

# The Standard of Review On An anti-SLAPP Appeal

BY ADRIANOS FACCHETTI

I outlined previously how risky it is for a losing plaintiff on an anti-SLAPP motion to appeal a trial court's ruling. The primary reason being that a prevailing defendant may be awarded his attorney's fees for opposing the SLAPP at the trial and appellate levels.

But in this post I want to lay off the **doom** and **gloom** (after all, it's another sunny day in [Los Angeles](#)) and discuss what the standard of review is if you (whether Plaintiff or Defendant) choose to appeal a trial court's ruling.

A "standard of review" is lawyer-speak for how much deference an appellate court will give to a lower court in reviewing its decision. In the anti-SLAPP context, the standard of review is de novo (which means "anew") because such orders present pure questions of law. This means the appellate court gives no deference to the lower court's ruling and decides the matter with fresh eyes.

This apparently relaxed standard may encourage a losing party to appeal, however, in reality, most appellate decisions end up affirming the trial court's ruling for a number of reasons which I won't go into here. That coupled with the specter of getting hit with attorney's fees should cause an appealing party to stop and think before file an appeal.

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