

## Texas Governor Signs Law Protecting Reporting on Whistleblower Allegations

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**PRACTICES** Government Relations, Media and Entertainment Litigation, Government and Public Policy, Media Entertainment and Sports

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Before the close of the legislative session, Texas Governor Greg Abbott has shown tremendous support for free speech and the rights of whistleblowers by signing Senate Bill 627 codifying a defense for the news media's accurate reporting on third-party allegations. This defense had been common law in Texas for twenty-five years but was called into question in a recent Texas Supreme Court ruling. The enactment of SB 627 dispels any questions about the existence of such a defense and protects the longstanding need to allow the media to act as a watchdog through investigative reporting by informing the public about potential wrongdoing, and to do so without the fear reprisal if the allegation at issue later turns out to be false. Frequently the media is the first to uncover problems that are subsequently investigated and for which legislative reform is initiated, and it is important to preserve the media's ability to perform this vital function in our democracy.

Chairman Todd Hunter (R-Corpus Christi) and Senator Joan Huffman (R-Houston) co-sponsored SB 627 which provides protection for reporting on significant issues such as the allegations of improper government bidding for the 21 CT contract that saved Texas citizens \$110 million. Senator Huffman, Chair of the Senate State Affairs committee, ensured early consideration of the issue by scheduling a hearing on SB 627 at the first opportunity and encouraging a discussion between all interested parties at the outset. Chairman Hunter, who has been a stalwart supporter of free speech efforts in Texas and has been instrumental in passing seminal First Amendment legislation in the last four legislative sessions, mediated discussions of all stakeholders concerning the bill. Haynes Boone partner, Laura Lee Prather, led the negotiations on behalf of the Texas Press Association, the Texas Association of Broadcasters, and the Freedom of Information Foundation of Texas. The result was an agreed upon bill that received unanimous support in both Chambers and became law when the Governor signed the bill on May 28, 2015.

This is the fourth in a series of historic free speech bills Prather has been involved in drafting, negotiating and seeing through passage, including the Texas Free Flow of Information Act (reporter's privilege), the Texas Citizens Participation Act (anti-SLAPP), the Texas Defamation Mitigation Act (retraction) and other government transparency related measures.

The passage of SB 627 codifies 25 years of common law, and with its passage protects the media's ability to shine a light on significant matters of public concern brought to light by third parties uncovering such wrongdoing as abuse at the Texas Youth Commission and in Texas special education classrooms, exposure of financial mismanagement at CPRIT and improper government bidding with the 21 CT contract, and bringing public attention to prosecutorial misconduct in the case of Anthony Graves and Michael Morton. The type of reporting protected by SB 627 can save lives and money and lead to governmental investigations and legislative reform.

If you have any questions, please feel free to contact one of the attorneys in our [Media and Entertainment Practice Group](#) listed below.

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