

Strategic Litigation Against Public Participation

May 28, 2010

Ontario has established an advisory panel to help suggest content for legislation to target Strategic Litigation Against Public Participation (SLAPP) lawsuits. These SLAPP lawsuits usually take the form of defamation actions. It is alleged that the suits are launched to intimidate and financially punish actual or potential critics rather than to remedy a harm. The heavy costs associated with defending these actions often lead critics to give up their original opposition.

The new panel will advise on how targeted legislation might improve on existing protections in the Rules of Civil Procedure. Such legislation could provide a quick way to have these suits dismissed and allow courts to penalize plaintiffs who use the courts for improper purposes.

The panel members are:

Chair Mayo Moran – The dean of the Faculty of Law at the University of Toronto and expert on Charter of Rights and Freedoms issues. Dean Moran has published in the area of freedom of expression and teaches both private and public law on matters such as comparative constitutional equality, fault and responsibility, and trends in the legal profession. She was appointed assistant professor at the Faculty of Law University of Toronto in 1995, became associate professor in 2000 and was appointed dean in 2006.

Brian MacLeod Rogers – A lawyer practising media law and litigation, with an emphasis on libel, privacy, copyright, freedom of expression and Internet-related issues. He represents writers, newspapers, magazines, book publishers, broadcasters and electronic media. Mr. Rogers was the founding president of Advocates In Defence of Expression in the Media, now known as Ad IDEM/Canadian Media Lawyers Association, and co-founded the media law course at the Ryerson University School of Journalism, where he continues to teach as an adjunct professor.

Peter Downard – A senior litigation counsel and principal Toronto contact for Fasken Martineau in defamation matters. He has extensive experience as defamation counsel in litigation at trial, in the Court of Appeal for Ontario, and in the Supreme Court of Canada, as well as in numerous mediations and advisory matters. Mr. Downard is a practitioner in defamation, an authority on libel law in numerous court decisions and author of numerous articles and texts on defamation.

The public can provide suggestions to the panel by email or regular post:
SLAPPsuggestions@ontario.ca or SLAPP Suggestions, 720 Bay Street, 7th Floor,
Toronto, ON M7A 2S9.