

# The Texas Lawbook

Free Speech, Due Process and Trial by Jury

## Q&A with Trial Lawyer Chris Patton

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Firm partner *Chris Patton* deserved a “most valuable player” award for zip-ping back-and-forth between New York and Pennsylvania representing Energy Transfer in two trials around the winter holidays, said name partner *Mike Lynn* of Dallas-based Lynn Pinker Hurst & Schwegmann.

Patton got a week off in between trials — Thanksgiving week — which he spent with his wife and kids.

“I didn’t feel like it was fair to ask the associates who killed themselves for the New York trial to then pick up and go to Pennsylvania for a month,” Patton told *The Texas Lawbook* in a February interview. “I just thought, ‘I’ll be the link between the two.’”

The legal team beat a \$150 million lawsuit litigated by premier New York firm Wachtell Lipton Rose & Katz.

The plaintiff, investment funds associated with Goldman Sachs & Co. LLC and the Ontario Teachers’ Pension Plan Board, alleged breach of contract, fraud, unjust enrichment and negligent misrepresentation after an Energy Transfer pipeline near Pittsburgh exploded during a tropical storm in 2018.

The trial began Nov. 4 and stretched for three weeks, at which point closing arguments were scheduled for Jan. 17.

Another trial, in a lawsuit brought by Dallas-based Cardinal Midstream and its Reese Marketos lawyers over the same pipeline explosion, began Dec. 2 in Beaver, Pennsylvania. That trial went on through the week before Christmas and resumed in January. The lawyers gave closing arguments Jan. 14, just four days



**Chris Patton and No Recourse perform during the Law Rocks Dallas, a battle-of-the-bands style fundraiser for local charities.**

before Patton was due to be back in New York.

And in the middle of it all, Patton was able to reprise his role in the firm rock band’s holiday party performance.

“That’s like the highlight of my year,” Patton said.

The judge in the Pennsylvania case, Judge James J. Ross, ruled last month against Energy Transfer. The company is appealing.

*The Lawbook* caught up with Patton while he waited for that ruling and after his win in the New York case about the whirlwind experience, how he stayed focused and his side gigs in teaching and rock and roll. This interview has been edited for length and clarity.

**The Lawbook:** What is keeping you busy right now?

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**Chris Patton:** Trying to recover from the last couple of trials that have been all-consuming. Getting back up on my feet on some of my other cases. I started something new, in that I'm teaching as an adjunct at Southern Methodist University Dedmon School of Law. I'm teaching antitrust law, which has been fun and interesting, but it's taken some time to prepare for each class, so that's been keeping me busy. And then just kind of the everyday cases, trying to keep them going.

**The Lawbook:** How did the beginning of the semester go with you zipping between New York and Pennsylvania?

**Patton:** It was dicey. I think the first class was the week of my closing in New York. Like anything, you just plan ahead and hope for the best.

**The Lawbook:** What would you point to as some of the biggest trials that you've handled?

**Patton:** Certainly, these two Energy Transfer trials that I did the last couple months are big and important and were interesting. Before that, I'd done a couple of antitrust trials, one on the defense side for GE, one on the plaintiff side, that I was really proud of. But probably the biggest ones that I've handled were the last two.

**The Lawbook:** You chose to go to both New York and Pennsylvania. Why did you choose to do that?

**Patton:** I've been working with Energy Transfer since I started here in Texas in 2012. My very first trial here in Texas was with [name partner] Mike Lynn, Jeremy Fielding and Christopher Akin on behalf of Energy Transfer. That was the billion-dollar trial against Enterprise Products Partners which we won at the trial court level. Since then, I've really gotten deep into that company's business and done a bunch of cases for them, and continue to do a bunch of cases for them. When these two trials were scheduled back-to-back, one in November and one

in December, I had been staffed on both of them. I had overseen both of them, and there was some overlap between the teams. I thought there needed to be some continuity. It was difficult, but I think it was really important. Both teams were great and unique in their own ways, but I think the connection between the two trials was important.

**The Lawbook:** Are there one or two high-profile public matters that you're currently involved in that we can highlight?

**Patton:** I'm defending a large private equity firm in business court now here in Texas, which is fun. It's a kind of breach of contract, breach of fiduciary duty type case. It's a fairly large case, but it's interesting and unique because it's in the business court in Dallas and so we're getting a feel for that experience. I'm also doing an antitrust case in the midstream context, which is the first time I've kind of combined the areas of my practice. I do a lot of midstream, a lot of oil and gas and a lot of antitrust, and I've never done them in the same case.

**The Lawbook:** What news developments or trends in law are you particularly keeping an eye on at the moment?

**Patton:** Since I'm now an adjunct professor teaching antitrust, I've been thinking a lot more about antitrust than I had in the past. The focus that I'm looking at are antitrust lawsuits in the context of tech platforms, kind of like the Epic Games lawsuit against Apple. In the healthcare industry there, there are a lot of antitrust lawsuits that are arising. And the interesting thing about antitrust, and especially tech, is that it's not particularly a partisan issue. It seems to be an issue that both Democrats and Republicans don't necessarily agree on, but kind of want to address. I think that's been unique and fairly interesting from an outside perspective.

**The Lawbook:** What is the trial that

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you weren't involved in that you wish you had been?

**Patton:** I don't know that I have a specific trial that I wanted to be involved in that I wasn't. I do have a kind of trial. So, all the trials I've done in my career are big, sprawling matters that cover anything and everything over a 10-year, 15-year, 20-year period. Sometimes I think to myself, "It'd be really nice to do like a car wreck lawsuit, or just a very simple breach of a lease type of trial" where it's just really one issue and there's a couple witnesses over a few days and you can really just focus on the art of persuasion, as opposed to the big team, where you're managing and persuading at the same time.

**The Lawbook:** Do you have any pre-trial rituals?

**Patton:** I love music. I have a pre-trial playlist I listen to that gets me riled up. I made a New York City "get pumped" playlist. I play music and I'll just kind of play to clear my head, and I love to walk. So, New York was great because I could just walk all over the city, and kind of think about what I'm doing. I'm a process-by-thinker as opposed to process-by-talker type of lawyer. The more I can separate myself for a little bit and just think through what I'm doing, the better.

**The Lawbook:** What are a couple of the songs that were on your playlist?

**Patton:** I like all kinds of music, but I have Jack White, Foo Fighters, the Beastie Boys, Television, Gang of Four, Japandroids. Rock and roll.

**The Lawbook:** What is your favorite task to handle at trial and why?

**Patton:** I like opening. And the reason I like opening is because it's your first real substantive introduction to the fact finder. And it's where you kind of lay out the roadmap for trial and I think that's the place where you can win or lose, because plaintiff or defendant, you can kind of

frame the evidence before it comes in. Besides that, I kind of love the day-to-day chess match strategy of it all. Do we put this witness on now? Do we wait until later? Are we going to even bring this witness? What do we need to get out of this one, as opposed to this one? That for me is a lot of fun. The cross and the directs and all that is fun, too. But I kind of like the chess match these days, that is most interesting to me.

**The Lawbook:** How do you celebrate after a trial win?

**Patton:** I'm getting better at celebrating. Mike Lynn, who is a mentor to me, has a whole process for the firm that we follow. He makes sure we do it. We have a champagne toast, and everybody says something. That's one of the things we do. We recently had a nice dinner with the team and the clients because it was one of those things that truly was a team effort. It's not a self-contained case that I could have ever done by myself. So, we had a big dinner with, not only the team and the client, but with spouses, because we all know that the family side of things kind of gets neglected when you're in trial and certainly the spouses and significant others bear a load that sometimes goes unnoticed.

**The Lawbook:** If you weren't a lawyer, what career do you think that you would have chosen instead?

**Patton:** It's a hard one. I think I probably would have been a history professor, or, at one point, I wanted to be a philosophy professor, which my father-in-law talked me out of, which is good advice, but I might have done that. I love music. I still play music. So maybe something to do with music. I don't know that I would have been a professional musician, but something related to that.

**The Lawbook:** What do you play?

**Patton:** I play a little bit of everything. I'm a jazz pianist by training, but I don't do a lot of that these days. These days, I

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play bass and guitar in a couple of cover rock bands. Lynn Pinker has a band. [Fellow firm partner] Andrés Correa and I are kind of the leads in that band. He's the drummer, I'm the bass player. The name of our band is No Recourse, which I'm very proud of. We play every holiday party. We've done this for four years now. That's like the highlight of my year.

*Note: No Recourse won the Judge's Choice Award at this year's Law Rocks Dallas, a battle-of-the-bands style fundraiser for local charities.*