

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?

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