



ANTI-SLAPP STRATEGIC

LEGAL COMMUNICATION



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DISCLAIMER

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Detailed information about the project can be found on: <https://www.antislapp.eu/>

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INTRODUCTION

This document is produced as part of the Central Curriculum of the Pioneering antiSLAPP Training for Freedom of Expression Project (the PATFox Project), which seeks to train lawyers defending journalists and media organizations, NGOs and activists against companies and official bodies using lawfare to shut down legitimate criticism.

The Central curriculum, composed by this document and the training materials available on the project webpage, is intended to equip European practicing lawyers and prospective practitioners to better represent clients against Strategic Lawsuits Against Public Participation (SLAPP). It will enable lawyers to identify SLAPPs and to consider a number of legal and extra-legal strategies which might assist them both to pre-empt and to respond to threats of litigation which are designed to intimidate or vex their clients, as opposed to legitimate claims intended to enforce a legitimate right.

Lawyers play a crucial role in not only providing legal representation but also shaping public perceptions and mobilizing **support** for their clients. **Communication** on the litigation process itself can play a key role in its success by being particularly effective in raising public awareness on the case. In particular, crafting compelling narratives and engaging with the media can help counter the **chilling effect** of SLAPPs by bringing attention to the broader implications of such lawsuits on society's right to engage in critical discourse.

However, managing the situation can become its own high-risk endeavor. Therefore, lawyers need to be well prepared to ensure that everything will run smoothly and effectively. This document is designed to provide a brief guide on how to develop a communication strategy for anti-SLAPP litigation.

1. Planning

The communication strategy needs to be developed early to ensure maximum impact. As a first step it is recommended to:

Define the communication channels

- At a minimum, the strategy should include a statement that can be issued to the **press**. Supportive media can help develop a public campaign and raise awareness about the case.
- Handled correctly, **social media** can be a great tool for spreading the key-message.
- Additionally, **civic society organizations** (CSOs) as well as other relevant allies may generate strong public debates and support for the cause, thus assisting in galvanizing public support. They all can be invited to share the news about developments or milestones in the case through their own accounts to maximize outreach. Such external allies can often serve as valuable and easy and cost-efficient resources for the litigation.
- Check out the case studies on the **PATFox website** to learn from the experience and contact PATFox local partners for advice and support.¹

¹ Bulgaria (<https://www.antislapp.eu/curriculum-hub/case-study-slapp-in-bulgaria>);
Croatia (<https://www.antislapp.eu/curriculum-hub/case-study-slapp-in-croatia>);
Cyprus (<https://www.antislapp.eu/curriculum-hub/case-study-slapp-in-cyprus>);
Germany (<https://www.antislapp.eu/curriculum-hub/case-study-slapp-in-germany>);
Hungary (<https://www.antislapp.eu/curriculum-hub/hungary-case-study>);
Malta (<https://www.antislapp.eu/curriculum-hub/case-study-slapp-in-malta>);
Poland (<https://www.antislapp.eu/curriculum-hub/case-study-slapp-in-poland>);
Romania (<https://www.antislapp.eu/curriculum-hub/romania-case-study-baluta-libertatea>);

Identify the key issues in your case

- While it is traditionally difficult to engage the media in human rights cases, constructing a **strong case narrative** facilitates media coverage;
- Determine the most **important points** you want to convey and write them down and anticipate key questions and key answers;
- **Research** whether the issues in your case are being litigated or campaigned about elsewhere. If they are, incorporate this into your press materials to demonstrate the wider significance of your case.

Slovakia (<https://www.antislapp.eu/curriculum-hub/case-study-slapp-in-slovakia>).
Slovenia (<https://www.antislapp.eu/curriculum-hub/germany-case-study>),
Spain (<https://www.antislapp.eu/curriculum-hub/case-study-slapp-in-spain>)

2. Writing

After identifying the target audiences, it is important to craft a clear message to use in communication pieces:

Summarize the key issues in three or four short sentences

- The text should be **short** and **informative**. Try to encapsulate this in three or four short sentences. The text can be used to describe the case in press releases, or social media pages and when speaking to journalists.
- The **press release** is an effective means of communication that can reach a great number of people, almost at the same time. However, it is recommended to develop **two versions** of the same message: one that is easy for the media and the general public to understand, and another that contains the technical and legal elements of the case.
- Communications must be **clear** and avoid legalese. At the same time, if legal issues or positions are not fully explained, it can cause confusion and distrust.
- Lawyers should help media to understand **legal processes**. The text should include a simple summary of the issues in the case, a narrative of what has happened so far and some powerful quotes that show why the case is important. Provide a **chronology of events** and/or the legal process, so that journalists and other allies can have a clear picture of the situation and can work with an overview.

- The press release often indicates a **contact person**, to who journalists can refer for any additional information.
- In addition, a set of **FAQs** (frequently asked questions) is a good way to manage queries if the case is likely to attract a lot of public and media attention.

Highlight the wider significance of the case

- Incorporate specific reference to the phenomenon of SLAPP into the communication materials to demonstrate the wider significance of the case.
- Raising awareness of the litigation should go beyond merely presenting the information about the facts, the communication strategy should aim at explaining the **wider significance** of the SLAPP case.
- Refer to the materials published on the **PATFox website**.

3. Organizing

The communication strategy must be inextricably linked to the legal strategy and the case itself. Therefore, it is recommended to:

Consider the different stages in the litigation

- Focus the communication strategy on the different stages in the litigation. The strategy should address when and how and what key messages need to be delivered. At the same time, a good communications plan should be designed with sufficient flex to adapt to the **twists and turns** of complex litigation.
- Major courtroom moments are the biggest drivers of news. However, a major trial will have many stages before that. A technical and procedural hearing can still be relevant to media if new information is available, and it is presented in the right way.

Give regular updates

- Give regular updates about what stage the case is at and when the next stage will take place.
- Consideration should be given to whether the case should be publicized **regardless of the outcome**. For example, a case which is shocking on its facts but is lost in court, may serve to increase public awareness of a legal problem, or garner support for a change in the law.

4. Disseminating

Finally:

Disseminate the press release

- Media relations must be carefully managed. It is a good idea to contact key **journalists** who are specialists in the subject and provide them with the details and materials above and be available for any additional questions they may have.
- In any case make sure facts and figures are correct and that there are no errors or falsehoods.

Provide and disseminate interviews

- Interviews are independent pieces of communication that will allow to achieve more coverage and offer different views to those provided by the press release.
- The **victim** can play a significant role in communicating key messages to the public. This is particularly the case if the litigation had a negative outcome, but it is hoped that this way the purpose of increasing public awareness can still be reached. However, it should be considered whether the victim is familiarized with the potential consequences of such actions and is willing to be involved in media work, and whether he/she can deal with the psychological burden of dealing with the media and the public.