

# Gregg J. Costa

## Partner

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Houston



Gregg Costa, a partner in the Houston office, is Global Co-Chair of the firm's Trials Practice Group and a former federal trial and appellate judge. Gregg focuses on civil trials and white collar matters in Texas and across the country. He combines deep subject matter expertise, having written precedential opinions in almost every area of the law, with first-hand understanding of the arguments that convince judges and juries.

Gregg is one of only two Houston attorneys ranked by *Chambers USA* in both its General Commercial Litigation and White Collar Defense categories. A client told the publication, "I could not imagine going through litigation with anyone else in our corner." Others described Gregg as an "exceptional lawyer and advocate," "an excellent trial lawyer who has excellent knowledge of the law," and an "extraordinary lawyer." *Lawdragon* has listed Gregg among its 500 Leading Lawyers in America, 500 Leading Litigators in America, and 500 Leading Global Litigators. *Benchmark Litigation* has recognized Gregg as a Litigation Star. *Best Lawyers in America* named him its 2024 "Lawyer of the Year" for White Collar Defense in Houston. In the last couple years, *AmLaw* has recognized Gregg as a "Litigator of the Week" and a Runner-Up for his trial wins.

Since his return to practice, Gregg has won multiple trials and handled matters of national significance covered by the *Wall Street Journal*, *New York Times*, and *Financial Times*, including the following:

- A lead trial lawyer for Energy Transfer LP and Dakota Access Pipeline in a historic \$667 million verdict in a trespass and defamation case. The jury's decision marked the largest verdict in North Dakota's history.
- Hired on the eve of damages trial after adverse liability ruling in case chronicled by *The Wall Street Journal*, Gregg defended wind farm operator in suit brought in Oklahoma federal court by federal government and Osage Nation. At the damages trial, Gregg led the team that convinced the court to strike plaintiffs' main damages expert as unreliable and award less than 1% of damages sought.
- Lead trial counsel for group of creditors that prevailed in bankruptcy court trial assessing whether liability management transaction violated covenant of good faith and fair dealing. The court rejected that claim against our clients, finding instead that the opposing group of lenders acted in bad faith. *Financial Times* hailed the victory as a "milestone" in the world of "creditor-on-creditor violence."
- Representing asset management firm in multistate Attorney General action alleging antitrust claims related to investments in the coal industry.
- Representing consumer conglomerate in enforcement action brought by State of Texas alleging consumer-protection claims relating to PFAS.
- Representing insurer in nationwide class action challenging its business model.
- Defending multiple securities class actions filed in Texas federal court.

## Capabilities

Litigation  
Antitrust and Competition  
Appellate and Constitutional Law  
Class Actions  
Consumer Protection  
Crisis Management  
Energy Regulation and Litigation  
Energy and Infrastructure  
Intellectual Property  
International Arbitration  
Securities Litigation  
Trials  
White Collar Defense and Investigations

## Credentials

### Education

University of Texas - 1999 Juris Doctor  
Dartmouth College - 1994 Bachelor of Arts

### Admissions

Texas Bar

### Clerkships

US Supreme Court, Hon. William Rehnquist, 2001 - 2002  
US Court of Appeals, DC Circuit, Hon. Raymond Randolph, 2000 - 2001

- Representing companies and individuals in DOJ investigations.

As a federal prosecutor in Houston, Gregg handled the following matters:

- Successful prosecution of Allen Stanford, the head of Stanford Financial Group, for orchestrating a multibillion-dollar international fraud scheme. For his work trying the Stanford case, Gregg received DOJ's John Marshall Award for Trial of Litigation and the Assistant Attorney General's Award for Exceptional Service. Gregg is featured in a documentary about the case, *The Man Who Bought Cricket*. A *Reuters* story discussing the closing arguments quotes a victim who said Gregg's closing argument "brought her to tears."
- Successful prosecution of energy traders and LyondellBasell employee who engaged in an \$80 million kickback scheme that inflated the cost of shipping oil to Houston refinery.
- Tried over fifteen cases and argued multiple appeals in the Fifth Circuit.

Before joining Gibson Dunn, Gregg was a judge on the U.S. Court of Appeals for the Fifth Circuit from 2014 to 2022. After his nomination by President Obama, the Senate confirmed him by a vote of 97-0. No federal appellate judge nominated since has received more votes. Gregg also served as a district judge for the Southern District of Texas from 2012 to 2014 and presided over more than two dozen trials. When appointed to the bench, he was the youngest federal judge at age 39. Gregg was invited by the Federal Judicial Center to train new federal district judges. Press accounts of his judicial tenure described Gregg as an "exceptionally gifted jurist" with a "towering intellect" who was "respected by all sides."

Gregg graduated from Dartmouth College and with highest honors from the University of Texas School of Law, where he served as Editor-in-Chief of the *Texas Law Review*. After law school, he clerked for Chief Justice William Rehnquist and for Judge A. Raymond Randolph of the D.C. Circuit. Between clerkships, he served as a Bristow Fellow in the Office of Solicitor General. He has taught Federal Jurisdiction at the University of Houston Law Center, which named him an Honorary Alumnus in 2021.

Before law school, Gregg was a fourth-grade teacher in the Mississippi Delta with Teach for America, which he credits with teaching him how to simplify complex information for any audience. Gregg has remained involved in education, launching the Sunflower County Freedom Project, a nonprofit in Mississippi; serving on the boards of Teach for America's Houston region and the Houston Urban Debate League; and teaching Government at a Houston-area charter school. Gregg is also active in organizations aiming to improve the justice system. He is a trustee of the Center for American and International Law and a member of the American Law Institute. For ALI, Gregg currently serves as an advisor to its Restatement on Election Litigation and previously advised its Principles of Policing. Gregg also maintains an active pro bono practice and serves on Gibson Dunn's Pro Bono Committee.

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