

## Laura Prather in Law360, Texas Lawyer: Bill to Limit Attorneys' Ability to Win Anti-SLAPP Dismissals Just Passed Texas House

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**PRACTICES** Litigation, Media and Entertainment Litigation

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Haynes Boone Partner [Laura Prather](#) talked with *Law360* and *Texas Lawyer* about proposed legislation to scale back to the Texas Citizen Participation Act.

Here is an excerpt of the *Law360* article:

The Texas Citizens Participation Act (TCPA) was unanimously passed by the Texas Legislature in 2011, touted as an anti-SLAPP tool that would keep powerful entities with deep pockets from bringing lawsuits to discourage individuals from speaking out. A key part of the law is a loser-pays provision that requires the party who brought the suit to pay attorney fees and sanctions if the defendant gets the lawsuit dismissed under the TCPA.

Proponents like Laura Prather of Haynes Boone — who played a large role in the act's passage — have hailed the provision as the teeth that make the TCPA a powerful tool to protect individual freedoms.

This legislative session, state Rep. Jeff Leach, R-Plano, a partner at Gray Reed & McGraw LLP, introduced H.B. 2730, which would narrow the scope of the act by carving out exceptions to what sorts of claims can be combated with a TCPA motion to dismiss.

Prather said the stakeholder meetings taking place about H.B. 2730 have been productive, calling the difference between the initial bill and the committee substitute "an enormous change for the better." The original bill had also proposed subbing out the definitions of what constitutes "communication" and what is considered to be an exercise of free speech, association and the right to petition the government — it would have replaced that by saying the bill applies to constitutional rights in the Texas and U.S. constitutions. The committee substitute largely reverts to the existing language.

The "collaborative process" of the committee hearings, which include testimony from people who have personal experiences with the TCPA, have been effective in addressing concerns "in a more constructive manner," she said. But she questioned whether all of the proposed changes are aimed at fixing the portions of the bill that have drawn complaints.

"One of the biggest concerns about the way in which the law was being used was specifically concerning trade secrets, covenant not to compete cases, and family law cases," she said. The proposed exemptions for those uses in the revamped bill "directly address substantive concerns that were brought to the attention of the chairman of the committee."

Here is an excerpt of the *Texas Lawyer* article:

The Texas House on Tuesday voted 143-1 to pass a bill that would narrow and limit the anti-SLAPP law only to legal actions that implicate free speech, free association and freedom to petition the government.

Laura Prather, a First Amendment lawyer who participated in negotiations on HB 2730, said, “I feel the legislation strikes a nice balance. I think it will protect citizens and the media.”

Prather said she thinks the bill will pass as long as the Senate does not tinker with provisions that all the stakeholders agreed upon after lengthy negotiations.

She said, “If it changes form in any way, so it’s no longer agreed upon, then it will be much more difficult.”

To read the full *Law360* article, click [here](#). To read the *Texas Lawyer* *rel="noopener noreferrer"* article, click [here](#). (Subscriptions required)