

Laura Prather at House Judiciary Subcommittee: Federal Anti-SLAPP Statute Is Critically Needed

June 23, 2016 Laura Prather

PRACTICES Media Entertainment and Sports, Anti-SLAPP and First Amendment Rights, Media and Entertainment Litigation

Haynes Boone Partner [Laura Prather](#) was one of four witnesses called before a U.S. House of Representatives hearing on the merits of the proposed SPEAK FREE Act, a federal version of the Texas Anti-SLAPP legislation that would deter the use of litigation to intimidate consumers and others engaged in protected speech.

Prather, who was instrumental in the passage of the Texas statute, told the panel the federal proposal is a “win-win” and good government because it promotes the constitutional rights of our citizens and encourages their continued participation in public debate, creates a mechanism to get rid of meritless lawsuits at the outset of the proceeding, and provides for a means to help alleviate some of the burden on our court system. Without laws like these in place, she said, the bullies prevail, and the public stands to lose a tremendous tool for information and discourse.

Where there is state-level anti-SLAPP legislation currently in place, a “patchwork” of state laws on SLAPPs encourages venue shopping by litigants, she testified as reported by Telecommunications Reports Daily. “This is not anecdotal. This is a real problem. It happens every day,” she said, citing law suits filed against reporters, against political campaigns, against Better Business Bureaus over their reports on complaints received, and against home owners by their home owners association when they criticize them ...

In response to a question from Rep. Blake Farenthold (R., Texas), the bill's author, Prather said that the average time for a defamation lawsuit to reach conclusion in Texas has gone from six years on average “to months” since the passage of the state law.

Rep. Farenthold asked what a business can do under such a law if someone lies about their service or product.

“Nothing in this law that prevents a meritorious case from going forward,” Prather said. “You simply have to get over the initial hurdle ... by establishing that you are likely to be able to succeed on the merits.”

To read the full *TR Daily* article, please [click here](#) (subscription required).

To read Prather's written remarks as submitted to the panel, please [click here](#).

The Reporters Committee for Freedom of the Press coverage is [available here](#).

To read the *Consumerist* article featuring Prather's testimony, please [click here](#).