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Gibson Dunn Secures Landmark Attorney-Immunity Victory for In-House Counsel in First-Ever Merits Mandamus to Texas Business Court

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On July 14, 2026, the Fifteenth Court of Appeals granted Gibson Dunn's petition for writ of mandamus in a ruling with crucial implications for attorney immunity of in-house counsel.

The trial court action, *Barras v. Reynolds*, No. 25-BC11B-0032 (Tex. Bus. Ct. 11th Div.), involves the for-cause termination of N. Thomas Barras, the former CEO of the Reynolds & Reynolds Company. Challenging the for-cause termination, Barras sued Reynolds for breach of contract, demanding over $350 million he alleges he would have received if he had been terminated without cause. In addition to suing the company, Barras also sued Frank Jackson, the general counsel of Reynolds's parent company who provided legal advice relating to the investigation and termination of Barras. Barras claimed that Jackson's involvement in the for-cause termination decision constituted tortious interference with Barras's employment contract.

Gibson Dunn moved to dismiss the tortious-interference claim under Rule 91a, explaining that Barras's claim squarely implicated legal conduct and was therefore barred by attorney immunity. While that motion was pending, Barras amended his petition to delete reference to Jackson as general counsel of Reynolds's parent company, and recast Jackson's actions on behalf of the company as being taken in a "business" capacity. The business court denied the motion to dismiss.

Gibson Dunn then filed a petition for writ of mandamus and motion to stay in the Fifteenth Court of Appeals—the new Texas appellate court that hears appeals from Business Court cases. In February, the Fifteenth Court of Appeals granted the motion to stay in a 2-1 decision.

On July 14, 2026, also in a 2-1 decision, the Fifteenth Court of Appeals granted the mandamus petition. The court confirmed the importance of attorney immunity for in-house lawyers, explaining that "rendering advice" when a company "considers firing a former CEO" is "*precisely* the kind of conduct that corporate attorneys and general counsels are expected to perform." It also clarified that an in-house lawyer's having business responsibilities does not mean he is liable for providing legal advice. "Pleading that an attorney often does non-legal work is not enough to plead that the *precise work* for which he has been sued is not protected by attorney immunity." And the court rejected Barras's attempt to plead around attorney immunity by filing an amended petition omitting the fact that Jackson served as general counsel, holding that Rule 91a was not "intended to allow affirmative defenses like attorney immunity to be avoided by simply deleting inconvenient truths, such as reference to a defendant as an attorney or as general counsel for a party."

The Fifteenth Court concluded: "Because the only tortious interference pleaded against Jackson is precisely the kind of conduct that is expected of corporate attorneys and

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general counsels, Barras's suit against Jackson has no basis in law." The opinion can be accessed here.

In addition to protecting a corporate general counsel from the threat of a $350 million personal judgment, the ruling is momentous on two other grounds. It is the first Texas appellate decision recognizing that the protections of attorney immunity apply to the thousands of in-house lawyers who provide legal advice across Texas. The ruling is also the first-ever grant of dispositive relief from a mandamus petition in a business court case in the two years since the Texas Business Court was created and began hearing cases.

The trial and appellate team was led by partners Gregg Costa and Sydney Scott and featured important contributions from associates Lloyd Marshall, Jack DiSorbo, Kylie Calabrese, Kohl Anderson, and Tony Alessi.

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