



MOTION PICTURE ASSOCIATION

MOTION PICTURE ASSOCIATION, INC.

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(202) 293-1966

Vans Stevenson

Senior Vice President, State Government Affairs

VIA EMAIL ONLY

Carl H. Lisman

President

Uniform Law Commission

111 N. Wabash Avenue, Suite 1010

Chicago, Illinois 60602

December 2, 2020

Re: Uniform Public Expression Protection Act

Dear Mr. Lisman:

The Motion Picture Association, Inc. (“MPA”) strongly endorses the Uniform Law Commission’s (“ULC”) Uniform Public Expression Protection Act (“UPEPA”), which establishes a robust set of mechanisms to protect defendants sued for exercise of their First Amendment rights on matters of public concern.

The MPA is a not-for-profit trade association founded in 1922 to address issues of concern to the motion picture industry. Since that time, MPA has advanced the business and art of storytelling, protecting the creative and artistic freedoms of storytellers, and bringing entertainment and inspiration to audiences worldwide. The MPA’s member companies are: Paramount Pictures Corporation, Sony Pictures Entertainment Inc., Universal City Studios LLC, Walt Disney Studios Motion Pictures, Warner Bros. Entertainment Inc., and Netflix Studios, LLC. In addition, several of the MPA’s members have as corporate affiliates major news organizations (including ABC, NBC, and CBS News, and CNN) and dozens of owned-and-operated local television stations with broadcast news operations.

The MPA’s members and their affiliates are in the business of engaging in free speech on matters of public concern, whether they tell stories through fictional films, television documentaries, or news broadcasts of national or local interest. Unfortunately, that speech sometimes results in defamation or other lawsuits by individuals and businesses unhappy with how they are portrayed. These lawsuits—even if ultimately unsuccessful—can be expensive and burdensome to defend against, and have the especially pernicious effect of chilling constitutionally protected speech on controversial topics, for fear that it will result in litigation, however meritless.

To combat this problem, 32 states and the District of Columbia have enacted so-called anti-SLAPP (“Strategic Lawsuit Against Public Participation”) statutes, which provide a powerful tool for those who are unjustly sued for the exercise of their free speech rights on public issues. The MPA’s members, as well as their affiliated news organizations, are frequent users of such statutes, which help ensure that their First Amendment rights to entertain and inform the public are not chilled by meritless lawsuits.

UPEPA draws from the best of the existing anti-SLAPP statutes in states such as California, Texas, Georgia, and Tennessee, and provides an excellent model for those states that either have no anti-SLAPP statute on the books, or whose statutes are too narrow in scope to protect the First Amendment rights of their citizens, journalists, businesses, nonprofit organizations, and others when they speak out on matters of public concern. The MPA wholeheartedly endorses the Uniform Law Commission’s efforts to enact UPEPA in states that currently lack strong anti-SLAPP protections, and stands ready to assist in those legislative efforts.

Thank you for your work on this and other issues of concern to the MPA’s members, and we look forward to working with the Uniform Law Commission to help transform UPEPA into law.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Vans Stevenson". The signature is fluid and cursive, with a large, sweeping initial "V".

Vans Stevenson

cc: MPA member studios
Kaitlin Wolff, ULC Legislative Counsel