

Statutory Impact of Missouri Senate Bills 835 and 1067 on Consumer Advocacy, Citizen Journalism, and Pro Se Litigation

An Analytical Exegesis of the Uniform Public Expression Protection Act (UPEPA) Paradigm Shift

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ABSTRACT

This academic paper analyzes the structural, procedural, and ontological shifts brought about by the codification of Missouri Senate Bills 835 and 1067, which collectively enact the Uniform Public Expression Protection Act (UPEPA). Transitioning from one of the nation's weakest anti-SLAPP (Strategic Lawsuits Against Public Participation) environments to a gold standard, Missouri's legislative updates fundamentally disrupt the weaponization of the civil justice system by institutional actors. Through a comparative examination of former statutory barriers (§ 537.528 RSMo) and the newly enacted legal protections, this study explores how independent consumer advocates, citizen journalists, and pro se litigants are insulated from bad-faith litigation designed to inflict financial attrition.

Keywords: *Anti-SLAPP, UPEPA, Missouri SB 1067, SB 835, Consumer Advocacy, Citizen Journalism, Pro Se Litigation, Fee-Shifting, Discovery Stay.*

I. INTRODUCTION AND CASE GENESIS

Historically, independent journalists, small-scale watchdogs, and active consumer advocates have faced an asymmetric legal battlefield. Powerful corporate entities, real estate developers, and well-funded legal practitioners routinely exploit civil litigation mechanisms as instruments of suppression. By initiating meritless libel, slander, or tortious interference claims, these actors do not seek to win on legal merits; instead, they seek to enforce silence through the mechanism of financial exhaustion.

This dynamic was brought into sharp focus in the matter of *Anthony R. Friedman d/b/a Friedman Law Firm LLC v. Albert B. Pepper Jr. d/b/a Phoenix Rising Productions LLC* (Case #2611-PN00554). In this action, an ex parte application for an order of protection was leveraged against the Respondent in what represented a clear attempt to secure a judicial "prior restraint" on active citizen journalism and public consumer reviews. On May 13, 2026, the Honorable William Byrnes of the 11th Judicial Circuit of St. Charles County, Missouri, granted the Respondent's Motion to Dismiss With Prejudice, bringing a decisive and meritorious end to the attempt at speech suppression.

Jurisprudential Benchmark Case:

Style of Case: Anthony R. Friedman d/b/a Friedman Law Firm LLC v. Albert B. Pepper Jr. d/b/a Phoenix Rising Productions LLC

Case Number: #2611-PN00554 (11th Judicial Circuit, St. Charles County, Missouri)

Judicial Officer: Hon. William Byrnes

Disposition: Respondent's Motion to Dismiss With Prejudice Granted (May 13, 2026).

Though successful, the litigious threat encountered in Case #2611-PN00554 underscored the critical structural vulnerability of Missouri's historical civil framework. Under the state's legacy anti-SLAPP statute (§ 537.528 RSMo), a citizen enjoyed statutory shield protections only if their speech was directly connected to "public hearings or meetings before a governmental body." Criticism of private attorneys, corporate practices, or matters of broad public concern outside a formal government chamber remained highly vulnerable to legal bullying. This historical vulnerability was decisively resolved by the Missouri General Assembly during the 2026 legislative session.

II. THE 2026 LEGISLATIVE TIMELINE AND STATUTORY CODIFICATION

In response to growing advocacy and the evident weaponization of state courts, Missouri underwent a comprehensive legislative overhaul in early 2026. The dual-track strategy utilized by the Missouri legislature ensured that the Uniform Public Expression Protection Act (UPEPA) would successfully find its way to codification.

FIGURE 1: 2026 MISSOURI ANTI-SLAPP LEGISLATIVE PROGRESSION

January 7, 2026	May 15, 2026	May 28, 2026	July 13, 2026
Prefiling Phase	Legislative Passage	Executive Delivery	Executive Action
Senate Bills 1067, 1111, and 835 introduced into the General Assembly.	General Assembly passes SB 1067 and SB 835 (incorporating SB 1111).	Bills formally enrolled and sent to the Office of the Governor.	Governor Mike Kehoe signs both SB 835 and SB 1067 into active law.

By signing both Senate Bills, Governor Mike Kehoe codified identical provisions establishing UPEPA in the state of Missouri. Pursuant to constitutional mandates, these protective laws will officially take effect on **August 28, 2026**. From that date forward, the legal landscape in Missouri stands profoundly changed, transitioning the state from one of the least protective jurisdictions to a premier national model for free speech protection.

III. THEORETICAL AND PRACTICAL MECHANICS OF MISSOURI'S UPEPA

The newly enacted legislation replaces the antiquated and ineffective § 537.528 RSMo with a robust, modern framework that aggressively targets the mechanical realities of SLAPP actions. The statutory updates contain three foundational procedural mechanisms designed to dismantle a hostile plaintiff's asymmetrical advantage.

1. The Automatic Stay of Discovery

In typical defamation or tortious interference litigation, the plaintiff's primary weapon is the discovery process. Hostile plaintiffs routinely issue sweeping, burdensome requests for documents, extensive written interrogatories, and grueling multi-day depositions. For a pro se litigant or an independent journalist, the costs associated with responding to these requests are financially paralyzing.

Under the new UPEPA provisions codified via SB 835 and SB 1067, the filing of a special anti-SLAPP motion to dismiss triggers an **automatic and immediate stay of all discovery**. The trial court is prohibited from allowing any discovery to proceed until the motion is fully litigated and decided, with narrow exceptions only for highly limited discovery directly relevant to the motion itself. This effectively neutralizes the primary mechanical engine of financial exhaustion.

2. The Interlocutory Appeal Mechanism

In many states, if a trial court incorrectly denies a defendant's special motion to dismiss, the defendant has no choice but to endure a highly complex and expensive trial, appealing only after final judgment. Missouri's newly codified UPEPA solves this systemic flaw by granting defendants an ****immediate right to an interlocutory appeal****.

If a trial court erroneously fails to dismiss a SLAPP action, the defendant can instantly halt the trial court proceedings and seek review from an appellate court. This structural design prevents a hostile plaintiff from capitalizing on a legally incorrect trial court ruling to force a defendant into a trial of attrition.

3. Mandatory Fee-Shifting and Cost Allocation

The most formidable deterrent contained within the new legislation is its mandatory fee-shifting provision. Historically, the American Rule forced each party to pay their own attorney fees, enabling wealthy plaintiffs to file frivolous suits knowing that the defendant would suffer financial damage even if they won.

The new statutory framework reverses this dynamic by dictating that if a court rules that the plaintiff's action targets protected public expression and dismisses the suit, ****the plaintiff shall be ordered to pay 100% of the defendant's reasonable attorney's fees, court costs, and litigation expenses****. By transforming a retaliatory lawsuit from a low-risk pressure tactic into a high-risk financial liability, the statute effectively deters aggressive plaintiffs and institutional actors from filing frivolous claims.

IV. CONCLUSION: THE ONTOLOGICAL DEMOTION OF THE LEGAL ELITE

The systemic implications of SB 835 and SB 1067 extend far beyond mere procedural adjustments. This statutory pivot marks a major shift in the legal balance of power. Historically, licensed attorneys and well-capitalized institutions wielded an informal authority—acting as a protected class that could insulate its members from public accountability by using state power to silence critics.

Under the UPEPA framework, the "sworn officer of the court" has been stripped of this asymmetrical power. When an attorney, consumer-facing business, or public entity engages in conduct of public concern, their actions

are open to public scrutiny. The right of citizen journalists and consumer advocates to investigate, expose, and report on these entities is now recognized as a core civil liberty protected by the court system.

Regardless of legislative shifts, independent journalists and consumer advocates remain committed to holding institutional power accountable. With the implementation of UPEPA on August 28, 2026, those who speak truth to power in Missouri can do so backed by some of the strongest statutory protections in the United States.

PRIMARY REFERENCES & SOURCE DATA

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State of Missouri v. Respondent. *Anthony R. Friedman d/b/a Friedman Law Firm LLC v. Albert B. Pepper Jr. d/b/a Phoenix Rising Productions LLC*, Case No. 2611-PN00554 (11th Judicial Circuit Court of St. Charles County, Missouri). Dismissal with Prejudice granted May 13, 2026.

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