPP proceedings remain paused until the appeal is decided.
- Finally, the Act allows defendants to recover legal fees from SLAPP plaintiffs when a case proves to be meritless.

This three-pronged approach is intended to ensure that SLAPP suits are quickly identified and dismissed, thereby sparing defendants the considerable cost and inconvenience of a drawn-out court battle. It remains to be seen what difference, if any, the new Law will make in the real world, but its provisions will certainly cause plaintiffs to think twice before filing a SLAPP suit.

If you have any questions concerning the potential impacts of NJ’s new anti-SLAPP law, feel free to contact Neil Yoskin (NYoskin@cullenllp.com), Amie C. Kalac (AKalac@cullenllp.com), or Zachary Klein (ZKlein@cullenllp.com) at (609) 279-0900.

Please note that this is a general overview of the law and no content within this excerpt constitutes legal advice. Nothing herein creates an attorney-client relationship between the sender and recipient.

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