

Trachtenberg and Crozier: Updates to Arbitration-Related Litigation in Texas

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Haynes Boone Partner [Mark Trachtenberg](#) and Of Counsel [Christina Crozier](#) have provided updates to their article, “Arbitration-Related Litigation in Texas,” published by the State Bar of Texas. The article captures significant U.S. Supreme Court, Texas Supreme Court and Fifth Circuit decisions on arbitration over the last 20 years with the goal of organizing the law on the topic so anyone dealing with this type of litigation will have a roadmap of how the dispute is likely to play out.

Read an excerpt of the article below.

Congress intended for arbitration to be a faster, less expensive alternative to litigation. Businesses frequently include arbitration clauses in their contracts in an attempt to avoid the time and costs associated with the traditional court system. But judging from the steady stream of arbitration-related decisions emanating from state and federal courts, even the most “air-tight” arbitration clause cannot guarantee that disputes will be resolved without judicial intervention.

Courts typically deal with arbitration-related disputes in two circumstances. First, when a party invokes an arbitration clause and its opponent resists arbitrating the dispute, the parties often litigate the enforceability and scope of the arbitration clause before any arbitration proceeding begins. We refer to these disputes as “pre-arbitration litigation.”^[1] Second, after an arbitration panel renders its decision and issues an award, parties frequently turn to the courts to seek confirmation, modification or vacatur of the award. We refer to these disputes as “post-arbitration litigation.”

This article provides a comprehensive overview of arbitration-related litigation in Texas and offers guidance for handling an arbitration-related dispute in the court system. It is focused on arbitration-related litigation arising under the Texas Arbitration Act or the Federal Arbitration Act. Arbitration-related cases arising from foreign, international or labor arbitration proceedings are beyond the scope of the article.

[Read the full article here.](#)