

The Texas Lawbook

Free Speech, Due Process and Trial by Jury

Learning from One of the First Business Court Trials

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When the Texas Business Court opened its doors in September 2024, following years of discussing its potential promise, there was a flood of excitement from the business and legal community. Cases streamed into the new court in greater-than-expected numbers, especially in Houston and Dallas.

But filing a case and trying it are two very different things. Over the last several months, four different Business Court judges presided over the court's first four trials — all of which took place in Houston.

Our firm had the honor of representing the plaintiff in the second of those trials, *Mesquite Energy Inc. v. Sanchez Oil & Gas Corp.* That experience, and lessons learned from the three other trials, shed light on what complex commercial litigation looks like for a trial lawyer in our state's newest judicial venue.

Pretrial

Pretrial was fast. Although our case was filed in the Eleventh Division (located in Houston), it was reassigned to Judge Marialyn Barnard of the Fourth Division (located in San Antonio). Because nearly half of all Business Court cases are filed in Houston, the court often reassigns cases to judges from other divisions to equalize the docket and to ensure that each case receives timely and careful attention. Reassigned cases still proceed in Houston, and any trial is held in (and the jury pooled from) Houston.

In a case involving complicated trade-secrets issues with evidence dating back

over a decade, the court set an eight-month discovery period and a trial date just over a year after the parties originally filed their claims. But if the scheduling order was demanding, the court was prepared to do its part to move the case along. The court made itself available for discovery and other pretrial hearings immediately after receiving a request—and on several occasions set a status conference on its own initiative to make sure that the case was proceeding as scheduled. No doubt, having able opposing counsel, equally interested in an expeditious resolution, helped considerably. Both parties separated the wheat from the chaff and focused on what matters. Business Court proponents have marketed the new court as offering a quicker and more certain path to trial, and while that may not be true in every case, it certainly was true here.

Trial

Trial was even faster. Although the parties originally estimated that two weeks would be required, at the final pretrial conference the court instructed the parties to try the case in one. The court deployed various tools to accomplish that goal, including preadmitting non-objected exhibits, admitting deposition designations directly into the record by stipulation and holding court during extended hours. Moving at this accelerated pace, the parties argued preliminaries, opened, presented seven witnesses and closed all before the close of business on the last

day of the week.

And as with pretrial, the court ready to hold up its end of the bargain of pursuing an expedited schedule. Just five weeks after the parties submitted their post-trial briefs, the court issued its judgment, along with a detailed opinion. As any trial lawyer in Texas can attest, the simple act of receiving a written and explained ruling in a timely manner is a welcome development. All told, in this complex trade-secrets case, just 16 months elapsed from initial filing to judgment. We were pleased with the court's efficiency and with the favorable verdict.

As with any new project, there are going to be some bumps in the road—or in our case, the courthouse. Partly because there are no dedicated Business Court facilities, and partly because many Business Court cases filed in Houston have been reassigned to judges from other Business Court divisions, the first four trials were held in the Harris County Family Law Center courthouse—which, though entirely welcoming, might not be accustomed to hosting complex commercial trials. In one sense, the courthouse was a good reflection of what litigation in the Business Court is designed to be: efficient, unassuming and workmanlike. But it remains to be seen whether the Business Court will acquire different and more permanent court facilities as the court holds its first jury trials and becomes a greater mainstay of the Texas judicial system.

Three Other Trials

From November 2025 to February 2026, the Business Court held three other trials, and each exhibited the same efficiency. The first was *Marathon Oil Co. v. Mercuria Energy Am. LLC*, presided over by Judge Melissa Andrews of the Third Division (Austin) but held in Houston. It involved claims stemming from the 2021 Winter Storm Uri, in response to which Marathon was unable to perform its obligations to Mercuria under the parties' natural-gas delivery contract. After a five-day bench trial,

Judge Andrews rendered judgment in favor of Marathon, holding that the storm constituted a force majeure under the parties' contract and concluding that Marathon was not liable for its failure to perform during the affected time. She issued her final judgment just eight months and seven days after Marathon filed its original petition.

The third trial (or rather, tied for second; this trial started on the same day in a courtroom across the hall from ours) was *Antero Resources Corp. v. Stonewall Gas Gathering, LLC*, presided over by Judge Patrick Sweeten of the Third Division but also held in Houston. Antero concerned another natural-gas delivery contract, with Antero claiming that Stonewall breached in various respects, including by entering into new gas gathering contracts with other entities. Decision on that trial remains pending.

The fourth trial was *Powers v. Axis Midstream Holdings, LLC*, presided over by Judge Sofia Adrogué of the Eleventh Division—which was also the Business Court's first ever jury trial. *Powers* centers on a project to create a nine-figure oil-export terminal on the Port of Corpus Christi. Powers claims that was promised a 20 percent interest in the project in exchange for his role to help, among others things, in securing financing—but that the defendants later reneged on their promise. After two weeks of evidence, the jury rendered a verdict in favor of the plaintiff, awarding him the claimed 20 percent interest and over \$2 million in contractually entitled legal fees. Like the others, Powers proceeded on a brisk timeline, and only 15 months elapsed between the defendants' removal to Business Court and the jury's verdict.

Going Forward

Although our case was just the second Business Court trial, an ethos is already taking shape: careful decision-making on an expedited timeline. If our experience holds true, practitioners can expect the Business Court judges to make themselves available to the parties

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however needed and to resolve disputes in a prudent, lawful way. But in that same vein, lawyers should be ready to move fast, both before and during trial. This court is not going to drag its feet.

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