

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

Thomas S. Leatherbury - Vinson & Elkins LLP
Hon. Bob Pemberton - Third Court of Appeals (Ret.)
Amanda G. Taylor - Butler Snow LLP

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?

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 \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: A Deep Dive Into Selected Issues Under the Texas Citizens Participation Act

Also available as part of the eCourse

[2019 eConference on State and Federal Appeals](#)

First appeared as part of the conference materials for the
29th Annual Conference on State and Federal Appeals session

"A Deep Dive Into Selected Issues Under the Texas Citizens Participation Act"