

Ten Questions to a Media Lawyer

Laura Prather

The second subject of our ongoing series, Laura Prather is chair of the MLRC Defense Counsel Section and a partner at Haynes and Boone in Austin. If you'd like to participate (either by email or phone interview) let us know - medialaw@medialaw.org.



1. How'd you get into media law? What was your first job?

I developed a love of First Amendment issues in the tenth grade. I had a wonderful government teacher, Mrs. Peterson, who really fostered that interest in me. We were studying the Constitution and I just did a deep dive into First Amendment issues. I decided if I were able to do something to help defend the right of people to speak freely, that would be one of the most important things I could do.

My first job in media law was working for Jim George at a small media boutique called George, Donaldson and Ford. When I joined, I was the 6th lawyer there. At the time, we represented a significant number of media outlets throughout the Southwest - Time Warner, HBO, CBS, Dow Jones, Gannett. That was an incredible job. My boss had clerked for Thurgood Marshall and was brilliant. Then there was Julie Ford - she was a female named partner of the law firm 15 years out of law school. That was unheard of at the time. Julie was such a motivating factor for me.

Some people thought I was crazy because I left O'Melveny & Myers – a firm that had been around for more than 100 years to join a litigation start up, but it was one of the best professional decisions I've ever made. I got tons of client contact there. I got to run with cases - first and second chair, and Jim basically gave me as much rope as I wanted to hang myself.

2. What do you like most about your job? What do you like least?

I'm very fortunate to get to do something I believe in to my core every day. I get to work with smart, high-caliber clients, and I get to become a quasi-expert in whatever

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the publication I'm defending is about. So for instance, I recently worked on a case for A&E involving a short-lived television show, "Lady Hoggers," about women who hunt feral hogs. I had no idea that was even a sport!

With the legislative work that I do, I find it tremendously satisfying to be a part of the solution, to help enact laws that will protect free speech rights into the future. It's nice to be able to address chronic problems that face the media (and Texas citizens) in a proactive fashion, rather than just defending them in a lawsuit.



Prather at law school graduation

What I like least about my job is email - the constant barrage of information coming at you, disrupting your day. What I do to address it when I'm working on something that requires my undivided attention, like an appellate brief, is I go into seclusion and separate myself from my computer. Then, my secretary checks my emails and calls if there is an emergency.

3. What's the biggest blunder you've committed on the job?

I think the biggest blunder happened when Catherine Robb and I opened the Austin office of Sedgwick. We had to office-share and we sublet some space from a friend of a friend, but the problem was the space did not have a photocopy machine. The good news was the space was directly above a Kinko's. Still, this arrangement was not optimal for a litigation practice! Thankfully, we were able to move into our own office space, with a copy machine, about nine months later.

4. Highest court you've argued in or most high profile case?

I've been in the Texas Supreme Court, 12 out of the 14 Texas appellate courts, and all four of the federal district courts.

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As far as high profile cases, we handled a case for the New York Times, *New York Times v. Darby*, that dealt with the Texas Two and their alleged plot to overthrow the Republican National Convention with Molotov cocktails. We won on summary judgment, but it went all the way to the Texas Supreme Court.

More recently, we handled a case involving “Clock Boy,” the student who brought a clock to school that authorities suspected of being a bomb. That case just finished. We got our client, a Fox Television station and its political analyst, out of the case in a record 70 days. We got the case dismissed under the Texas anti-SLAPP statute and our fees awarded.



Office mascot Charlie

5. What’s a surprising object in your office?

A teddy bear. My father gave it to me when I was in college to keep me company and to let me know that he was thinking about me while I was away. His name is Charlie (he’s got a bow around his neck that reminds me of my granddad Charles). He sits on my couch all the time - whether clients are there or not!

6. What’s the first website you check in the morning?

I check email first, of course. Then the Austin American-Statesman, CNN, and the New York Times.

7. It’s almost a cliché for lawyers to tell those contemplating law school: “Don’t go.” What do you think?

If you’re passionate about the law, then go to law school. It’s a versatile degree, but there are a lot of people who might go because they want three more years to figure

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Office art courtesy of Prather's four year-old twins

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out what to do. I think those people might be better off with an MBA. I saw several of my classmates who didn't have a particular interest in the law, go into private practice and hate it. Many got out of law immediately and went into things like investment banking.

In terms of getting a job, the market in Texas has suffered just as it has nationally. I think Austin is kind of a bubble - we've had population growth and job growth here year after year. We were just voted the number one city to live in America. So there may be more opportunities in Austin than there are in other parts of the state.

8. One piece of advice for someone looking to get into media law?

You have to be very dedicated in your approach both to your education and job search and really learn the area as best you can. Demonstrate passion and be willing to get involved whether or not there's monetary gain to begin with.

I'll give you an example: Alicia Calzada, who works with us now, became a student liaison to the ABA Forum on Communications Law. As a result, she got exposure to a significant number of media lawyers at the meetings, and I was assigned as her mentor through the ABA Women in Communications Law. One day over lunch, we

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were discussing her interest in public policy and some of the work Alicia had done with the National Press Photographers Association. I had just started working on our legislative efforts to get an anti-SLAPP statute passed in Texas, and I asked if she wanted to get involved. I needed some help compiling examples of demonstrated need and Alicia said she would love to help. As a result of her willingness to perform on a volunteer basis, I was able to see her work, her passion and her dedication, and we ultimately hired her after she graduated.

9. What would you have done if you hadn't been a lawyer?

Assuming the whole Olympic gymnast thing didn't happen? I would've been an investigative journalist. I had a wonderful mentor in my career, Carole Kneeland, who many Texas media lawyers will know. She was a legend, a news director at one of the stations here in Austin. She told me at one point, "Look, if the law doesn't work out for you, I'll hire you as an investigative journalist." She saw how tenacious I was at finding witnesses, interviewing them, going down every trail necessary to get answers for a case and saw those as the same qualities needed in investigative journalism.

10. What issue keeps you up at night?

First, what I didn't get done that day. After that, protecting Texas anti-SLAPP statute. During the legislative sessions, it's a constant concern. As far as this session, all the bills haven't been filed yet, but one public policy group who previously supported anti-SLAPP has listed narrowing the statute as one of their legislative agenda items. I had spoken with them before the session and they said, "We won't do anything without consulting with you." Then last week, I saw their legislative agenda on their website. It's a matter of trust, but verify.

Raising two teenage daughters and having four-year-old twins who crawl into bed with me in the middle of the night - that keeps me up, too!