



LAURA LEE PRATHER

Partner

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PRACTICES: Media and Entertainment Litigation, Litigation, Intellectual Property Litigation, Social Media, Copyright, Appellate, Trademark Litigation; **INDUSTRIES:** Government Relations, Media, Entertainment and Sports, Government and Public Policy, Sports Law, Streaming Media; **TRENDING ISSUES:** Anti-SLAPP and First Amendment Rights

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EDUCATION AND CLERKSHIPS

- J.D., University of Texas School of Law, 1991, *with honors*
- B.B.A., University of Texas at Austin, 1988, *with highest honors*

ADMISSIONS

- Texas
- California
- District of Columbia
- New York

COURT ADMISSIONS

- United States Supreme Court
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the

Laura Lee Prather is a partner in the Litigation Practice Group in the Austin office of Haynes and Boone. Laura 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. Laura 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. Laura has co-authored definitive law review articles on the Texas Citizens Participation Act with then-First Court of Appeals Justice (and now Texas Supreme Court Justice) Jane Bland, "*Bullies Beware: Safeguarding Constitutional Rights Through Anti-SLAPP In Texas*," 47 Tex. Tech L. Rev. 725 (Summer 2015), which was selected by the Texas Bar College to receive The Franklin Jones Best CLE Article in 2015, and Laura Lee Prather & Justice Jane Bland, "*The Developing Jurisprudence of the Texas Citizens Participation Act*," 50 Tex. Tech L. Rev. 633 (Summer 2018). Following the last legislative update, she co-authored with Texas Tech Law Professor Rob T. Sherwin, "*The Changing Landscape of the Texas Citizens Participation Act*," 52 Tex. Tech L. Rev. 163 (Winter 2020).

Laura was instrumental in the passage of the three most significant pieces of First Amendment legislation in recent history in Texas – the reporters' privilege, the Texas Citizens Participation Act, and the Defamation Mitigation Act. Through her efforts, Laura both formed and led the coalitions in support of all three of 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 three laws are designed to promote and protect free speech rights in Texas.

Laura has been named by *The American Lawyer* as one of the 45 best young women lawyers in the nation. She was recognized for her substantial career as a fierce advocate dedicated to preserving First Amendment rights, defending media companies in cases involving reporting on matters of public concern, and defending entertainment companies in theft of idea, trademark and copyright infringement litigation. In addition, Laura is the first woman to receive Texas Daily Newspaper Association's "Legacy Award," and has been named Texas Association of Broadcasters' "Associate of the Year" and as one of Texas Lawyer's "Extraordinary Women in Texas Law." Her clients have recognized her as a BTI Client Service All-Star.

- Tenth Circuit
- U.S. District Court for the Eastern District of Texas
 - U.S. District Court for the Northern District of Texas
 - U.S. District Court for the Southern District of Texas
 - U.S. District Court for the Western District of Texas

Laura recently received *The American Lawyer's* Tony Mauro Media Lawyer Award in recognition of tireless and successful efforts advocating for legislation to strengthen First Amendment rights in Texas. George Freeman, executive director of the Media Law Resource Center, nominated Prather for the award, saying she "has changed the legal landscape for free speech rights in Texas."

Laura has been recognized in *Chambers USA*, Chambers and Partners, for Nationwide - First Amendment Litigation, 2017-2020. The *Chambers* guide states: Laura Prather of Haynes and Boone "is very well-versed on First Amendment law, transparency law and the appellate process," says one interviewee. Her clients include newspapers, magazines, broadcasters, television stations and production companies. Clients appreciate that "she is a dogged and determined warrior for us. She works long hours, produces high-quality work, and does a fine job with her legal writing for appeals and amicus briefs."

In addition to her private practice, Laura has served as the program attorney for the national television shows *Christina's Court* and *Judge Alex*, serves as an adjunct professor at the University of Texas School of Law in Media & Entertainment Law, and was the editor of the *E-Copyright Law Handbook* published by Aspen Law and Business.

Laura works on legislative initiatives and lobbying as a member of the Texas Association of Broadcasters' Legislative Task Force, the Public Participation Project's National Board of Directors, the General Counsel for the Legislative Advisory Committee of the Texas Press Association, and as a co-chair of the Freedom of Information Foundation of Texas' Legislative Committee. She also started and was the inaugural chair of the Media Law Resource Center's State Legislative Committee, bringing together lawyers from virtually every state that work on legislation impacting First Amendment rights and government transparency.

In addition, Laura was recently appointed to the Uniform Law Commission as the American Bar Association's (ABA) Advisor to the Drafting Committee on the Anti-SLAPP Act.

Professional Recognition

- Named to *National Law Journal's* list of First Amendment Rights Trailblazers, 2020
- Recognized in the *Austin Business Journal's* "2020 Profiles in Power"
- Selected to receive the Tony Mauro Media Lawyer Award by *The American Lawyer*, ALM Media, for recognition of efforts advocating for legislation to strengthen First Amendment rights in Texas, 2019
- Selected for inclusion in *The Best Lawyers in America*, Woodward/White, Inc., for Litigation - First Amendment, 2021
- Recognized by *Best Lawyers* as a 2020 "Lawyer of the Year," Woodward/White, Inc.
- Recognized by Texas Diversity Council with the Houston Top 50 Women Lawyers Award, 2017
- Listed in *Chambers USA*, Chambers and Partners, for First Amendment Litigation (Nationwide), 2017-2020
- Inducted into the "Heroes of the 50 States: The State Open Government Hall of Fame,"

2019

- Member, Fellows of the Texas Bar Foundation
- Fellow of the Society Award 2016, Society of Professional Journalists
- *Texas Super Lawyers*, Thomson Reuters, 2016-2020
- Board Certified in Civil Appellate Law, Texas Board of Legal Specialization
- *Martindale Hubbell® Law Directory* with a Peer Review Rating of AV® Preeminent™
- Finalist for 2014 Americas Women in Business Awards for Media Law, presented by Euromoney
- Named one of the top 45 women lawyers in the nation younger than age 45 by *The American Lawyer*, ALM Media Properties, LLC, 2011
- Named to the BTI Client Service All-Stars Team for Law Firms, BTI Consulting Group, 2011
- Recipient of the Texas Daily Newspaper Association's Legacy Award, 2010
- Named Associate of the Year by Texas Association of Broadcasters, 2009
- Profiled in *Texas Lawyer*, ALM Media Properties, LLC, in "Extraordinary Women in Texas Law," as one of the state's top 30 leading women lawyers, 2008
- Recipient of the Texas Association of Broadcasters' Award of Honor for "Outstanding Efforts in the Continuing Battle to Pass the Texas Free Flow of Information Act" during the 80th Legislature, 2007 Regular Session
- Awarded the Special President's Award by the Texas Association of Broadcasters, 2005
- Selected as a Rising Star in the Legal Field, *Austin Business Journal*, American City Business Journals, 2004
- Received the "Austin Under 40 Legal Award," the Austin Young Men's Business League and Austin Young Women's Alliance, 2001
- Chosen as one of the top 10 "Up-and-Comers on the Texas Legal Scene" by *Texas Lawyer*, ALM Media Properties, LLC, 2000

Professional and Community Activities

- Publications Officer, North American Regional Forum of the International Bar Association, 2021-2022
- The National Conference of Commissioners on Uniform State Laws, ABA advisor to the Drafting Committee on

Anti-SLAPP Act

- Robert W. Calvert American Inn of Court, member
- Texas Bar College, Board of Directors
- Media Law Resource Center, Defense Counsel Section, Vice-President
- Media Law Resource Center, Founding Chair, State Legislative Committee
- Media Law Resource Center, Co-chair, Anti-SLAPP Task Force
- Media Law Resource Center, Defense Counsel Section, Board of Directors (2013–present); Past-President
- Public Participation Project, Board of Directors
- Texas Press Association, General Counsel, Legislative Affairs Committee
- American Bar Association Forum on Communications Law, Governing Board Member, Media and Promotions Chair, and Executive Director
- Student Press Law Center, National Board of Directors
- American Bar Association Litigation magazine, Editorial Board, 2004-2012
- American Bar Association Women in Communications Law Committee, former National Co-chair
- First Amendment and Media Litigation Committee, Co-chair, 2005-2009
- Appointed by governor to State of Texas Personal Privacy Task Force, 2002
- Texas Association of Broadcasters, Board of Directors, ex-officio member (2005-2012); Open Government Legislative Task Force Member (1998–present)
- Freedom of Information Foundation of Texas, Immediate Past President; Legislative Committee, co-chair; Board of Directors
- KLRU public broadcast station, board of directors (2001-2007, 2009-2015)
- College of the State Bar of Texas
- Travis County Women Lawyer's Association
- Colorado River Foundation, former board member
- Center for Child Protection, former board member
- Leadership Austin, 1998-1999 graduate

Selected Publications and Speeches

- "Hitting Back: SLAPP Suits & Anti-SLAPP Statutes," panelist, 28th Annual Fordham IPLJ Symposium: Free

- Speech in the Modern Age Webinar, March 8, 2021.
- Joint meeting - MLRC Anti-SLAPP and International Committees, speaker, January 25, 2021.
 - “Public Sector Employees and First Amendment Issues,” panelist, ABA Government and Public Sector Lawyers Division program, January 12, 2021.
 - “Anti-SLAPP Circuit Split Makes State Protections Uncertain,” author, *Law360*, August 27, 2020.
 - “Government Transparency in the Age of a Pandemic,” speaker, FOI Foundation of Texas Webinar, June 4, 2020.
 - “Striking a Balance,” author, *Texas Bar Journal*, April 2020.
 - “The Changing Landscape of the Texas Citizens Participation Act,” co-author with Robert T. Sherwin, 50 *Tex. Tech L. Rev.* 163, Winter 2020.
 - “Hot Issues in Anti-SLAPP and Other Legislation Workshop,” facilitator, ABA 25th Annual Forum on Communications Law Conference, Austin, TX, February 7, 2020.
 - “Media Advocacy Lunch Panel: Texas Citizens Participation Act,” panelist, ABA 25th Annual Forum on Communications Law Conference, Austin, TX, February 6, 2020.
 - “Texas Citizens’ Participation Act and Anti-SLAPP: Hand Grenade or Rifle Shot?,” speaker, Texas Bar CLE’s Advanced Civil Appellate Practice Course, Austin, TX, September 5, 2019.
 - “Anti SLAPP Update: Recent Legislative and Case Law Developments,” speaker, Texas Bar CLE Webcast, August 29, 2019.
 - “Fifth Circuit Weighs in on Applicability of State Anti-SLAPP Statutes in Federal Court,” author, Haynes and Boone alert, August 27, 2019.
 - “Changes to Texas Anti-SLAPP Statute,” speaker, The University of Texas at Austin School of Law webcast, August 13, 2019.
 - “The Developing Jurisprudence of the Texas Citizens Participation Act,” co-author with Justice Jane Bland, 50 *TEX. TECH L. REV.* 633 (Summer 2018).
 - “How to Maneuver the Texas Citizens Participation Act,” speaker, Austin Bar Association, Austin, Texas, April 16, 2018.
 - “Texas Public Information Act,” Speaker, Texas Association of Broadcasters, October 5, 2017. Watch video [here](#).
 - “What Happened in the 2017 Legislature? What’s Ahead?” Speaker, Freedom of Information Foundation of Texas, Austin, TX, September 14, 2017. Watch video [here](#).
 - Trump v. the Press and the First Amendment: Fake News, Government Leak Investigations, Alleged Biased Media Coverage, Trump’s SLAPP libel suits and his Pledge to “Open Up the Libel Laws,” Speaker, American Bar Association Annual Meeting, New York, NY, August 12, 2017.
 - “Using the Anti-SLAPP Statute,” Speaker, Advanced Government Law TexasBar CLE, Austin, Texas, July 28, 2017.
 - “CPRC: Chapter 27,” Speaker, Texas Bar College Summer School CLE, Galveston, Texas, July 14, 2017.
 - “Public Information Act Update,” Speaker, Texas Bar CLE 29th Annual Course Advanced Administrative Law, June 1, 2017.
 - “Hot Issues in Anti-SLAPP Law and Other Legislation,” Facilitator, American Bar Association Annual Forum on Communications Law Conference, New Orleans, Louisiana, February 11, 2017.
 - “Newsroom Focus,” Panelist, Texas Association of Broadcasters’ Legislative Day Conference, Austin, Texas, January 24, 2017.
 - “Anti-SLAPP Litigation and Legislation,” Co-Chair, 2016 Media Law Conference, Reston, Virginia, September 22, 2016.
 - “Future of the Texas Public Information Act,” Panelist, Freedom of Information Foundation of Texas 2016 Conference, Austin, Texas, September 8, 2016.
 - “What Keeps Your Lawyers Up At Night?” Panelist, Investigative Reporters & Editors Conference, New Orleans, Louisiana, June 16-19, 2016.
 - “The Texas Citizens Participation Act – 5 Years Later,” Author, *Law360*, June 16, 2016.
 - “Hot Topics in Anti-SLAPP and Other Legislation,” Presenter, American Bar Association Annual Forum on Communications Law Conference, Naples, Florida, February 4–6, 2016.
 - “Libel for Journalists-2015,” Presenter, Texas Press Association, Freedom of Information Foundation of Texas and *Austin American Statesman*, October 29, 2015.

- “Texas Anti-SLAPP Law,” Presenter, CLE Presentation to the Travis County Judiciary, October 8, 2015.
- “2015 Legislative Updates to the Public Information Act,” Speaker, CLE to Public Information Officers, Austin, Texas, September 22, 2015.
- “Transparency, Accountability and the 2015 Legislature,” Speaker, Freedom of Information Foundation of Texas State Conference, Austin, Texas, September 17, 2015.
- “Hear Me Roar: The Propriety of Internet Reviews and Comments,” Author, *Texas Lawyer*, August 5, 2015.
- Laura Lee Prather and Justice Jane Bland, *Bullies Beware: Safeguarding Constitutional Rights Through Anti-SLAPP in Texas*, 47 TEX. TECH L. REV. 725 (Summer 2015).
- “Open Government Panel,” Speaker, Texas State Bar Annual Convention, San Antonio, Texas, June 19, 2015.
- “Developments in Texas Media Law During the 2015 Session,” Author, *Law360*, June 17, 2015.
- “Developments in Open Government After the 84th Legislature.” Capital Tonight, TWC News, Austin, TX, June 11, 2015.
- “Major Newsgathering Wins in 84th Texas Legislature,” Author, *TAB Newsletter*, June 4, 2015.
- “‘Sine Die’ 2015 Texas Legislative Session wrap-up,” Author, *Law360*, June 2015.
- “Texas Supreme Court Hands Down its First Rulings on the State’s Anti-SLAPP Statute,” Author, *TAB Newsletter*, May 4, 2015.
- “In the Wake of *Neely v. Wilson*, the Texas Legislature is on Course to Adopt the Third Party Allegation Rule as Law,” Author, *MLRC MediaLawLetter*, April 2015.
- “Commercial Threats to Freedom of Speech Online,” Speaker, 2015 SXSW Interactive Festival, Austin, Texas, March 13-17, 2015.
- “Transparency and Open Government in the Legislative Session,” Capital Tonight, TWC News, Austin, TX, March 10, 2015.
- “Hot Issues in Anti-SLAPP Laws” ABA Forum on Communications Law Annual Conference, Panelist, Scottsdale, Arizona, February 5-7, 2015.
- “The Texas Legislative Session: bills for journalists to love and hate,” Author, *Texas Press Association E-Newsletter*, February 2015.
- “A Busy Year For Anti-SLAPP Litigation And Legislation,” Co-Author, *Law360*, December 18, 2014.
- “Defamation Law: How to Safely Publish the News,” Speaker, National Newspaper Association’s 128th Annual Convention and Trade Show, San Antonio, Texas, October 2-5, 2014.
- “Ask an Attorney,” Speaker, Texas Association of Broadcasters Southwest Journalism Workshop, Austin, Texas, September 20, 2014.
- “A Victory For State Anti-SLAPP Laws,” Author, *Law360*, July 16, 2014.
- “Texas Court Affirms Dismissal of Libel Case Against New York Times,” Author, Media Law Resource Center, April 1, 2014.
- “NYT Gets Defamation Suit Over Firebomb Plot Nixed,” Author, *Law360*, February 28, 2014.
- “Hot Issues in Anti-SLAPP Laws,” Panelist, ABA Forum on Communications Law 19th Annual Conference, Aventura, Florida, February 8, 2014.
- “Texas Newsroom Legal Toolbox,” Speaker, Texas Association of Broadcasters, Austin, Texas, August 21, 2013.
- “Eye on the Lege,” Panelist, Freedom of Information Foundation of Texas Annual State Conference, Austin, Texas, August 9, 2013.
- “Anti-SLAPP laws,” Speaker, American Legislative Exchange Council, 40th Annual Meeting, Chicago, Illinois, August 8, 2013.
- “A Trifecta Of 1st-Amendment Advances in Texas,” Author, *Law360*, July 29, 2013.
- “The New Defamation Mitigation Act – How it Affects Texas Newsrooms,” Author, *TABulletin*, July 1, 2013.
- “Open Government Seminar,” Panelist, State Bar of Texas Annual Meeting June 21, 2013.
- “New Laws Protecting Texas Newsrooms,” Author, Freedom of Information Foundation of Texas, foift.org, June 2013.
- “Anti-SLAPP Update: Texas’ Citizen Participation Act Gets Stronger,” Author, Freedom of Information Foundation of Texas foift.org, June 21, 2013.
- “Texas Adopts the Defamation Mitigation Act,” Author, Freedom of Information Foundation of Texas website, June 21, 2013.
- “FOI Report,” Panelist, Texas Associated Press Managing Editors Annual Convention, April 7, 2013.

- “Newsroom Outlook,” Panelist, Texas Association of Broadcasters 2013 Legislative Day, January 28, 2013.
- “Anti-SLAPP Laws: Taking the Punch from Defamation Suits,” Co-Author, *Media, Privacy and Defamation Law Committee Newsletter*, American Bar Association, Spring 2012.
- Speaker on passage of Anti-SLAPP laws at Newspaper Association Managers 2011 Legislative Conference, Washington, D.C., December 5, 2011.
- “Texas Laws that Benefit the Media: Anti-SLAPP, Reporter’s Privilege and Interlocutory Appeal,” Speaker, Texas Association of Broadcasters (TAB) Newsroom Workshop, Southern Methodist University, Dallas, TX, October 29, 2011.
- “Tort Reform in Media Law,” Speaker, Texas State University’s Mass Communication Week, San Marcos, TX, October 18, 2011.
- “Defending Your Newsroom – Using the Anti-SLAPP Law, Free Flow of Information Act and the Interlocutory Appeal,” Speaker, webinar for the Texas Association of Broadcasters, October 5, 2011.
- “Passage Of The Texas Anti-SLAPP Statute – How It Happened And What It Could Mean For You!” Author, *Media, Privacy and Defamation Law Committee Newsletter*, Fall 2011.
- “Winners & Losers: Scoring the 82nd Legislature,” Panelist, FOIFT State Conference, Austin, TX, August 12, 2011.
- “FCC Compliance,” Panelist, FOIFT State Conference, Austin, TX, August 10, 2011.
- “Primer on Texas Anti-SLAPP Statute,” Author, Freedom of Information Foundation of Texas (FOIFT) website, July 15, 2011.
- “Passage of the Texas Anti-SLAPP Statute,” Author, *MLRC Media Law Letter*, July 2011.
- “Strategies for Efficiently and Economically Winning a Media Case,” Co-Author, *ABA/TIPS Media Newsletter*, Spring 2011.
- “Freedom of Information,” Panelist, Texas Association of Licensed Investigators Mid-Winter Conference, San Antonio, TX, February 18-19, 2011.
- “Hot Issues in Reporter’s Privilege and Anti-SLAPP Laws,” Panelist, ABA Forum on Communications Law 16th Annual Conference, Rancho Mirage, CA, February 3-5, 2011.
- “The Texas Legislative Process: What Every Lawyer Should Know and Transparency in Government,” Panelist, State Bar of Texas Continuing Legal Education Program, Austin, TX, February 1, 2011.
- “How to Prevent the Sting of a SLAPP,” Author, Freedom of Information Foundation of Texas foift.org, November 2010.
- *Reporter’s Privilege Compendium*, Co-Author, The Reporters Committee for Freedom of the Press, 2010.
- “Ask an Attorney,” Speaker, Southwest Broadcast Newsroom Workshop, Austin, Texas, October 16, 2010.
- “Texas Free Flow of Information Act,” Speaker, Texas Associated Press Managing Editors 2010 Annual Convention, College Station, Texas, March 27, 2010.
- “Hot Issues in Reporters Privilege/Subpoenas,” Panelist, ABA Forum on Communications Law 15th Annual Conference, Key Largo, FL, January 28-30, 2010.
- “The Lawful Truth: Discussing Issues in Mass Communication Law,” Speaker, Association for Women in Communications, Austin, TX, October 21, 2009.
- “Appeals Court Thwarts Attempt to Gut Shield Bill Provision,” Author, *Texas Press Messenger*, September 2009.
- “Let the Free Flow of Information Begin – Texas Adopts ‘Reporter’s Privilege,’” Author, *Texas Press Association’s eBulletin*, July 2009.
- “Legislative Update on Free Flow Act,” Speaker, Texas Press Association Annual Convention, June 19, 2009.
- “Texas Becomes Number 37 in States that have a Reporter’s Privilege,” Author, *MLRC Media Law Letter*, May 2009.
- “The Television Decency Cases: Are F-Words and Fleeting Expletives Sanctionable?” Moderator, American Bar Association Section of Litigation Annual Conference, April 30, 2009.
- “Hot Issues in Subpoenas,” Speaker, American Bar Annual Conference Forum on Communications Law, Scottsdale, AZ, February 5, 2009.
- “Advancing the Free Flow of Information Act,” Speaker, Texas Association of Broadcasters Legislative Day on the Free Flow Initiative, Austin, TX, February 2, 2009.
- “Freedom of Information/Open Government Panel,” Panelist, Texas Associated Press Managing Editor’s

Legislative Conference, Austin, TX, January 7, 2009.