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DYKEMA COX SMITH

**THE TEXAS ANTI-SLAPP STATUTE
AND THE DEFAMATION MITIGATION ACT – THE MULLIGAN LAW –
WHAT IS LEFT OF REPUTATIONAL TORTS?**



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**THE “MULLIGAN BILL”: TEXAS DEFAMATION
MITIGATION ACT**

- HISTORY AND BACKGROUND:
- Enacted in 2013 – drafted by media interests
- New TCPRC Ch. 73, Subchapter B – 73.051-73.062
- Follows CPRC 73.001-73.006 – Libel
- Still no cases interpreting the law.

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DMA - Purpose

- Provide a method for a person who has been defamed by a publication or broadcast to mitigate any perceived damage or injury.

DMA – Who is a Person?

- Individual
- Corporation
- Business trust
- Estate
- Trust
- Partnership
- Association
- Joint Venture
- Other legal or commercial entity
- But not government

DMA - Application

- Applies to claim for relief, however characterized, from damages arising out of harm to personal reputation caused by false content of a publication.
- Applies to all publications in any form

Prerequisite to Suit for Defamation

- DMA establishes a timely and sufficient request for correction, clarification, or retraction as prerequisite to “maintain an action for defamation.”
- Demand is timely if – made within SOL
- 90 days after learning of publication – deadline to demand retraction to recover exemplary damages

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Title search: The Texas Anti-SLAPP Statute and the Defamation Mitigation Act—The Mulligan Law—What Is Left of Reputational Torts?

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"Anti SLAAP: What is Left of Reputational Torts So Long As This Statute is on the Books? "