

Building a Pledge Against SLAPPs in Europe

PRE-READ FOR WORKSHOP PARTICIPANTS

What is a SLAPP?

Strategic Lawsuits Against Public Participation (SLAPPs) are legal actions launched not to seek redress for genuine grievances, but to silence, intimidate, and drain the resources of those who speak out on matters of public interest—typically journalists, activists, researchers and civil society organisations.

CASE's Legal Ethics Report

[The Coalition Against SLAPPs in Europe \(CASE\) Legal Ethics Report](#) examines the role lawyers play in enabling or preventing SLAPPs. The report consists of a comparative analysis of ethical codes and practices, along with a set of recommended standards to help practitioners, regulators, and policymakers navigate SLAPP-specific dilemmas in practice and to strengthen the legal profession's role in safeguarding public participation. The key findings of the report are available [here](#).

What We Want to Build: A Legal Ethics Pledge

We are developing a voluntary pledge that distils the report's findings into concrete commitments for legal practitioners, law firms, and bar associations across Europe. Signatories would commit to:

- Refusing instructions they reasonably believe are abusive or designed to silence legitimate public participation.
 - Promoting SLAPP-awareness within their organisations.
 - Supporting fair proceedings and refraining from tactics designed to harass and intimidate.
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What We're Asking of You

To identify what commitments the pro bono and wider legal community could realistically and meaningfully sign on to and your perspective on the ethical grey zones where current professional standards are unclear. For example:

1. What standard of care should lawyers maintain when deciding whether or not to take on a case that may be a SLAPP. How much due diligence should a lawyer do before taking on a claimant's case, and to what extent should they examine the motivation of the claimant?
2. How do we distinguish "aggressive" conduct from robust but legitimate advocacy? Is there a more objective/precise standard we can use?
3. To what extent should lawyers be sanctioned for advancing meritless claims? How do we ensure this doesn't undermine public interest litigation?
4. Is it always wrong to engage in procedural manoeuvres to prevent a case from reaching trial? What about in the context of immigration removal?
5. Is it inappropriate for a law firm to coordinate with a PR firm or even engage in PR services?

CURRENT DRAFT OF THE PLEDGE

Preamble

[Strategic Lawsuits Against Public Participation \(SLAPPs\)](#) abuse the justice system to silence scrutiny, intimidate public watchdogs, and undermine democracy.

As members of the European legal community, we recognise that lawyers play a decisive role in either preventing or enabling such misuse of law.

Through this pledge, we commit to uphold the integrity of the legal profession and to ensure that our work strengthens, rather than restricts, public participation.

Our Commitments

1. Uphold the rule of law and the dignity of the profession

We will act in good faith, with honesty, fairness, and respect for the administration of justice. We will not misuse legal procedures or allow our services to be instrumentalised to suppress legitimate public interest activity.

2. Refuse abusive or improper instructions

We will decline representation or instructions that we reasonably believe to be abusive, vexatious, or intended to intimidate, harass, or exhaust the resources of others. Where appropriate, we will advise clients against pursuing such actions and encourage lawful, proportionate dispute resolution.

3. Promote ethical standards within our organisations

We will integrate SLAPP-awareness and anti-abuse principles into our internal policies, training, and case review procedures. We will encourage colleagues to recognise and report potential SLAPPs and to uphold ethical independence when faced with client pressure.

4. Support fair and transparent proceedings

We will act with professional courtesy towards all parties, avoid unnecessary costs or procedural delays, and contribute to the effective administration of justice. We support the use of early dismissal, sanctions, and other safeguards against abusive litigation.

5. Foster a culture of accountability and solidarity

We will stand with peers, journalists, activists, and public interest advocates targeted by SLAPPs, and we will share knowledge, good practice, and support through the CASE Legal Network.

We commit to strengthening the connection between the legal profession and civil society in defence of democratic participation.

Closing Declaration

By endorsing this pledge, we affirm our responsibility as legal professionals to ensure that the law is never used as a weapon against participation, scrutiny, or truth.

We join CASE and our peers across Europe in promoting a legal culture grounded in ethics, independence, and public interest.