

## Laura Prather Plays Leading Role in Adoption of Uniform Public Expression Protection Act

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

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On July 15, 2020, the Uniform Law Commission (ULC) adopted the Uniform Public Expression Protection Act (UPEPA), which will serve as a model for Anti-SLAPP laws nationwide. The UPEPA includes strong protections for First Amendment rights and demonstrates states' desire to protect the ability of their citizens to speak freely about matters of public concern.

Courts, scholars, and free speech advocates have dubbed meritless lawsuits targeting the legitimate exercise of the rights to engage in truthful speech, lawful petitioning, and legal association as "Strategic Lawsuits Against Public Participation" (SLAPP suits). Haynes Boone Partner [Laura Prather](#) has been a longtime advocate for states to pass anti-SLAPP laws aimed at deterring baseless, costly lawsuits designed to intimidate and silence journalists and members of the public who speak out. She was instrumental in the passage of Texas' anti-SLAPP law.

Prather serves as an American Bar Association (ABA) Advisor to the ULC's Model Anti-SLAPP committee, which wrote the UPEPA proposal.

The ULC chose to adopt broad protection for SLAPP victims from meritless lawsuits seeking to silence them by including a discovery stay, an interlocutory appeal right and mandatory attorney's fees for those who prevail on their Anti-SLAPP motion.

Currently 32 states, the District of Columbia, and the territory of Guam have some form of Anti-SLAPP protection. However, many of those state laws provide limited protection and the legislatures of at least 8 states were seeking to expand free speech protections in the form of Anti-SLAPP legislation during the 2020 legislative session. The ULC's UPEPA has already been endorsed by the Uniform Law Commissioners and will serve as a model for those legislatures who pursue Anti-SLAPP measures in the future.

Prather is a partner in the Litigation Practice Group in the Austin office. Prather focuses her practice on First Amendment, Anti-SLAPP, intellectual property and media and entertainment litigation and appeals. She has significant government relations experience as an advocate at the Texas Legislature on First Amendment and open government concerns. Prather advises an extensive array of content providers including online and traditional newspapers, magazines, radio and broadcasters, cable television stations, production companies and music and sports entities.

Prather was instrumental in the passage of the four most significant pieces of First Amendment legislation in recent history in Texas – the reporters' privilege, the Texas Citizens Participation Act (the anti-SLAPP law), the Defamation Mitigation Act and the neutral reportage privilege. Through her efforts, Prather both formed and led the coalitions in support of all these measures, making Texas the 37th state to pass a reporters' privilege, the 28th state to adopt an Anti-SLAPP statute, and the 32nd state to enact a retraction statute. All of these laws are designed to promote and protect free speech rights in Texas.