

THE TEXAS ANTI-SLAPP LAW AND
THE TEXAS DEFAMATION MITIGATION ACT:
ESSENTIAL NAVIGATION TOOLS

UNIV. OF TEXAS SCHOOL OF LAW
PAGE KEETON CIVIL LITIGATION CONFERENCE
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WHAT IS A SLAPP?



“STRATEGIC LAWSUIT AGAINST PUBLIC PARTICIPATION”
THE TEXAS CITIZENS PARTICIPATION ACT

- TCPRC Chapter 27.
- First enacted 2011, amended 2013.
- Expedited, dispositive motion based on pleadings (as evidence) as well as extrinsic evidence.



TCPA – A GROWTH PRACTICE

- 8 SCOT opinions first half of 2018.
- 4 in 2017.
- 46 opinions from Courts of Appeal through October 9 2018.
- 55 in 2017.

By far the fastest-growing motions practice in Texas.



TCPA – A GROWTH PRACTICE

Over 70% of reported state cases find for the movant in whole or in part.

Overall, roughly 90% of cases result in grant of a TCPA motion to dismiss.

Applied to NDAs, UCC-1 filing statements, breach of contract, trade secrets.



LAWYERS MUST KNOW THE TCPA

- Every case that involves a “communication” must be examined for application of the TCPA.
- Civil trial and appellate lawyers must have some knowledge of the TCPA.
- Your standard of care now includes the duty to advise clients in all civil litigation about the TCPA.



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