

Extortion by Demand Letter: What's the Next Step?

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Partner [Barbara Hoey](#) co-authored the article "Extortion by demand letter: What's the next step?", which appeared on *InsideCounsel's* website on October 2nd. The article examines when demand letters may be deemed extortion, focusing primarily on cases brought in California under its anti-SLAPP (Strategic Lawsuit Against Public Participation) statute. Intended victims of extortion have brought anti-SLAPP suits against plaintiffs, claiming that extortion is not a "protected activity" under SLAPP legislation. Their examination of cases found that the context in which the demand was made mattered a great deal. Instances where extortion may be proved in such letters include when the letter threatens to expose a "secret," especially if that exposure would subject the recipient to public ridicule; threaten criminal action or making a report to the government in exchange for a monetary settlement; or includes a threat to expose the opposing party's alleged unlawful conduct to the public. They note that because the issue is specific to the state where you are located it is advisable to consult counsel familiar with the law in your jurisdiction.