

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
NOVEMBER 8, 2018
HOUSTON, TEXAS

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.



Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: The Texas Anti-SLAPP Law and The Texas Defamation Mitigation Act: Essential Navigation Tools

Also available as part of the eCourse

[2018 Page Keeton Civil Litigation eConference](#)

First appeared as part of the conference materials for the 42nd Annual Page Keeton Civil Litigation Conference session "Early Dismissal Trends: 91a Dismissals and Anti-SLAPP"