

Surprise SLAPP!

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What We All Know

SLAPP:

Strategic Lawsuits
Against Public
Participation

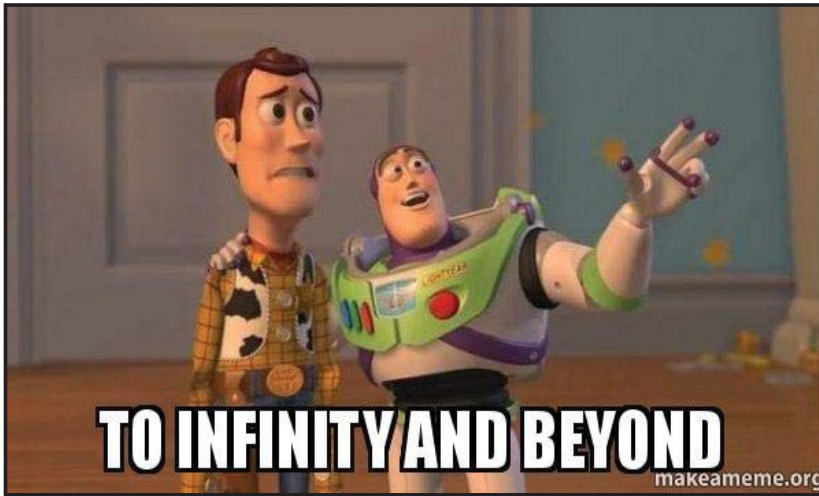
TCPA:

Texas Citizens'
Participation Act

CPRC:

Civil Practice &
Remedies Code,
Ch. 27

What We All Know



1. Liberally interpreted;
2. Public and private communications;
3. Attorney's fees are mandatory.

What's New

Topics for Today:

- Recent interpretations and applications
- Open questions and issues pending before SCOTX
- Consequences for practitioners and our courts



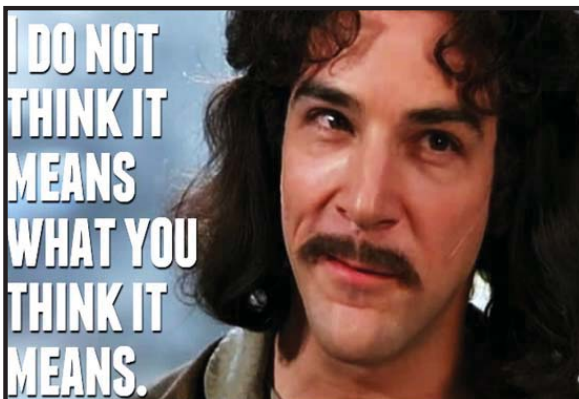
The Starting Place

Plain Text, as Enacted:

- **Title:** Actions Involving the Exercise of Certain Constitutional Rights
- **Purpose:** Encourage and safeguard the constitutional rights of persons to petition, speak freely, associate freely, and otherwise participate in government



Unexpected Scope



Seven Years Later:

- Just because “the TCPA professes to safeguard the exercise of certain First Amendment rights” does not mean “it should only apply to constitutionally guaranteed activities.”

-- *Youngkin v. Hines* (Tex. 2018)

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Title search: Surprise SLAPP!

Also available as part of the eCourse

[2018 eConference on State and Federal Appeals](#)

First appeared as part of the conference materials for the
28th Annual Conference on State and Federal Appeals session
"Surprise SLAPP: Applications and Consequences of the TCPA"