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Yelp pushes for federal anti-SLAPP laws

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There is an ongoing lobby to move forward with a federal anti-SLAPP law. AP Photo

By ELIZA KRIGMAN | 1/4/13 4:40 AM EST

Yelp, the online directory facing free speech legal challenges, has turned to searching for a solution — at the federal level.

"Because free speech — including online consumer commentary — provides an important public service, some states have passed ... laws to prevent the cynical use of meritless lawsuits to stifle public debate," Kristen Whisenand, a spokeswoman for Yelp, wrote in an email to POLITICO.

Such laws are referred to as anti-strategic lawsuit against public participation, or anti-SLAPP.

"Because anti-SLAPP laws vary from state to state, Yelp supports efforts to pass anti-SLAPP legislation at the federal level," Whisenand wrote.

The comment comes a week after a Virginia court reversed an injunction against a woman who wrote negative reviews about a contractor on Yelp and Angie's List.

The reviewer in question, Jane Perez, had been ordered to take down several parts of a critical post she wrote about a contractor

named Christopher Dietz. Public Citizen got involved in the case and argued that in the absence of due process proving libel, the injunction amounted to censorship of free speech.

What this case shows "is that if you want to stand for defamation, you should expect to prove your case to a jury and not go for an injunction," said Paul Alan Levy, an attorney with Public Citizen. "It's supposed to be difficult to get remedies against free speech."

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If Virginia had stronger free-speech laws, Levy doesn't think the suit would have happened.

"I don't think there is any question that if Dietz had to file this case in a jurisdiction with an anti-SLAPP law he would not have filed at all," Levy said noting that Dietz did not file in his home district, Washington, D.C., where such a law exists.

While it has not yet gained a lot of traction, there is an ongoing lobby to move forward with a federal anti-SLAPP law championed by Mark Goldowitz, founder and director of the California Anti-SLAPP Project and the Public Participation Project.

"With the rise in popularity of review sites like Yelp, and a related rise in the number of defamation suits filed against reviewers, federal anti-SLAPP legislation is more timely than ever," he said.

"PPP is working to develop bipartisan support for strong and robust federal anti-SLAPP legislation, which we hope will be introduced and enacted in the next session of Congress."

Rep. Steve Cohen (D-Tenn.) introduced anti-SLAPP legislation in 2009, but it never left the Judiciary Committee.

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