

Laura Prather in Law360: Trump Libel Threats May Embolden Anti-SLAPP Advocates

October 14, 2016 Laura Prather

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

Donald Trump's penchant for threatening legal action against journalists who write critically about him is proving to be a powerful example for free speech advocates who want a federal law against using the courts to bully speakers, experts said.

The Republican presidential candidate directed his latest such salvo at The [New York Times](#) on Thursday a day after it published an article about two women who described being groped and kissed by Trump against their will. But whether or not Trump actually follows through on his threat, First Amendment scholars and others say he's showing the need for both a federal anti-SLAPP law and a stronger one in New York state. A national law would bar so-called strategic lawsuits against public participation by putting more responsibility on plaintiffs to quickly show they have a legitimate libel claim against a media outlet ...

While Trump may or may not actually file suit — a recent threat to the author of his best-selling memoir is so far unfulfilled, as are others — legal scholars said the candidate is helping to shine a light on lawsuits designed to scare critics into silence.

And while The Times doesn't have the benefit of a strong state statute, Trump's legal playbook will likely rally votes for a new anti-SLAPP law now being considered in Congress, said [Laura Lee Prather](#), head of the media law practice group at [Haynes Boone LLP](#).

"Every time he threatens a meritless lawsuit, he positions himself to be a further example for the need for these types of laws," said Prather, who testified at a congressional hearing in June in support of the anti-SLAPP bill.

Excerpted from Law360. To read the full article, please [click here](#) (subscription required).