

BENJAMIN T. BRICKNER

February 10, 2026

Senate Committee on Judiciary
Vermont State House
115 State Street
Montpelier, Vermont 05633-5301
Attention: Nader Hashim
NHashim@leg.state.vt.us

Re: S.151 – Vermont Volunteer Protection Act

Dear Chair Hashim and Members of the Senate Committee on Judiciary:

As an attorney and recent nonprofit board member, I urge you to favorably report Senate bill 151 (the Vermont Volunteer Protection Act) so that it may be enacted in the current legislative session.

Modeled on Vermont's existing anti-SLAPP law (12 V.S.A. § 1041) and drafted with assistance of legislative counsel, this legislation would allow nonprofit and government volunteers an expedited process to have meritless claims against them dismissed.

The Problem: Meritless Litigation Chills Volunteerism

When a nonprofit or government is sued, the entity itself is typically a defendant. But increasingly, individual volunteers are also named – not because of their conduct, but to gain settlement leverage. Even meritless litigation exacts a significant toll. While many nonprofits and most governmental bodies carry insurance, not all do, and most volunteers don't know to ask before committing. Moreover, insured volunteers still face reputational, emotional, and other risks.

Lawsuits and legal threats against volunteers don't just target individuals, they weaken essential institutions in our community. They deter public service, drain resources, and distract organizations from delivering vital services many Vermonters rely on.

The consequence is a chilling effect on volunteerism. When a civic calling becomes a potential liability, fewer Vermonters will serve. Our communities will lose the dedicated individuals who sustain the nonprofits, municipal boards, and civic institutions that are a backbone of Vermont life.

The Solution: Extend Anti-SLAPP Protection to Volunteers

Vermont's law already protects individuals sued for protected speech through an expedited dismissal mechanism. See 12 V.S.A. § 1041. Senate bill 151 extends this to an analogous problem: meritless claims targeting volunteers. The bill is modeled on the existing anti-SLAPP statute and maintains its structure and safeguards. A redline is attached to illustrate the extent of their similarity. This approach also follows the federal Volunteer Protection Act (42 U.S.C. § 14501 *et seq.*), demonstrating that S.151 is neither novel nor unprecedented.

How S.151 Works: The Mechanism

Just as Vermont's anti-SLAPP law protects speech, S.151 protects volunteers' right to associate with organizations aligned with their values, and freedom of expression through that association.

S.151 permits a defendant sued for actions arising from volunteer work to file a special motion to strike. This motion allows the court to dismiss meritless claims quickly, avoiding the burden of full litigation. If the defendant prevails, the court may award reasonable attorney's fees and costs.

Importantly, the courthouse door remains open to plaintiffs with colorable claims. The bill simply provides an expedited mechanism to screen out claims that lack legal merit before they impose substantial costs on defendants. This is not immunity, but rather a protection for well-meaning volunteers and disincentive to weaponizing Vermont's legal system.

Who It Protects: The Scope

S.151 protects individual volunteers serving 501(c) nonprofits, public benefit corporations, or Vermont governmental entities.

The bill does not protect organizations themselves, nor directors, officers or staff who receive substantial compensation. It is narrowly tailored to address a specific problem: individuals who volunteer their time for their community.

What It Excludes: The Guardrails

S.151 includes meaningful exclusions to ensure it does not shield wrongdoing. The expedited dismissal mechanism does not apply if the defendant's conduct involved recklessness, gross negligence, or intentional misconduct.

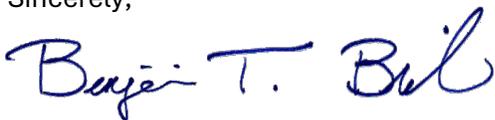
The bill also excludes criminal proceedings. S.151 addresses only meritless civil claims while preserving full accountability for all others. These limitations also mirror Vermont's anti-SLAPP law.

Why This Matters: Protecting Vermont's Civic Infrastructure

Volunteerism in Vermont is not optional – it is fundamental to who we are. The freedom to associate with and serve through organizations of our choosing is essential. Nonprofits, local boards, and social service organizations all depend on volunteers to carry out their missions. When litigation chills the willingness of citizens to serve, everyone loses.

S.151 ensures that litigation promotes justice, not leverage. It would preserve and protect the volunteer ethic that defines Vermont and strengthen the communities we call home.

Sincerely,

A handwritten signature in blue ink that reads "Benji T. Bell". The signature is written in a cursive, flowing style.

Attachment

ATTACHMENT

~~§ 1041. Exercise of rights~~S.151

Introduced by Senator Clarkson

Referred to ~~free speech and to petition government for redress of grievances~~Committee on

Date:

Subject: Court procedure; special motion to strike
(a); action arising from volunteer work for nonprofit organization or governmental entity Statement of purpose of bill as introduced: This bill proposes to permit a defendant to file a special motion to strike in an action arising from the defendant's ~~exercise, in connection with a public issue, of the right to freedom of speech or to petition the government~~work as an unpaid volunteer for ~~redress of grievances under the U.S.~~a nonprofit organization or a governmental entity.

An act relating to special motions to strike in an action arising from unpaid volunteer work for a nonprofit organization or governmental entity

It is hereby enacted by the General Assembly of the State of Vermont ~~Constitution:~~

Sec. 1. APPLICATION AND CONSTRUCTION

In applying and construing this act, consideration shall be given to the following:

(1) There has been a disturbing increase in meritless lawsuits having the effect of discouraging the efforts of volunteers who dedicate their time and energy to advancing the missions of Vermont's nonprofit organizations and Vermont governmental entities.

(2) The willingness of volunteers to offer their services to Vermont's nonprofit organizations and Vermont governmental entities is deterred by the potential for meritless liability actions against them. As a result:

(A) Vermont's nonprofit organizations and Vermont governmental entities have been adversely affected by the withdrawal of volunteers from boards of directors and service in other capacities; and

(B) the contribution of these organizations and entities to their communities has been diminished, resulting in fewer and higher cost programs than would be obtainable if volunteers were participating.

(3) It is in the public interest to encourage continued volunteer efforts for Vermont's nonprofit organizations and Vermont governmental entities, and such efforts should not be chilled through abuse of the judicial process.

Sec. 2. 12 V.S.A. § 1041a is added to read:

§ 1041a. UNCOMPENSATED VOLUNTEER WORK FOR NONPROFIT ORGANIZATION OR GOVERNMENTAL ENTITY; SPECIAL MOTION TO STRIKE

(a) A defendant in an action arising from the defendant's uncompensated volunteer work for a nonprofit organization or governmental entity may file a special motion to strike under this section.

(b) (b) A special motion to strike under this section shall be filed with the court and served on all parties not more than 60 days after the filing of the complaint. A party may file a response to the motion not more than 15 days after the motion is served on the party. The court may extend the time limits of this subsection for good cause shown.

(c)(1) The filing of a special motion to strike under this section shall stay all discovery proceedings in the action. Except as provided in subdivision (2) of this subsection, the stay of discovery shall remain in effect until the court rules on the special motion to strike.

(2) The court, on motion and for good cause shown, may order that limited discovery be conducted for the purpose of assisting its decision on the special motion to strike.

(d) The court shall hold a hearing on a special motion to strike not more than 30 days after service of the motion unless good cause exists for an extension.

(e)(1) The court shall grant the special motion to strike, unless the plaintiff shows that:

(A) (i) the defendant was acting outside the scope of the defendant's exercise of his responsibilities as a volunteer for the nonprofit organization or her right to freedom of speech and to petition was devoid of any reasonable factual support and any arguable basis in law the act or omission; or

(ii) the alleged harm was caused by the defendant's recklessness, gross negligence, or intentional misconduct; and

(B) the defendant's acts caused actual injury to the plaintiff.

(2) In making its determination, the court shall consider the pleadings and supporting and opposing affidavits stating the facts upon which the liability or defense is based.

(f)(1) If the court grants the special motion to strike, the court shall award costs and reasonable attorney's fees to the defendant. If the court denies the special motion to strike and finds the motion is frivolous or is intended solely to cause unnecessary delay, the court shall award costs and reasonable attorney's fees to the plaintiff.

(2) Neither the court's ruling on the special motion to strike nor the fact that it made such a ruling shall be admissible in evidence at any later stage of the case, and no burden of proof or degree of proof otherwise applicable shall be affected by the ruling.

(g) An order granting or denying a special motion to strike shall be appealable in the same manner as an interlocutory order under Rule 5 of the Vermont Rules of Appellate Procedure.

(h) This section shall not apply to:

(1) any enforcement action or criminal proceeding brought by the State of Vermont

or any political subdivision thereof; or

(2) a case involving tortious interference with legally protected health care as provided in section 7302 of this title.

~~(i) As used in this section, “the exercise, in connection with a public issue, of the right to freedom of speech or to petition the government for redress of grievances under the U.S. or Vermont Constitution” includes:~~

~~(1) any written or oral statement made before a legislative, executive, or judicial proceeding, or any other official proceeding authorized by law;~~

~~(2) any written or oral statement made in connection with an issue under consideration or review by a legislative, executive, or judicial body, or any other official proceeding authorized by law;~~

~~(3) any written or oral statement concerning an issue of public interest made in a public forum or a place open to the public; or~~

~~(i) (4) any other statement or conduct concerning a public issue or an issue of public interest that furthers the exercise of the constitutional right of freedom of speech or the constitutional right to petition the government for redress of grievances.~~ As used in this section:

(1) “Governmental entity” means any agency, board, department, commission, committee, branch, instrumentality, or authority of the State or any agency, board, committee, department, branch, instrumentality, commission, or authority of any political subdivision of the State.

(2) “Nonprofit organization” means a nonprofit organization qualified as tax-exempt under Section 501(c) of the Internal Revenue Code of 1986, as from time to time amended, or classified as a public benefit corporation under 11B V.S.A. § 17.05.

(3) “Uncompensated volunteer work” means acts or omissions by a person performing services, including services as a director, officer, trustee, or direct service volunteer, for a nonprofit organization or a governmental entity if the person does not receive:

(A) compensation other than reasonable reimbursement or allowance for expenses actually incurred; or

(B) any other thing of value in lieu of compensation, in excess of \$500.00 per year.

Sec. 3. REPORT

On or before July 1, 2026, the Court Administrator shall report to the Senate and House Committees on Judiciary on the frequency and outcomes of special motions to strike made pursuant to this act.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.