Vinson&Elkins

A DEEP DIVE INTO SELECTED ISSUES UNDER THE TEXAS CITIZENS PARTICIPATION ACT

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MOST SIGNIFICANT 2019 AMENDMENTS

2019 AMENDMENTS

- "Right of Association"
- "Matter of Public Concern"
- "Legal Action"
- Additional Exemptions
- Exemptions to Exemptions
- Discretionary Sanctions
- Burdens of Proof
- Motion Practice

Reach of the TCPA

REACH OF THE TCPA

Variables in determining TCPA coverage

- **A "legal action". . .**
  Defined in original TCPA, amended 2019
- **Having a specified relationship to . . .**
  Original TCPA: "is based on*, relates to,* or is in response to"
  2019 amendments: "is based on or is in response to"
- **One of 3 defined categories of protected expression**
  "Exercise of the right of petition"
  "Exercise of the right of association"
  "Exercise of the right of free speech"
- **2019 amendments also add new category of covered "legal actions" in new 27.010(b)**

How are the Covered Rights Defined?

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