

Laura Prather in ABA Journal: How to Defend Against 'Libel Bullies'

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

As a candidate, Donald Trump attacked what he called "fake news" from the mainstream media and vowed to "open up" libel laws to make it easier to sue the media and recover big judgments, the [ABA Journal reported](#). Now as president of the United States, what damage might he do to the press, and what legal options do journalists have available to them to defend their speech? ...

These were the foremost concerns for the panelists of "[Trump v. the Press and the First Amendment: Fake News, Government Leak Investigations, Alleged Biased Media Coverage, Trump's SLAPP Libel Suits and His Pledge to 'Open Up the Libel Laws'—Will the First Amendment Survive?](#)" at the ABA Annual Meeting in New York City on Aug. 12. The Section of Litigation and the Forum on Communications Law sponsored the event.

George Freeman, executive director of the Media Law Resource Center, moderated the lively discussion between journalists and attorneys on the panel about the current state of libel laws, the constant leaks coming out about the administration, and the danger that Trump's rhetoric presents to a free press, the *Journal* reported. ...

When it comes to Trump's vow to "open up" libel laws, none of the panelists gave it much credence. There are no federal libel laws, and Congress would have to agree to pass new legislation. In fact, there has been momentum in the opposite direction at the state level for passing what are called anti-SLAPP laws, intended to discourage "strategic lawsuits against public participation."

[Laura Lee Prather](#), a partner with Haynes Boone said that in her home state of Texas, there have been many successful uses of the state's anti-SLAPP laws. ...

Prather said anti-SLAPP legislation has been an important defense against "libel bullies" and identifies Trump as a libel bully himself. Trump has brought seven libel suits against people and was unsuccessful in all but one, in which he achieved a default judgment in arbitration when the defendant failed to appear.

Prather said it is ironic that Trump has been so against the current libel laws because he has benefited from them. Many inflammatory statements and tweets the president has made against people can't lead to lawsuits because he has First Amendment and libel protections. ...

Excerpted from the *ABA Journal*. To read the full article, click [here](#).

To view *C-SPAN* video of the panel, click [here](#).