

Laura Lee Prather
Partner, Austin, Texas

Media, Entertainment & Sports Law
 Intellectual Property
 Government Relations
 Business Litigation
 Commercial Practices
 Appellate
 Technology



Current Scope of Practice

Laura Lee Prather focuses her practice on First Amendment privacy, and intellectual property counseling and litigation arising out of both traditional and online media contexts. She is also an advocate and lobbyist for open government and First Amendment concerns at the Legislature. An expert in the industry, her practice includes general commercial, tax and employment work for media clients as well. She is a leading authority in media law serving an extensive array of content providers including online and traditional newspapers, magazines, radio and broadcasters, cable television stations, production companies and music and sports entities. She regularly wins early dismissal and summary judgment – oftentimes without the expense of discovery.

She was the lead author and negotiator for the two most significant pieces of First Amendment legislation in recent history in Texas – both the reporters’ privilege and the anti-SLAPP statute. Through her lobbying efforts, Ms. Prather both formed and led the coalition on the anti-SLAPP bill, House Bill 2973, in the State of Texas this last session. This bill was passed unanimously in both the House and the Senate and was signed by the Governor of Texas on June 17, 2011. The bill is designed to deter frivolous lawsuits directed at newsrooms and media personnel.

Ms. Prather was recently named by *The American Lawyer* as one of the best young women lawyers in the nation. She was recognized for her substantial career as a fierce advocate dedicated to preserving the First Amendment – defending media companies in cases involving privacy rights, alleged defamation, and trademark and copyright infringement. In addition, Ms. Prather is the first woman to receive Texas Daily Newspaper Association’s “Legacy Award,” and has been named Texas Association of Broadcasters’ “Associate of the Year” and as one of *Texas Lawyer’s* “Extraordinary Women in Texas Law.”

Litigation Matters

Published decisions:

- *McClain v. USA Today Newspaper*, 2010 WL 2404651 (Tex. App. – Dallas 2010).
- *In re Rabb*, 293 S.W. 3d 865 (Tex. App. – Dallas 2009, no pet.).

- *Rosenfeld v. Twentieth Century Fox Film Corp.*, 37 Med. L. Rptr. 1348 (C.D. Cal. 2009).
- *Huffman v. Best for Texas PAC*, 37 Med. L. Rptr. 1351 (Tx. Dist. Ct.–Harris Co. 2008).
- *KENS-TV, Inc. v. Farias*, 36 Media L. Rep. 1076 (Tex. App.–Dallas 2007, no pet.).
- *In re BP Products North America Inc.*, 263 S.W.3d 117 (Tex. App. – Hou. [1st Dist.] 2006, no pet.).
- *Topbeary Studios, Inc. v. Doe*, 33 Media L. Rep. 2192 (Tex. App. – Austin 2005, no pet.).
- *Boone R. Enterprises, Inc. v. Fox Television Stations, Inc., Paul Adrian and Ernestor Pena*, 189 S.W. 3d 795, (Tex. App.–Dallas 2005, no pet.).
- *UTV of San Antonio, Inc. d/b/a KMOL-TV v. Ardmore, Inc.*, 82 S.W.3d 609 (Tex. App.–San Antonio 2002, no pet.).
- *Provencio v. Paradigm Media, Inc., d/b/a The Texas Network*, 44 S.W.3d 677 (Tex. App.–El Paso 2001, no pet.).
- *NW Communications of Texas, Inc., David Christopher and Kay Vinson v. John Power, Individually and d/b/a Brushfield Systems of America*, 28 Media L. Rep. 2483 (Tex. App.–Dallas 2000, pet. denied).
- *Sharp v. Cox Texas Publications, Inc.*, 943 S.W.2d 206 (Tex. App.–Austin 1997, no writ).
- *Memorial Hospital-The Woodlands v. The Honorable F. Scott McCown*, 927 S.W.2d 1 (Tex. 1996).

Affiliations, Activities and Accomplishments

Ms. Prather is admitted to practice before the U.S. Courts of Appeals for the Fifth, Ninth, and Tenth Circuit Courts of Appeals. She is a member of the Texas, California, District of Columbia and New York bars. In addition to her private practice, she has served as the program attorney for the national television shows *Christina's Court* and *Judge Alex*, serves as an adjunct professor at the University of Texas School of Law in Media & Entertainment Law, and was the editor of the *E-Copyright Law Handbook* published by Aspen Law and Business.

Ms. Prather works on legislative initiatives and lobbying as a member of the Texas Association of Broadcasters' Legislative Task Force, the Public Participation Project's National Board of Directors, the General Counsel for the Legislative Advisory Committee of the Texas Daily Newspaper Association and Texas Press Association, and as a co-chair of the Freedom of Information Foundation of Texas' Legislative Committee. She has also initiated and chairs the Media Libel Resource Center's State Legislative Committee, bringing together lobbyists from virtually every state that works on legislation impacting the media industry and government transparency. Ms. Prather has been elected to the National Board of Directors for the Student Press Law Center for the 2011-13 term.

On a national level, Ms. Prather recently served as a co-chair for the American Bar Association's Women in Communications Law Committee, has been on the editorial board of the American Bar Association's *Litigation* magazine since 2004, and was a co-chair of the American Bar Association's First Amendment and Media Litigation Committee from 2005-2009. She currently serves as Internet chair for the American Bar Association's Forum on Communications Law and chair of the Media Libel Resource Center's State Legislative Committee. On a statewide level, Ms. Prather was appointed by the governor of Texas to serve on the Personal Privacy Task Force in 2002 and currently serves on the Arbitration Working Group appointed by Chairman Todd Hunter. In

2006, she was elected to be a member of the board of directors for the Texas Association of Broadcasters—a position she still holds as an ex-officio member of the board. She is also immediate-past president of the Freedom of Information Foundation of Texas and co-chair of its Legislative Committee. Locally, she is active in community affairs and serves on the board of directors for public broadcast station KLRU. She is a member of the College of the State Bar and the Travis County Women Lawyers' Association. She previously served on the board of directors for the Colorado River Foundation, and on the advisory board for the Center for Child Protection. Ms. Prather is also a 1998-1999 graduate of Leadership Austin.

In January 2011, Ms. Prather was named as one of the top 45 women lawyers in the nation younger than age 45 by *the American Lawyer*. In March 2010, the Texas Daily Newspaper Association presented Ms. Prather with the "Legacy Award." In 2009, she was named "Associate of the Year," by the Texas Association of Broadcasters honoring an individual for outstanding service to the industry or for significant accomplishments. In 2008, Ms. Prather was profiled by *Texas Lawyer* as an "Extraordinary Women in Texas Law," a recognition of the state's top 30 leading women lawyers. She received the Texas Association of Broadcasters' Award of Honor for her "Outstanding Efforts in the Continuing Battle to Pass the Texas Free Flow of Information Act" during the 80th Legislature, 2007 Regular Session. She was chosen as a "Rising Star in the Legal Field" by the *Austin Business Journal* in 2004, as one of the top 10 "Up-and-Comers on the Texas Legal Scene" by the *Texas Lawyer* for the year 2000, and was selected as the "Lawyer of the Year in Austin Under 40" in 2001. In 2005, she was awarded the Special President's Award by the Texas Association of Broadcasters for her contribution to the broadcast industry.

Texas Free Flow Information Act

In May 2009, Texas became the 37th state to enact a reporter's privilege when Gov. Rick Perry signed the Texas Free Flow Information Act. Ms. Prather represented the Texas Daily Newspaper Association, the Texas Press Association, the Texas Association of Broadcasters and the Freedom of Information Foundation of Texas on this issue. She was at the forefront of the efforts to get this law passed since 2005 and 2007. She was the chief drafter and negotiator for the Free Flow of Information Act and testified multiple times before various legislative committees in the process of gaining its passage.

Presentations and Publications

Ms. Prather is a frequent author and speaker on a variety of media related topics. Some of her recent publications and presentations include:

- Author, "Passage Of The Texas Anti-SLAPP Statute – How It Happened And What It Could Mean For You!" *Media, Privacy and Defamation Law Committee Newsletter*, Fall 2011.
- Author, "Newspapers Benefit from Anti-SLAPP Law," *Daily Tribune*, July 22, 2011.
- Author, "Texas Newsrooms Will Benefit from Anti-SLAPP Law," *Texas Daily Newspaper Association e-Bulletin*, July 15, 2011.
- Author, "Primer on Texas Anti-SLAPP Statute," Freedom of Information Foundation of Texas (*FOIFT*) website, July 15, 2011.

- Author, “Texas Newsrooms Will Benefit from Anti-SLAPP Law Protecting First Amendment Rights,” Texas Association of Broadcasters *Bulletin*, July 11, 2011.
- Author, “Passage of the Texas Anti-SLAPP Statute,” *MLRC Media Law Letter*, July 2011.
- Co-author, “Strategies for Efficiently and Economically Winning a Media Case,” *ABA/TIPS Media Newsletter*, Spring 2011.
- Panelist, “Public Access, Privacy and Open Government,” Annual Convention of the Texas Association of Licensed Investigators, San Antonio, TX, February 18, 2011.
- Panelist, “Reporter’s Privilege and Anti-SLAPP,” ABA Forum on Communications Law 16th Annual Conference, Rancho Mirage, CA, February 3-5, 2011.
- Panelist, “The Texas Legislative Process: What Every Lawyer Should Know and Transparency in Government,” State Bar of Texas, Austin, TX, February 1, 2011.
- Author, “How to Prevent the Sting of a SLAPP,” Sedgwick’s *Media Law Bulletin* and the website of the Freedom of Information Foundation of Texas, November 2010.
- Co-author, “Reporter’s Privilege Compendium,” published by The Reporters Committee for Freedom of the Press, Copyright 2010.
- Speaker, “Ask an Attorney,” Southwest Broadcast Newsroom Workshop, Austin, TX, October 16, 2010.
- Speaker, “Texas Free Flow of Information Act,” Texas Associated Press Managing Editors 2010 Annual Convention, College Station, TX, March 27, 2010.
- Moderator, “Hot Issues in Reporters’ Privilege/Subpoenas,” ABA Forum on Communications Law 15th Annual Conference, Key Largo, FL, January 28-30, 2010.
- Moderator, “Alternative Billing Arrangements” at the Women in Communications Law Committee meeting, ABA Forum on Communications Law 15th Annual Conference, Key Largo, FL, January 28-30, 2010.
- Speaker, “The Lawful Truth: Discussing Issues in Mass Communication Law,” Association for Women in Communications, Austin, TX, October 21, 2009.
- Author, “Appeals Court Thwarts Attempt to Gut Shield Bill Provision,” *Texas Press Messenger*, September 2009.
- Author, “Let the Free Flow of Information Begin - Texas Adopts 'Reporter's Privilege,'" Texas Press Association’s *eBulletin*, July 2009.
- Speaker, “Legislative Update on Free Flow Act,” Texas Press Association Annual Convention, June 19, 2009.
- Author, “Texas Becomes Number 37 in States That Have a Reporter’s Privilege,” *MLRC Media Law Letter*, May 2009.

- Moderator, “The Television Decency Cases: Are F-Words and Fleeting Expletives Sanctionable?,” American Bar Association Section of Litigation Annual Conference, Atlanta, GA, April 30, 2009.
- Speaker, “Hot Issues in Subpoenas,” American Bar Annual Conference Forum on Communications Law, Scottsdale, AZ, February 5, 2009.
- Speaker, “Advancing the Free Flow of Information Act,” Texas Association of Broadcasters Legislative Day on the Free Flow Initiative, Austin, TX, February 2, 2009.
- Panelist, “Freedom of Information/Open Government Panel,” Texas Associated Press Managing Editor's Legislative Conference, Austin, TX, January 7, 2009.
- Author, “Golly, I Just Got Fined by the FCC Again!,” Sedgwick’s *Media Law Bulletin*, January 2009.
- Author, “Recent Attempts to Enact State Shield Laws,” *MLRC Committee Report*, December 2008.
- Speaker, “Newsroom Legal Issues / Free Flow of Information Act (FFOIA),” Southwest Broadcast Newsroom Workshop, Austin, TX, October 4, 2008.
- Speaker on co-authored article, “What the \$#*& is up with the fleeting expletives (and fleeting images)?,” State Bar of Texas - 18th Annual Entertainment Law Institute, October 2-3, 2008.
- Speaker, “The Journalist's Privilege and Shield Law,” Austin Bench Bar Conference, San Antonio, TX, April 18, 2008.
- Speaker, “Free Flow of Information,” Texas Daily Newspaper Association's Statewide Convention, Austin, TX, March 11, 2008.
- Facilitator, “Hot Issues in Newsgathering,” American Bar Association Forum on Communications Law 13th Annual Conference, Boca Ratón, FL, February 2008.
- Speaker, “The Resurgence of Free Flow Initiatives: A Case Study of What Transpired in Texas,” American Bar Association, *First Amendment and Media Litigation Newsletter*, Volume 13, No. 1 (Fall 2007).
- Moderator, “Issues of Light: Have the Watchdogs Been Leashed?” moderator at the 2007 Bernard and Audre Rapoport Freedom of Information Foundation of Texas State Conference, Austin, TX, September 20, 2007.
- Author, “Political Advertising - The New Hot Bed of Libel Litigation in Texas,” *MLRC Media Law Letter*, August 2007.
- Keynote speaker, Texas Association of Broadcasters Leadership Breakfast, Austin, TX, August 10, 2007.
- Facilitator, “Hot Issues in Newsgathering,” American Bar Association Forum on Communications Law 12th Annual Conference, Key Largo, FL, February 2007.
- Panelist, “Building Successful Professional Relationships,” American Bar Association's Women In Communications Law Forum, Key Largo, FL, February 2007.

- Speaker, Texas Association of Broadcasters Legislative Day, Austin, TX, January 2007.
- Author, “Recent Developments in Media, Privacy and Defamation Law,” *Tort Trial and Insurance Practice Law Journal*, Winter 2006.
- Presenter, “General Newsroom: Media Law & FOI Issues,” Texas Association of Broadcasters Workshop, October 2006.
- Facilitator, “Protecting the First Amendment in Challenging Times,” Newspaper Association of America/National Association of Broadcasters/Media Libel Resource Center National Libel Conference, Arlington, VA, September 2006.
- Facilitator, “Hot Issues in Newsgathering,” American Bar Association Forum on Communications Law 11th Annual Conference, La Quinta, CA, January 2006.
- Faculty member for the Training & Development Committee at the American Bar Association Forum on Communications Law 11th Annual Conference, La Quinta, CA, January 2006.

Admissions

Ms. Prather is admitted to practice in California (1991), Texas (1992), New York (2006), and the District of Columbia (2006). She is also admitted to appear before the United States District Court for the Northern, Eastern, Western and Southern Districts of Texas and the United States Court of Appeals for the Fifth, Ninth and Tenth Circuits.

Education

Ms. Prather received her J.D. (1991), with honors, from the University of Texas School of Law, where she was a member of the National Criminal Law Mock Trial Team, the Phi Alpha Delta Honor Society and Phi Delta Phi International Legal Fraternity. She also served as executive editor of the *American Journal of Criminal Law* and as a judicial clerk to the Hon. U.S. District Judge Hayden W. Head, Jr. (Corpus Christi, Texas). Ms. Prather was awarded her B.B.A. (1988), with highest honors, from the University of Texas.