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## Strategic Litigation Against Public Participation (SLAPP)

**Issue** While rare, the issue is the possibility of a SLAPP suit in which those with opposing views try to intimidate citizens from pursuing advocacy with unwarranted tort claims. And, acting as a group does not necessarily protect against being targeted in a SLAPP suit.

**Stress** The last thing that anyone really wants to think about is the possibility of being sued. The organization and/or individual will probably win in defense of a SLAPP suit, but volunteers can be lost because of its threat. While a citizen is almost never held liable in these suits, they take an enormous time, money and emotional toll.



**Citizenry** Nonprofit organizations established for the purpose of “Oregon Statewide Goal 1 - Citizen Involvement” are clearly organized and conducted for the “*public benefit.*” Volunteers of Citizen Advisory Committees (CACs) and Neighborhood Associations (NAs) work on an endless stream of projects and commitments.

**Cooperation** We believe that effective citizen involvement is essential to good government. Elected officials, staff and citizens all play important roles in governing Josephine County. Cooperation between the county and citizens results in the best policy decisions.

How can we minimize the stress of SLAPP threats?

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## Assistance From The JO CO Board of Commissioners (BCC)

The BCC can encourage volunteerism and facilitate Goal 1 involvement by reducing the legal liability to individuals who choose to serve.

- Cover nonprofit Goal 1 organizations and individuals in the county’s personal liability policy — Support these organizations with the same liability coverage extended to the Josephine County Citizen Involvement Committee (CIC), a committee established by the BCC to promote Goal 1.<sup>1</sup> This coverage would not cost the county a dime.
- Educate nonprofit organizations concerning the option and value of incorporating (e.g., provides some liability protections for board members); applying for, receiving, funding, and maintaining incorporation status.
- Deter or discourage potential claimants from attempting to hold members of nonprofit groups personally liable for duties performed within the scope of citizen involvement — individuals want to volunteer their time, not their financial security!
- Provide intervention programs which assist volunteers of nonprofit organizations from liability suits.
- Encourage insurance companies to view a volunteer’s personal liability element of his “Homeowners Policy” as covering the personal activities of being active in a nonprofit organization.
- Assist nonprofit organizations in obtaining liability insurance policies.



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<sup>1</sup> Josephine County Ordinance No. 93-13.

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## Citizens Can Take Action By Banding Together

Who wants to think about being a potential victim for performing community service? Should citizens have to consider the potential sacrifice of losing their homes to pay for lawyers? Perhaps the citizen should just surrender and walk away from volunteerism and not endure the potential expense of practicing citizenry.

Another choice is for citizens to band together to reduce the threat of SLAPP suits. There are many ways neighbors can help those threatened. For example:



1. organizing for the common good,
2. influencing public opinion,
3. recommending county assistance,
4. recruiting assistance from organizations with legal resources, and
5. providing moral support and personal or organizational financial assistance.

How do you feel? If you agree with us please make your concerns known to your neighbors, our county commissioners, members of the CIC, and/or become a co-sponsor of this issue paper.

Would you like to learn more about SLAPP suits in land use planning? Contact an officer of the *Hugo Neighborhood*.

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## Hugo Neighborhood Association & Historical Society's Mission

This information brochure is one of a series of documents published by the Hugo Neighborhood Association & Historical Society (*Hugo Neighborhood*). It is designed to be shared with neighbors for the purpose of helping protect our rural quality of life by promoting an informed citizenry in decision-making.

The *Hugo Neighborhood* is a nonprofit association composed of a voluntary group of citizens interested in both the land use and history of the Hugo area, which is located in Josephine County, Oregon.

### Land Use & History

The *Hugo Neighborhood's* land use mission is to promote the social welfare of the citizens of the area by working to promote Oregon Statewide Goal 1 — Citizen Involvement, and by preserving, protecting, and enhancing the livability and economic viability of its farms, forests and rural neighbors. It will act, as requested, as a technical resource assisting neighbors to represent themselves.

On January 1, 2003 the *Hugo Neighborhood* is initiating the concept of volunteer membership dues. The dues are \$10.00 annually and will be used strictly for paper, ink, envelopes, and stamps to publish and sometimes mail documents.

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**Strategic Litigation  
Against Public  
Participation  
(SLAPP):  
A Citizen Issue Paper**



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**Hugo Neighborhood Association &  
Historical Society**

**A Member of the CACNA Coalition**