

Laura Prather Co-Authors Law Review Article on Anti-SLAPP Law Changes

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

In its most recent session, the Texas legislature made substantive changes to the state's anti-SLAPP law, the Texas Citizen Participation Act (TCPA), which went into effect on Sept. 1. Partner [Laura Prather](#) and Texas Tech University School of Law Professor Rob Sherwin have written a timely law review article analyzing the TCPA revisions and how they will impact existing jurisprudence.

Here is an excerpt:

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). A SLAPP suit is the offensive use of a legal proceeding to prevent, or retaliate against, persons lawfully exercising First Amendment rights.

SLAPP suits seek to prevent the named defendant from exercising a lawful right, such as testifying at a city council meeting, complaining to a medical board about a doctor, investigating fraud in our education system, or participating in a political campaign. They chill First Amendment activities by subjecting citizens who exercise constitutional rights to the intimidation and expense of defending a lawsuit that lacks merit. While meritorious lawsuits are intended to right a legal wrong, the primary motivation behind a SLAPP suit is to stop lawful speech in a strategy to win a political or social battle. In response to a rise in retaliatory litigation, at least thirty-three states, the District of Columbia, and the United States territory of Guam have passed some form of Anti-SLAPP legislation. The Texas Legislature, like those in other states, noted this trend and, in 2011, it enacted the Texas Citizens Participation Act (TCPA or “Texas Anti-SLAPP Statute”).

To read the full article, click [here](#).

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