

## Haynes Boone Helps Clients Score Free Speech Victory at Arizona Supreme Court

---

April 18, 2023 Laura Prather, Marvin Glazer, Michael Lambert

---

**PRACTICES** Media Entertainment and Sports, Media and Entertainment Litigation

---

A Haynes Boone litigation team led by Partner [Laura Prather](#), chair of the firm's Media Law Practice, persuaded the Arizona Supreme Court to issue a unanimous ruling protecting political speech.

The court sided with Haynes Boone clients iHeartMedia, Inc. and James Harris, who hosts a radio show in Arizona called *The Conservative Circus*. At issue in the case were criticisms Harris leveled against Daniel McCarthy, a Republican candidate for U.S. Senate who had attended a "Stop the Steal" Rally at the Arizona State Capitol days after the 2020 U.S. presidential election.

Over the course of two radio shows in 2020, Harris (who spoke at the rally) shared his pointed observations of McCarthy, who later sued, alleging that some of Harris' commentary were defamatory. The Arizona Supreme Court closely analyzed nine of Harris' statements that a lower court had concluded were "potentially actionable."

The Supreme Court reversed the lower court ruling and remanded the case with instructions that it be dismissed in its entirety. The Arizona Supreme Court concluded that the statements at issue constituted protected free speech and could not be subject to a defamation claim for various reasons, including that the statements were Harris' opinion; political hyperbole (not factual assertions); conveyed subjective impressions, lacking any objective criteria by which to determine whether they were false; or were not damaging to McCarthy's reputation.

Furthermore, the court reasoned: "The nature of the words is colored by the context of an overtly political talk show. ... When listeners tune into *The Conservative Circus*, they thus expect to hear political commentary offered by Harris that reflects his opinion 'in an entertaining manner.'"

Prather celebrated the ruling. "The well-reasoned unanimous opinion of the Arizona Supreme Court confirms the important First Amendment protections for citizens to discuss their views of political candidates," she said. "This is core political speech upon which our country was founded."

Prather was assisted by Haynes Boone Counsel [Marvin Glazer](#) and Associates [Henson Adams](#) and [Michael Lambert](#).

Haynes Boone is an international corporate law firm with 19 offices spanning Texas, New York, California, Charlotte, Chicago, Denver, Virginia, Washington, D.C., London, Mexico City and Shanghai, providing a full spectrum of legal services in energy, technology, financial services and private equity. With about 650 lawyers, Haynes Boone is ranked among the largest U.S.-based firms by *The National Law Journal*, *The American Lawyer* and *The Lawyer*. It was recognized in the BTI Consulting Group's 2022 "A-Team" report, which identifies the law firms that in-house counsel commend for providing superior client service.