
The Case for Specialized Business Courts in Texas

TEXANS FOR LAWSUIT REFORM FOUNDATION

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INTRODUCTION

There have been repeated legislative efforts in recent years to create specialized business courts in Texas. In 2007, TLR Foundation published *The Texas Judicial System, Recommendations for Reform*, outlining numerous suggestions for changing the structure and operation of Texas's judicial system, including the creation of complex litigation courts—a concept similar to business courts.¹ Unfortunately, the bill seeking to implement TLR Foundation's proposal for a complex litigation court failed in the closing days of the 2007 legislative session.² Since 2007, most legislative sessions in Texas have seen a bill introduced to create some form of business court system in Texas. So far, none of these efforts have succeeded, either.

Other states, however, have not been so tentative. They have jumped ahead of Texas, creating various kinds of business courts. In fact, as of 2021, twenty-nine states are operating some form of business or complex litigation court or court system.³ Looking to these states for guidance, Texas is in a position to create a world-class mechanism for resolving business disputes. If done, these courts could enhance Texas's already business-friendly stature, making the state an even more attractive destination for job-creating businesses to thrive.

This paper discusses the value and purpose of business courts, which states in the U.S. have adopted them, the common aspects and history of these courts, prior legislative efforts to establish business courts in Texas, arguments for and against the creation of business courts, and ideas about why these courts should be created in Texas.

BUSINESS COURTS IN THE UNITED STATES

Definition of and Commonalities in Business Courts

Generally speaking, business courts are state tribunals dedicated to handling business disputes or complex litigation within that state's jurisdiction. Although state-by-state variations make it difficult to formulate a universal definition, one commentator has defined "business court" as:

[A] state tribunal chiefly dedicated to resolving business and commercial disputes involving business-to-business commercial claims, or intra-business disputes between owners, partners, members, etc. over the ownership or operational aspects of a business, with a specialized business court judge assigned to the case for its duration.⁴

Another commentator has divided these specialized courts into three groups, based upon their eligibility requirements:

1. "pure business courts," where the parties must be commercial entities, but the dispute need not be complex;
2. "complex business courts," where the parties must be commercial entities and the case must be complex; and
3. "complex civil courts," where the parties need not be businesses, but the cases must be complex.⁵

As discussed below, states that have adopted one or another kind of business or complex litigation court have established varied subject-matter jurisdictions, including, for example,

technology and cyber courts. Broadly speaking, however, there are several common aspects of business courts across the states that have adopted these courts, usually involving:

- a specialized docket, most often involving disputes either between two businesses or between various factions within a single business organization;
- designated judges who consistently hear such business disputes, thereby expanding their expertise regarding both business law concepts and management of complex litigation;
- special training for the judges assigned to such courts;
- often a minimum jurisdictional amount;
- assignment of a single judge to handle each dispute from beginning to end, so as to eliminate the burden of having to familiarize numerous judges with often-complex facts;
- aggressive case management by the assigned judge, intended to reduce the amount of time needed to resolve disputes; and
- issuance of a published, written opinion by the assigned judge, for the purpose of building up business law precedent within the state.

TABLE 1			
U.S. states with an operational business or complex litigation court as of 2021	U.S. states with at least one permanent business court as of 2021	U.S. states with business court pilot programs as of 2021	U.S. states with complex litigation courts
Arizona, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, West Virginia, Wisconsin, Wyoming	Arizona, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, West Virginia, Wyoming	Kentucky, Tennessee, Wisconsin	Arizona, California, Connecticut, Minnesota, Oregon
29 total	22 total	3 total	5 total

A History of Business Court Creation in the States

Delaware Leads the Way. The grandfather of business courts in the U.S. is Delaware’s Court of Chancery, which was created in 1792. Strictly speaking, a “court of chancery” is a court that deals in principles of equity, not in questions of law. Over the decades, Delaware has actively and successfully courted large corporations to charter in its state, and its Court

of Chancery has come to represent the “gold standard” in resolving commercial disputes for these corporations, as well as a court known for formulating influential business law precedent.⁶

Delaware’s Court of Chancery comprises one chancellor and six vice-chancellors who serve twelve-year terms.⁷ The chancellors are nominated by the governor and confirmed by the senate.⁸ The Court of Chancery, a non-jury trial court, is Delaware’s court of original and exclusive equity jurisdiction.⁹ This jurisdiction is measured akin to the equity jurisdiction of the High Court of Chancery of Great Britain as it was prior to the separation of the American colonies, although Delaware’s General Assembly may confer additional jurisdiction on the court.¹⁰

The court adjudicates a wide variety of cases that mostly include corporate matters, trusts, estates, and other fiduciary matters, commercial and contractual matters in general, questions of title to real estate, and disputes involving the purchase and sale of land.¹¹ Because the Court of Chancery is a non-jury trial court, when issues of fact to be heard by a jury arise, the court may order such facts to a trial by the Delaware Superior Court.¹²

The court boasts that it “is widely recognized as the nation’s preeminent forum for the determination of disputes involving the internal affairs of the thousands upon thousands of Delaware corporations and other business entities through which a vast amount of the world’s commercial affairs is conducted” and that “[i]ts unique competence in and exposure to issues of business law are unmatched.”¹³

What makes Delaware’s Court of Chancery laudable is its ability to efficiently adjudicate complex and sophisticated commercial disputes, a result from over 200 years of existence and experience. Lee Applebaum, a leading attorney, writer, and advisor in the business court sector, described Delaware’s success:

As opposed to the courts and dockets for [other U.S.] states—which were specifically created to specialize in handling business and commercial disputes—the Court of Chancery grew organically into that role over the course of 225 years. This specialization was a logical outgrowth given that the court’s historical subject-matter jurisdiction over equitable claims frequently resulted in it hearing claims seeking injunctive relief (such as claims seeking to enjoin mergers) or claims challenging the conduct of fiduciaries.¹⁴

Another valuable characteristic of the Chancery Court is that it publishes its opinions, which are made available online.¹⁵ By making these court decisions available through a searchable database, attorneys and businesses are able to navigate the extensive commercial case law in Delaware.

The Court of Chancery’s prestige is based on its legal precedence relating to corporate cases (i.e., disputes in equity between members, officers, directors, or shareholders of a particular company).¹⁶ The court rarely hears lawsuits for money damages arising from other types of business disputes—which is why the Superior Court was created.¹⁷

Delaware’s Superior Court is a court of law that has heard plenty of complex business law disputes over the years, too.¹⁸ The Superior Court’s Complex Commercial Litigation Division (CCLD) was established in 2010 and hears any case that:

- includes a claim asserted by any party (either directly or as a declaratory judgment action) with an amount in controversy of \$1 million or more;
- involves an exclusive choice-of-court agreement or a judgment resulting from an exclusive choice-of-court agreement; or
- is designated as complex by the president judge of the court.¹⁹

Cases excluded from the CCLD include:

- any case containing a claim for personal, physical, or mental injury;
- mortgage foreclosure actions;
- mechanics' lien actions;
- condemnation proceedings; and
- any case involving an exclusive choice-of-court agreement where a party to the agreement is an individual acting primarily for personal, family, or household purposes or where the agreement relates to an individual or collective contract of employment.²⁰

In the CCLD, complex business disputes are handled similarly to Chancery Court matters in they are assigned to a single, specialized judge from start to finish and may be submitted to a jury.²¹ A party who opposes CCLD identification may do so by a motion filed prior to the mandatory scheduling conference or at such other time directed by the assigned judge.²² If the assigned judge determines that the case is not a qualifying case, the case is reassigned to a court official.²³

Other States Follow Delaware's Lead. The recent movement toward establishing business courts in other states began around 1993, with initial experiments in Manhattan and Chicago.²⁴ No two states have adopted identical systems and, at present, no uniform national model has been developed for business courts. Precisely because of the myriad forms of business courts that states have instituted, there are numerous synonyms (and near-synonyms) for these courts, including specialty courts, chancery courts, complex litigation courts, commercial courts, high-technology courts, and cyber courts.

As of the publication of this paper, twenty-two states have some form of permanent business court, and three states (Kentucky, Tennessee, and Wisconsin) have pilot programs currently operating.²⁵ The following states (listed in order of adoption) have at least one business court that is permanently operational as of 2021:

New York, Illinois, New Jersey, North Carolina, Pennsylvania, Nevada, Massachusetts, Rhode Island, Maryland, Florida, Georgia, Maine, South Carolina, New Hampshire, Delaware, West Virginia, Michigan, Iowa, Arizona, Indiana, Ohio, and Wyoming.²⁶

Additionally, at least five states—Arizona,²⁷ California, Connecticut, Minnesota, and Oregon—have established complex litigation courts that are either in addition to an already-established business court or are similar to a business court in structure and function but handle a broader range of cases, including non-business matters like mass tort and environmental cases.²⁸

States’ Failed Attempts to Implement Business Courts. Although general historical trends have favored creating business courts (or a similar tribunal), its advance has not been uniformly successful. Colorado, for example, extensively studied the issue and piloted a business court in 2000 but ultimately did not institute the court.²⁹ Similarly, Alabama’s Commercial Litigation Docket ended its activities in 2015 for possible constitutional issues.³⁰ As discussed below, multiple attempts have been made in Texas to create business courts, all of which have failed.

Many states have established programs on a provisional, city-by-city basis (rather than uniformly doing so statewide).³¹ This has sometimes resulted in failure in particular localities due to inadequate funding, poor organization, or political pushback, even as other business courts within that same state thrive.³²

Case Eligibility Requirements

For a case to be qualified for a business or complex litigation court, there are typically two main considerations: the type of dispute and the amount of damages.

As noted in the chart in the attached appendix, a number of states base eligibility for accessing a business court on the amount in controversy. As such, the court has jurisdiction only if the monetary value of the claim is high enough to meet the minimum threshold requirement. In states that base eligibility for accessing a business court on the amount in controversy, the amount required can be as low as \$25,000³³ or as high as \$1 million.³⁴ Some states lack an amount-in-controversy requirement altogether.³⁵ Often, the amount-in-controversy requirement can vary from county to county, or from division to division, within the same state. For example, in Florida’s Eleventh Judicial Circuit of Florida (Miami), the minimum jurisdictional requirement is \$750,000; in the Ninth Circuit (Orlando), the requirement is \$500,000; the Seventeenth Circuit (Fort Lauderdale) requires \$150,000 to be eligible for the complex litigation division; and the Thirteenth Circuit (Tampa) does not have a minimum amount-in-controversy requirement.³⁶

Other states, including Delaware’s CCLD, allow specified categories of cases to access a business court without regard to the amount in controversy.³⁷ In determining whether a given matter qualifies as a “business dispute,” numerous states have adopted guidelines wherein the central issues of the case must relate to matters such as:

1. the formation, dissolution, governance, or liquidation of a business entity;
2. obligations between a business entity and its owners, officers, directors, or partners;
3. trade secrets, non-competes, or employment agreements;
4. liability or indemnity of business entities or their owners, officers, directors, or partners; and
5. disputes between business entities or individuals that relate to contracts or other transactions.

There are also states that require a specified amount in controversy *plus* certain eligibility criteria. For example, to be authorized to be heard by the Iowa Business Specialty Court,

cases must involve claims for compensatory damages totaling \$200,000 or greater and must fall into one of the following categories:

1. Arise from technology licensing agreements, including software and biotechnology licensing agreements, or any agreement involving the licensing of any intellectual property right, including patent rights.
2. Relate to the internal affairs of businesses (i.e., corporations, limited liability companies, general partnerships, limited liability partnerships, sole proprietorships, professional associations, real estate investment trusts, and joint ventures), including the rights or obligations between or among business participants, or the liability or indemnity of business participants, officers, directors, managers, trustees, or partners, among themselves or to the business.
3. Involve claims of breach of contract, fraud, misrepresentation, or statutory violations between businesses arising out of business transactions or relationships.
4. Be a shareholder derivative or commercial class action.
5. Arise from commercial bank transactions.
6. Relate to trade secrets, noncompete, nonsolicitation, or confidentiality agreements.
7. Involve commercial real property disputes other than residential landlord-tenant disputes and foreclosures.
8. Be a trade secrets, antitrust, or securities-related action.
9. Involve business tort claims between or among two or more business entities or individuals as to their business or investment activities relating to contracts, transactions, or relationships between or among them.³⁸

In some states, such as Arizona,³⁹ Indiana,⁴⁰ and Delaware,⁴¹ the courts outline which cases are eligible for their business court and which are not. Generally, the types of cases not eligible include: personal injury, survivorship, or wrongful death; product liability and consumer protection; discrimination; individual residential real estate disputes; matters eligible to be heard in family, probate, or juvenile courts; criminal matters; and consumer debts.

States with complex litigation courts will hear cases that are defined as, for example, “an action that requires exceptional judicial management to avoid placing unnecessary burdens on the court or the litigants and to expedite the case, keep costs reasonable, and promote effective decision making by the court, the parties, and counsel.”⁴² In these states, the court will assess whether a given case is sufficiently complex using various metrics, including: the number of parties and claims, amount in controversy, complexity of the legal and factual issues, transnational issues, complexity of the discovery, high volume of technical evidence, anticipated length of trial, number of witnesses, significant expert testimony, and amount of judicial supervision required pre- and post-judgment.⁴³

While the subject matter of complex litigation courts and business courts are not identical, both courts' objectives are similar—to provide specialized case law precedent and a forum where certain matters can be heard by a judge experienced in that particular proceeding.

Procedural Access Into (and Out of) Business Courts

The states that have established business courts have adopted varying methods for accessing a business court. Some states employ an “automatic” acceptance system, in which all cases satisfying certain pre-established criteria must be heard before a business court. Other states have adopted a more discretionary approach, in which either (1) a litigant can voluntarily choose or decline to initially file (or subsequently transfer) in the business court or (2) the state establishes a “gatekeeper” who recommends to the business court which applicants should have their cases heard there. And, in addition to getting commercial cases into the business courts, states have mechanisms for transferring cases out of these specialized courts. Arizona, Iowa, and North Carolina, for example, have different procedures for getting cases into and out of their business courts, as discussed in the following paragraphs.

Arizona. It is mandatory that a plaintiff filing a commercial case in Arizona’s Commercial Court include in the caption of the initial complaint the words “commercial court assignment requested,” assuring that a defendant who is served with the complaint will be aware of the potential assignment.⁴⁴ The plaintiff must also check a box on the civil cover sheet that indicates the case is eligible for the business court.⁴⁵ A defendant requesting commercial court assignment may file a notice within twenty days of making an appearance.⁴⁶ Additionally, a judge may reconsider the commercial court assignment on motion of a party within a specified time limit.⁴⁷ A judge with a general civil docket may also order transfer of a case to the commercial court on motion of a party or on the court’s own initiative.⁴⁸ An assignment to the business court does not preclude subsequent transfer of an eligible case to the complex civil litigation program under Arizona’s Superior Court local rules.⁴⁹

Iowa. Iowa has two avenues that parties may use to transfer a case into Iowa’s Business Specialty Court: (1) the case can be transferred if all parties consent to the transfer and the court administrator approves the transfer, or (2) a party may file a motion to transfer the case to the business court.⁵⁰

Iowa’s business court allows a voluntary opt-in format in which all parties to an action agree to bring their legal dispute to the business court docket.⁵¹ The parties submit a Joint Consent for Case Assignment to the Iowa Business Specialty Court with the State Court Administrator, acknowledging that the case meets the necessary criteria.⁵² There are no prescribed time limits for opting into the business court by joint consent.⁵³ The administrator determines if the case may be transferred to the business court docket and, upon approval, assigns one of the business court judges to the case.⁵⁴

If the parties do not jointly consent to transfer the case, a party may file a motion to transfer the case to the business court docket.⁵⁵ The motion is filed in the case the same way as motions are usually filed, but the motion is ruled on by the chief judge of the judi-

cial district in which the case is filed instead of the assigned district court judge.⁵⁶ In the motion, the filer must certify that the case involves claims for compensatory damages totaling \$200,000 or more or involves claims seeking primarily injunctive or declaratory relief, and that the case also satisfies one or more of the necessary criteria.⁵⁷ The filer must also identify the status of the case and the names of any other parties joining in the motion.⁵⁸

A motion to transfer, unlike transferring by joint consent, does have prescribed time limits. The motion must be filed within 120 days of filing the petition or within thirty days of the service of an amended petition that adds claims or new parties.⁵⁹ Once the motion is fully submitted, the chief judge of the judicial district in which the case is filed determines whether the case meets the necessary criteria.⁶⁰

If a party files a motion to transfer, any other party may file a resistance to the motion within ten days after the motion has been served or within twenty days after the service of the motion, original notice, and petition upon the party, if the motion is filed with the petition.⁶¹ The chief judge of the judicial district in which the case is filed then rules on the motion with or without a hearing.⁶² The chief judge will enter an order with the court's ruling and, if the motion is granted, notify the State Court Administrator, who will assign one of the business court judges to the case.⁶³

North Carolina. North Carolina has procedures for getting a case back to regular civil superior court that was designated to the business court. The chief business court judge rules on oppositions to designation and may even determine *sua sponte* that the action should not have been designated as a mandatory complex business case in the first place.⁶⁴ If the case is no longer designated as a mandatory complex business case, the action proceeds on the regular civil superior court docket in the county of appropriate venue.⁶⁵ The parties may proceed with an interlocutory appeal regarding the chief judge's decision on an opposition to designation.⁶⁶

If a case meets the substantive requirements for mandatory complex business designation but a party fails to designate within the requisite period of time, the chief justice of the Supreme Court of North Carolina has discretion to designate any case as an "exceptional" or "complex business" case.⁶⁷ A case that meets the requirements for designation as a "complex business case" may be assigned to a business court judge by the chief justice. The chief justice implemented a procedure that, absent exceptional circumstances, business court judges only are assigned those cases qualifying for complex business case designation (often referred to as "mandatory-mandatory" complex business cases).⁶⁸

If a case is designated to the business court, the parties are not required to change venue and try the case in a business court courtroom.⁶⁹ The North Carolina Business Court is not a court of jurisdiction; it is an administrative division of the General Court of Justice.⁷⁰ While motions and pretrial matters are typically heard in the business court courtroom of the presiding business court judge, all jury trials are held in the county of venue, and non-jury trials may be held in a business court courtroom if all parties consent.⁷¹

Selecting and Training the Judges

States vary in their selection of business court judges. These judges may be appointed by a state legislature or high court. For example, in Georgia, the court has a single judge who is

appointed by the governor⁷²; in West Virginia, the judges are appointed by the chief justice of the supreme court of appeals⁷³; and in North Carolina, trial court judges are elected by the voters, but business court judges are nominated by the governor and confirmed by the general assembly.⁷⁴

Selection criteria also vary from state to state. In Georgia, a business court judge must meet three prerequisites to be appointed: (1) Georgia residency and U.S. citizenship for at least seven years; (2) admission to practice law in Georgia for at least seven years; and (3) fifteen years of legal experience in complex business litigation, either as an attorney or a judge.⁷⁵

In Iowa, the supreme court appoints business court judges based on their educational background, experience in the adjudication of complex commercial cases, and their desire to participate in the business court.⁷⁶ While serving on Iowa's business court, the judges retain their normal district court dockets in addition to their business court dockets.⁷⁷ A committee chaired by a supreme court justice reviews applications for judgeship and makes a recommendation to the court on its decision regarding appointment.⁷⁸ More specifically, district court judges—which includes business court judges—are appointed in Iowa considering the following:

Each judicial nominating commission shall carefully consider the individuals available for judge . . . Such nominees shall be chosen by the affirmative vote of a majority of the full statutory number of commissioners upon the basis of their qualifications and without regard to political affiliation. Nominees shall be members of the bar of Iowa, shall be residents of the state or district of the court to which they are nominated, and shall be of such age that they will be able to serve an initial and one regular term of office to which they are nominated before reaching the age of seventy-two years.⁷⁹

Business court judges sitting before these specialized cases will doubtless develop subject matter expertise, even if they lacked the specialization prior to sitting on that bench.⁸⁰ Some states provide additional training for these judges to deepen their knowledge of business law and technology cases, for example.⁸¹ Judges appointed to the Maryland Business and Technology Case Management Program attend specialized training to help manage complex business and commercial litigation matters.⁸² And in Michigan, judges appointed to the business court must attend training provided by the Michigan Judicial Institute.⁸³

Publishing Court Opinions

It is not enough for states to establish specialized courts. The next important aspect is for the courts to write and publish opinions. When a court neglects to publish decisions in its specialized areas of law, participants in that state (and in other states) are not afforded the full benefits of the court's value.⁸⁴ As one observer put it:

In choosing where to do business, a company would logically prefer to do business in a state where the costs of litigation are lower, where a specialized judge was tasked with resolving its business disputes, and where there was a robust body of case law relating to business matters. To the extent that a business court satisfies each of these needs, it could serve as an effective tool for attracting businesses to a particular state.⁸⁵

...

When opinions are not published at all, the loss to the commercial community is obvious. When opinions are published seriatim on a state court website that is not searchable, then the loss is comparable. In today's world, an opinion that is not searchable does not exist for all practical purposes. In order for business courts to fulfill their core function of providing greater certainty about the content of the business law of a particular state, it is necessary not simply that they write opinions but also—as importantly—that the state invest the time and resources in making sure that these opinions circulate as widely as possible. This means investing a sufficient amount in information technology to guarantee that these decisions can be located, searched, and read by local attorneys.⁸⁶

For more details and a state-by-state breakdown of these specialized courts, the reader may reference the chart in the attached appendix.

EFFORTS IN TEXAS TO ADOPT BUSINESS COURTS

In almost every legislative session since 2007, Texas legislators have filed bills to create some type of business or complex litigation courts system in Texas. Senator Robert Duncan and Representative Dan Gattis filed companion bills S.B. 1204 and H.B. 2906 in the 2007 legislative session that would have, among other things, allowed specialized handling of complex civil cases. These two bills were based on the TLR Foundation's report entitled *The Texas Judicial System, Recommendations for Reform*.

The bills proposed the creation of the Judicial Panel on Complex Cases, which would transfer complex cases to trial courts chosen by the Panel.⁸⁷ Under this proposal, a party seeking special handling of a case filed in any Texas trial court could ask the Panel to transfer the case to an assigned judge. The Panel, acting as a gatekeeper, had discretion to assign judges and transfer cases. The introduced version of S.B. 1204 required the supreme court to adopt rules regarding the types of civil cases that constituted complex cases and that, in developing the rules, consider certain factors with respect to the type of civil case, including:

1. whether there are likely to be a large number of separately represented parties;
2. whether coordination may be necessary with related actions pending in one or more courts in other counties, states, or countries, or in a United States federal court;
3. whether it would be beneficial for the case to be heard by a judge who is knowledgeable in the specific area of the law involved;
4. whether it is likely that there will be numerous pretrial motions, or that pretrial motions will present difficult or novel legal issues that will be time-consuming to resolve;

5. whether it is likely that there will be a large number of witnesses or a substantial amount of documentary evidence;
6. whether it is likely that substantial post-judgment supervision will be required;
7. whether it is likely that the amount in controversy will exceed an amount specified by the supreme court; and
8. whether there is likely to be scientific, technical, medical, or other evidence that requires specialized knowledge.⁸⁸

Senator Duncan successfully moved S.B. 1204 through the Senate, handing it off to Representative Gattis in the House. Unfortunately, S.B. 1204 failed to pass the House, dying on a point of order in the closing days of the legislative session.

The following legislative session, Senator Duncan carried S.B. 992, a new version of the courts bill that contained a mechanism for funding complex cases wherever the case was filed.⁸⁹ The idea of the bill was to fund the particular court to handle the complex case instead of transferring the case out of that court. S.B. 992 also failed to be enacted.

In 2015 (H.B. 1603) and 2017 (H.B. 2594), Representative Jason Villalba unsuccessfully sponsored legislation to create statewide chancery courts.⁹⁰ Salient features of these bills included a \$10 million minimum amount-in-controversy combined with a subject matter requirement.⁹¹ Only the following kinds of cases could be heard by the court Representative Villalba envisioned:

1. a derivative action on behalf of an organization;
2. an action arising out of or relating to a qualified transaction in which the amount in controversy exceeds \$10 million, excluding interest, statutory damages, exemplary damages, penalties, attorney's fees, and costs;
3. an action regarding the governance or internal affairs of an organization;
4. an action in which a claim under a state or federal securities or trade regulation law is asserted against:
 - A. an organization;
 - B. a governing person of an organization for an act or omission by the organization or by the person in the person's capacity as a governing person;
 - C. a person directly or indirectly controlling an organization for an act or omission by the organization; or
 - D. a person directly or indirectly controlling a governing person for an act or omission by the governing person;
5. an action by an organization, or an owner or a member of an organization, if the action:
 - A. is brought against an owner, managerial official, or controlling person of the organization; and

- B. alleges an act or omission by the person in the person's capacity as an owner, managerial official, or controlling person of the organization;
- 6. an action alleging that an owner, managerial official, or controlling person breached a duty, by reason of the person's status as an owner, managerial official, or controlling person, including the duty of care, loyalty, or good faith;
- 7. an action seeking to hold an owner of an organization, a member of an organization, or a governing person liable for an obligation of the organization, other than on account of a written contract signed by the person to be held liable in a capacity other than as an owner, member, or governing person;
- 8. an action in which the amount in controversy exceeds \$10 million excluding interest, statutory damages, exemplary damages, penalties, attorney's fees, and costs that:
 - A. arise against, between, or among organizations, governing authorities, governing persons, members, or owners, relating to a contract transaction for business, commercial, investment, agricultural, or similar purposes; or
 - B. involve violations of the Finance Code or Business & Commerce Code;
- 9. an action brought under Chapter 37, Civil Practice and Remedies Code, involving:
 - A. the Business Organizations Code;
 - B. an organization's governing documents; or
 - C. a dispute based on claims that fall within the provisions of this subsection; and
- 10. an action arising out of the Business Organizations Code.⁹²

Cases within the jurisdiction of the chancery court could be filed in that court.⁹³ If the court lacked subject-matter jurisdiction over even part of the matter, the case would be dismissed without prejudice.⁹⁴ A party to an action filed in a district or county court at law that was within the subject-matter jurisdiction of the chancery court could remove the action to that court; if the chancery court lacked jurisdiction, the court would remand to the originating court.⁹⁵ Actions filed in the chancery court would be assigned to the docket of a judge on a rotating basis.⁹⁶

Representative Villalba's chancery court contained seven trial judges appointed for six-year terms.⁹⁷ This aspect of the bill was controversial, as Texas elects all of its state-level trial and appellate judges. The bill outlined the necessary qualifications to be a judge on the business court, requiring the contender be: at least 35 years old, a U.S. citizen, a resident of Texas for at least two years before appointment, and a licensed attorney in Texas and

have ten or more years of experience in (A) practicing complex civil business litigation; (B) practicing complex business transaction law; (C) teaching courses in complex civil business litigation or complex business transaction law at an accredited law school in this state; (D) serving as a judge of a court in this state with civil jurisdiction; or (E) any combination of this experience.⁹⁸

In 2019, Representative Jeff Leach sought to create a business district court and Court of Business Appeals, via H.B. 4149.⁹⁹ Substantively, H.B. 1603 (2015) as adopted by the House committee, H.B. 2594 (2017) as introduced, and H.B. 4149 (2019) as introduced are almost identical, including the list of cases that qualified for the specialized court.¹⁰⁰ The main difference was the nomenclature of “chancery court” versus “business court.”

Most recently, in 2021, Representative Brooks Landgraf carried H.B. 1875, a bill similar to Representative Leach’s H.B. 4149.¹⁰¹ None of these efforts were successful, even though the bills were actively supported by the Texas Bar’s Business Law section and the Texas Business Law Foundation.¹⁰²

DOES TEXAS NEED BUSINESS COURTS?

Business courts could boost Texas’s economy, help the courts with overcrowded dockets, and create a fair and predictable forum for resolving certain kinds of disputes. And there is nothing controversial about having specialized courts. Texas already has civil courts, small claims courts, felony criminal courts, misdemeanor criminal courts, family courts, probate courts, juvenile courts, and veterans’ courts, among others.

Evolving, Complex Business Practices and Texas’s Economy

As interstate and international trade has grown increasingly complex, courts must likewise evolve to keep up—especially in Texas, where businesses are moving to the state daily. And while the litigants serviced by business courts are often large corporations, such entities play an oversized role in the economy, which affects all state residents.

Implementing specialized business courts allows a state to be viewed as a “preferred arena” for corporate litigation, by both lawyers and litigants.¹⁰³ Because of the enhanced litigation efficiency and predictability provided by these courts, companies might consider the existence of the court as a reason to relocate to, or remain headquartered in, a particular state. To encourage more business growth and boost the economy in Texas, business courts should be established.

Judicial Efficiency and Precedential Consistency

Business courts allow disputes to be resolved in an expedited manner, saving both time and expense for the litigants. One important component driving efficiency is the involvement of a single judge, which reduces the litigants’ need to continually re-familiarize various jurists with the facts of their case. Further, specialized courts allow for the development of a cadre of knowledgeable and experienced judges, conversant in both business law and the handling of complex cases and dockets, resulting in faster, better-reasoned, and more predictable resolutions.

Along the same lines, companies highly prize “predictability” of judicial outcomes, which business courts encourage—especially in contrast to arbitration, the decisions of which lack precedential value—by repeatedly utilizing a finite number of judges and generating a body of coherent precedent. And the requirement of written trial-level opinions develops an extensive, internally coherent, and well-reasoned body of state commercial case law. With the great majority of modern cases now being resolved privately, the creation of such precedent is a benefit to the state. Moreover, because there would be predictability and the presence of experienced, business-knowledgeable judges, there is an increased probability of pre-trial settlement, as the judges can realistically assess each side’s likelihood of success.

Furthermore, diverting lengthy and complicated cases to specially-equipped business courts frees up non-specialized courts to more effectively and efficiently attend to other cases by unclogging their dockets. In seeking increased efficiency, business courts often serve as the proving grounds for emergent technology (such as video-conferencing, electronic filing, and searchable servers), which are later adopted on a statewide basis by all courts.

Although the business court model might raise fears of unfairly mismatched “David v. Goliath” battles between large corporations and individual consumers, the disputes would be between evenly-matched parties, i.e. corporation v. corporation, or corporation v. its owners, officers, or board.

CRITICS OF ESTABLISHING BUSINESS COURTS

There are some who criticize the creation of business courts.¹⁰⁴ Opponents may say it is unfair to have “special courts” for business people or wrong to ask taxpayers to finance a specialized court system that provides them no apparent benefit. But the same disparity could be said for family courts, probate courts, and the like, which are already established, necessary, and funded by taxpayers.

Critics may argue that business court judges become isolated from hearing other areas of the law, while other judges are prevented altogether from hearing substantive business disputes. Relatedly, there could be worries that the most capable judges might move to the business courts, or that business courts could result in a small group of judges controlling the development of business law within that jurisdiction. However, first, it is arguably more important for judges to be skilled in specific areas of law (as it is already with family and probate judges, for example). Surely it is a beneficial aspect of a business court judge’s specialized position to focus on a niche of law rather than be somewhat familiar with myriad areas of civil law. Second, it is important that there is consistent development of business law.

Critics may also say business courts foster a public perception of pro-business favoritism or that such courts could encourage corporate forum shopping. However, as shown by the state of Delaware and discussed above, Texas, too, could represent a “gold standard” in deciding business disputes and pave the way to formulate instrumental business law precedent, making Texas an even-more-attractive location for businesses to incorporate and headquarter. A strong state economy benefits its residents.

It could also be said that adding business courts creates a two-tiered judicial system, where only business entities get quick, competent resolution, or that supplemental funding and superior technical and administrative resources may be appropriated from other courts. Actually, however, the creation of business courts would help other courts with their case-loads, thus enabling non-business cases to obtain quick, competent resolution, too. Further, the implementation of business courts in Texas could take necessary and available resources into account and allocate accordingly to “underprivileged” courts.

Opponents may assert that hard statistical evidence supporting the alleged virtues of business courts, including efficiency and cost savings, is said to be inconclusive or absent. As examined above, it is difficult, if not impossible, to obtain hard statistical evidence because there are no consistent “business courts” across the U.S. However, proponents have said, for example, “A case that might take three, four, or five years in another state, we [in Delaware] can often do in eighteen months or less. [Business] disputes get heard quickly and fairly. A regular civil judge can’t give the big complex case the attention it needs. You’re always putting out fires.”¹⁰⁵ And in Georgia, the business court found that it took an average 608 days for the court to handle complex contract cases, compared to an estimated 1,746 days on the general docket.¹⁰⁶

Critics may argue that political appointments to specialized benches raise issues about potential bias, politicization, and the possibility of undue influence by special interest groups. A feasible option to avoid these issues is to appoint judges already on the bench or attorneys who are academically-based.¹⁰⁷ Regardless of how the judge is selected, “it must be done in a way that promotes the appearance of judicial independence and fosters public trust and confidence.”¹⁰⁸

Lastly, critics could say that federal courts and alternate dispute resolution already exist to handle complex business litigation. However, as addressed throughout this paper, precedent in business law is important. With alternative dispute resolution, the outcomes are normally confidential and arbitrarily rendered. And in federal court, there are prerequisites that may not be met in order for the federal court to have jurisdiction.

The bottom line is that these courts, like family courts and probate courts, are beneficial. The specialized nature of business courts encourages judicial efficiency and allows the participating parties a fairer proceeding than if an unknowledgeable judge were to sit on the bench for the same case. A judge competent to handle business or complex litigation means consistency in precedent, and a business court streamlines the judicial process and allows resources to be spent more effectively.

RELATIONSHIP OF BUSINESS COURTS TO OTHER PROCEDURES

Jury Trials

No modern-era business court automatically excludes a role for the jury, although some states allow both sides of the lawsuit to jointly consent to a bench trial. New Jersey implemented, then abandoned, a requirement that business court litigants waive their right to a jury trial.¹⁰⁹ And even if requiring trials to the court were contemplated, it is not legally possible in Texas. The Texas Constitution guarantees a right to a jury if any party demands it, providing:

RIGHT OF TRIAL BY JURY. The right of trial by jury shall remain inviolate. The Legislature shall pass such laws as may be needed to regulate the same, and to maintain its purity and efficiency. . . .¹¹⁰

Can a business court in Texas use a specialized jury? Although numerous commentators have called for utilizing “blue ribbon juries” made up of jurors possessing advanced degrees and specialized skills in cases involving complex technological and scientific issues,¹¹¹ there does not appear to be any business court in the nation employing such specialized juries. And any effort to either eliminate or restrict a jury’s makeup doubtless opens the door to constitutional challenges.

Consequently, as both a practical and legal matter, a business court in Texas will have to provide for trials to a jury. But from what geographic area will the jury be chosen? In Representatives Villalba’s and Leach’s bills, examined above, a jury trial would be held in a county in which venue would be found under the general rules outlined in the Texas Civil Practice and Remedies Code; and the drawing of jury panels, selection of jurors, and other jury-related practice and procedure in the business court would be the same as for the district court in the county in which the trial would be held.¹¹²

Alternative Dispute Resolution

Business courts and alternate dispute resolution (“ADR”) share a number of goals, including reducing the litigants’ expenses, shortening the time needed to resolve disputes, and utilizing knowledgeable decision-makers. And it has been suggested that business courts are an exceptionally good fit for using ADR, given that (1) knowledgeable judges may be able to objectively identify the critical issues in dispute and thereby determine the optimal time for ADR (and perhaps even the ideal arbitrator), and (2) the “businessmen” on both sides of the dispute are presumably accustomed to negotiating.¹¹³

Indeed, a common feature of business courts in other states is the frequent use of court-ordered ADR to encourage early case settlement. Some states have adopted ADR rules that are specific to their business courts.¹¹⁴ However, among the states that have adopted business courts, there is a wide variety of approaches to ADR. Submission to ADR, for example, may be optional or mandatory, and may involve any ADR mechanism from mediation or binding arbitration.

Despite their common goals, there are significant differences between the ADR process and proceeding in a business court. Utilizing a business court can involve a jury and an appeal, while ADR involves neither. A decision by a business court may be reported in a published opinion, while an ADR resolution is generally kept confidential, thereby hampering the development of business law within a state. Resolution by trial in a business court is necessarily adversarial, while the ADR process of mediation collaborative.

At any rate, the ADR component of business courts legislation in Texas likely does not require legislative action. Instead, it can be implemented by the business court judges themselves as is the case in other Texas courts. Most civil courts in Texas have local rules and standing orders relating to ADR, and there is no reason for business courts to operate differently in this respect.

CONCLUDING REMARKS

The Texas judiciary would greatly benefit from the adoption of business courts. Participants in these courts would be assigned judges with knowledge and expertise in both business law and effective case management. Texas could develop a centralized body of commercial precedent, which would incentivize companies to relocate to and incorporate in Texas, stimulating the state's economy. Parties would have more certainty in the application of rules and procedures and a consistency in rule enforcement, thereby encouraging earlier settlement and less litigation costs. And the rest of the Texas judiciary would be more effective with less bogged-down dockets. For these reasons, and so many more discussed herein, Texas should establish a business courts system.

APPENDIX

BUSINESS COURTS IN OTHER STATES				
ARIZONA				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
2003	Rule 3.12, Maricopa County Local Rules, Complex Civil Litigation Program	Complex Civil Litigation Program	Maricopa County, Arizona	N/A
Case Eligibility	<p>In deciding whether a civil action is a complex civil action . . . , the court must consider the following factors:</p> <p>(A) numerous pretrial motions raising difficult or novel legal issues that will be time-consuming to resolve;</p> <p>(B) management of a large number of witnesses or a substantial amount of documentary evidence;</p> <p>(C) management of a large number of separately represented parties;</p> <p>(D) coordination with related actions pending in one or more courts in other counties, states, or counties, or in a federal court;</p> <p>(E) substantial post judgment judicial supervision;</p> <p>(F) the action would benefit from permanent assignment to a judge who would have acquired a substantial body of knowledge in a specific area of the law;</p> <p>(G) inherently complex legal issues;</p> <p>(H) factors justifying the expeditious resolution of an otherwise complex dispute; and</p> <p>(I) any other factor that in the interests of justice warrants a complex designation or as otherwise required to serve the interests of justice.</p>			
Ineligible Cases	N/A			
Designation	May be designated a complex civil action by plaintiff, by defendant, jointly, or sua sponte.			
Notes	A “complex civil action” is a civil action that requires continuous judicial management to avoid placing unnecessary burdens on the court or the litigants and to expedite the case, keep costs reasonable, and promote an effective decision-making process by the court, the parties, and counsel.			

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BUSINESS COURTS IN OTHER STATES				
ARIZONA				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
2015 (made permanent in 2019)	Ariz. R. Civ. P. 8.1	Commercial Court	Maricopa County, Arizona	\$300,000
Case Eligibility	<p>A commercial case is generally eligible for the commercial court if it meets one of the following descriptions:</p> <ul style="list-style-type: none"> (1) concerns the internal affairs, governance, dissolution, receivership, or liquidation of a business organization; (2) arises out of obligations, liabilities, or indemnity claims between or among owners of the same business organization (including shareholders, members, and partners), or which concerns the liability or indemnity of individuals within a business organization (including officers, directors, managers, member managers, general partners, and trustees); (3) concerns the sale, merger, or dissolution of a business organization, or the sale of substantially all of the assets of a business organization; (4) relates to trade secrets or misappropriation of intellectual property, or arises from an agreement not to solicit, compete, or disclose; (5) is a shareholder or member derivative action; (6) arises from a commercial real estate transaction; (7) arises from a relationship between a franchisor and a franchisee; (8) involves the purchase or sale of securities or allegations of securities fraud; (9) concerns a claim under state antitrust law; (10) arises from a business contract or transaction governed by the Uniform Commercial Code; (11) is a malpractice claim against a professional, other than a medical professional, that arises from services the professional provided to a business organization; (12) arises out of tortious or statutorily prohibited business activity, such as unfair competition, tortious interference, misrepresentation or fraud; or (13) arises from any dispute between a business organization and an insurer under a commercial insurance policy, including an action by either the business or the insurer related to coverage or bad faith. 			
Ineligible Cases	<p>A case that seeks only monetary relief in an amount less than \$300,000 is not eligible for the commercial court. The following case types are generally not commercial cases unless business issues predominate:</p> <ul style="list-style-type: none"> (1) evictions; (2) eminent domain or condemnation; (3) civil rights; (4) motor vehicle torts and other torts involving personal injury to a plaintiff; (5) administrative appeals; (6) domestic relations, protective orders, or criminal matters, except a criminal contempt arising in a commercial court case; or (7) wrongful termination of employment and statutory employment claims; or (8) disputes concerning consumer contracts or transactions. A “consumer contract or transaction” is one that is primarily for personal, family, or household purposes. 			
Designation	The plaintiff, another party, or the judge may request assignment to the commercial court.			
Notes	<p>Assignment of a case to the commercial court does not impair the right of a party to request reassignment of the case to the Maricopa County complex civil litigation program under applicable local rules.</p> <p>This rule applies in counties that have established specialized programs for commercial cases, which are referred to in this rule as “the commercial court.” The commercial court will hear eligible “commercial cases” assigned to it in accordance with this rule. To be eligible for the commercial court, a commercial case must meet the requirements of Rule 8.1(b).</p>			

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BUSINESS COURTS IN OTHER STATES				
CALIFORNIA				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
2000 (made permanent in 2015)	Cal. Rules of Court, 3.400	Civil Complex Center	Eight complex courts in California, within civil divisions of several of the state's superior courts: San Francisco, Contra Costa, Alameda, Santa Clara, San Mateo, Los Angeles, Orange, and Riverside	N/A
Case Eligibility	<p>In deciding whether an action is a complex case under (a), the court must consider, among other things, whether the action is likely to involve:</p> <ol style="list-style-type: none"> (1) Numerous pretrial motions raising difficult or novel legal issues that will be time-consuming to resolve; (2) Management of a large number of witnesses or a substantial amount of documentary evidence; (3) Management of a large number of separately represented parties; (4) Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court; or (5) Substantial postjudgment judicial supervision. <p>Except as provided in (d), an action is provisionally a complex case if it involves one or more of the following types of claims:</p> <ol style="list-style-type: none"> (1) Antitrust or trade regulation claims; (2) Construction defect claims involving many parties or structures; (3) Securities claims or investment losses involving many parties; (4) Environmental or toxic tort claims involving many parties; (5) Claims involving mass torts; (6) Claims involving class actions; or (7) Insurance coverage claims arising out of any of the claims listed in (c)(1) through (c)(6). 			
Ineligible Cases	Notwithstanding (c), an action is not provisionally complex if the court has significant experience in resolving like claims involving similar facts and the management of those claims has become routine. A court may declare by local rule that certain types of cases are or are not provisionally complex under this subdivision.			
Designation	A court designates whether the case is complex.			
Notes	A "complex case" is an action that requires exceptional judicial management to avoid placing unnecessary burdens on the court or the litigants and to expedite the case, keep costs reasonable, and promote effective decision making by the court, the parties, and counsel.			

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BUSINESS COURTS IN OTHER STATES				
CONNECTICUT				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
1998	Fact Sheet is the governing document	Complex Litigation Docket	Three complex litigation dockets in the state: Hartford, Stamford, and Waterbury	N/A
Case Eligibility	<p>Each case proposed for placement on the Complex Litigation Docket will be evaluated on its individual merits, taking into account the following factors:</p> <ul style="list-style-type: none"> - The number of parties; - The number of counsel; - The amount of the claim and the nature of the relief requested; - The anticipated length of trial; - The complexity of the issues presented for resolution; - The extent and complexity of pretrial proceedings, including discovery matters, motion practice, and special proceedings; - The overall need for the special oversight and management that the Complex Litigation Docket may provide; and - Whether alternative case management approaches are available in the judicial district where the case has been brought. <p>While each case proposed for the Complex Litigation Docket will be evaluated on its individual merits, the following types of cases often have been found to be appropriate for assignment to the Complex Litigation Docket:</p> <ul style="list-style-type: none"> - Non-Commercial Class Action - Environmental - Mass Tort (i.e., airline, train, autobus, etc.) - Prejudgment Remedy - Medical Malpractice - Product Liability - Construction Contract - Cases affecting the formation, governance, dissolution or transfer of control of business entities - Uniform Commercial Code - Securities - Complex Contract - Connecticut Unfair Trade Practices Act - Intellectual Property - Business Tort - Commercial Class Action - Any other case designated by the Chief Administrative Judge 			

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BUSINESS COURTS IN OTHER STATES	
CONNECTICUT - CONTINUED	
Ineligible Cases	N/A
Designation	A case will be considered for the Complex Litigation Docket if a judge, or any party, at any time in the proceedings, requests that the matter be designated as a complex litigation case. Parties requesting that a case be placed on the Complex Litigation Docket should file a specific form. Any objection must be filed within 15 calendar days after the filing of the form.
Notes	<p>Assignment of a case to a particular Complex Litigation Docket location will be based on the following factors, including but not limited to:</p> <ul style="list-style-type: none"> - Convenience to the litigants; - Availability of a judge or judges; and - The subject matter of the dispute and experience of the specific judge. <p>Judge must be committed to remaining in the assignment for a minimum of three years. Cases are considered for placement on the Complex Litigation Docket on the basis of their individual merit, in the exercise of sound discretion, on a non-formulaic basis. Generally, these cases involve multiple litigants, legally intricate issues or claims for damages that could total millions of dollars.</p>

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BUSINESS COURTS IN OTHER STATES				
DELAWARE				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
2010	Del. Admin. Directive No. 2010-3	Complex Commercial Litigation Division	Superior Court in New Castle County with statewide jurisdiction	\$1 million
Case Eligibility	Superior Court’s Complex Commercial Litigation Division will hear any case that: <ul style="list-style-type: none"> - includes a claim asserted by any party (either directly or as a declaratory judgment action) with an amount in controversy of \$1 million or more; - involves an exclusive choice-of-court agreement or a judgment resulting from an exclusive choice-of-court agreement; or - is designated as complex by the president judge of the court. 			
Ineligible Cases	Excluded cases include any case containing a claim for: <ul style="list-style-type: none"> - personal, physical, or mental injury; - mortgage foreclosure actions; - mechanics’ lien actions; - condemnation proceedings; and - any case involving an exclusive choice of court agreement where a party to the agreement is an individual acting primarily for personal, family, or household purposes or where the agreement relates to an individual or collective contract of employment. 			
Designation	Any party may file to identify the case as CCLD. A party who opposes CCLD identification may do so by a motion filed prior to the mandatory scheduling conference or at such other time directed by the assigned judge.			
Notes	Judge must serve a term of three years unless earlier replaced.			

DELAWARE				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
1792	Rules of the Court of Chancery	Court of Chancery	Statewide court of equity jurisdiction	N/A
Case Eligibility	The Court of Chancery has jurisdiction to hear all matters relating to equity, which usually consists of corporate matters, trusts, estates, and other fiduciary matters, disputes involving the purchase and sale of land, questions of title to real estate, and commercial and contractual matters in general.			
Ineligible Cases	Generally, cases seeking money damages.			
Designation	Party files a complaint in the court of chancery.			
Notes	Does not allow for jury trials. When issues of fact to be tried by a jury arise, the Court of Chancery may order such facts to trial by issues at the Bar of the Superior Court.			

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BUSINESS COURTS IN OTHER STATES

FLORIDA

Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
2003 (closed in 2018 and renewed in 2019)	Fla. Admin. Order No. 2019-08-01	Business Court	9th Judicial Circuit (Orange County)	\$500,000 for certain cases; N/A for others
Case Eligibility	<p>A. Any of the following where the amount in controversy is \$500,000.00 or more:</p> <ol style="list-style-type: none"> 1. Claims arising from U.C.C. related transactions; 2. Claims arising from the purchases and sales of businesses or the assets of a business, including contract disputes and business torts; 3. Claims involving the sale of goods or services by or to business enterprises; 4. Claims involving non-consumer bank or brokerage accounts, including loan, deposit, cash management, and investment accounts; 5. Claims arising from the purchase or sale of commercial real or personal property or security interests therein; 6. Claims related to surety bonds; 7. Franchisee/franchisor relationships and liabilities; 8. Malpractice claims of non-medical professionals in connection with rendering services to a business enterprise; 9. Insurance coverage disputes, bad faith suits, and third party indemnity actions against insurers arising under policies issued to businesses, such as claims arising under a commercial general liability policy or commercial property policy; and 10. Other complex disputes of a commercial nature, excluding those listed in Section II, below. Cases eligible under this category will normally have four or more parties, multiple claims and defenses, third party, cross or counterclaims, complex factual or legal issues, or other unusual features warranting assignment to Business Court. The Court may accept commercial foreclosure and landlord-tenant cases if the case meets amount in controversy requirements and if the case has a complex nature that differentiates it from ordinary foreclosure and landlord-tenant disputes. <p>B. Any of the following without regard to the amount in controversy:</p> <ol style="list-style-type: none"> 1. Actions relating to the internal affairs or governance, dissolution or liquidation rights obligations between or among owners (shareholders, partners, members), or liability or indemnity of managers (officers, directors, managers, trustees, or members or partners functioning as managers) of corporations, partnerships, limited partnerships, limited liability companies or partnerships, professional associations, business trusts, joint ventures or other business enterprises; 2. Actions relating to trade secrets and non-compete agreements; 3. Intellectual property claims; 4. Actions relating to securities or relating to or arising under the state securities laws or antitrust statutes; 5. Shareholder derivative actions and class actions involving claims that are subject to Business Court, pursuant to this Order; and 6. Actions relating to corporate trust affairs or director and officer liability. 			

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BUSINESS COURTS IN OTHER STATES	
FLORIDA - 2003 CONTINUED	
Ineligible Cases	<p>The following types of matters are not ordinarily to be assigned to Business Court:</p> <ul style="list-style-type: none"> A. Appeals from the County Court; B. Personal injury, survivor, or wrongful death matters; C. All individual and class action consumer claims; D. Matters involving occupational health or safety; E. Environmental claims which do not involve the sale or disposition of a business or the claims addressed in Section I., paragraphs 8. and 9., above; F. Matters in eminent domain; G. Malpractice claims, other than those brought by business enterprises against attorneys, accountants, architects or other professionals in connection with the rendering of professional services to the business enterprise; H. Employment law cases, other than those addressed in Section I., paragraph B. 2., above; I. Administrative agency, tax, zoning and other appeals; J. Petition actions in the nature of change of name, mental health act, guardianship, or government election matters; K. Individual residential real estate and non-commercial landlord-tenant disputes; L. Suits to collect professional fees; M. Cases seeking a declaratory judgment as to insurance coverage for a personal injury or property damage action; N. Proceedings to enforce a judgment regardless of the nature of the underlying case; O. Actions by insurers to collect premiums or rescind policies; P. Domestic relations matters, and actions relating to distribution of marital property, custody, or support; Q. Any matter required by statute or other law to be heard in some other court or court division; R. Any criminal matter, except criminal contempt in connection with a Business Court action; S. Such other cases which are appropriately transferred out of the Business Court, pursuant to Section IV. of this Order.
Designation	<p>Party files a civil cover sheet certifying the action is appropriate for the business court. Cases may be transferred into and out of the court.</p>

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BUSINESS COURTS IN OTHER STATES				
FLORIDA				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
2006	Fla. Admin. Order No. 17-11	Complex Business Litigation Division	11th Judicial Circuit (Miami-Dade County)	\$750,000
Case Eligibility	<p>Cases filed under certain action codes are subject to mandatory assignment, given the amount in controversy is at least \$750,000:</p> <ul style="list-style-type: none"> A. Breach of contracts and indebtedness. B. Negligence- business governance and business torts. C. Construction defect professional malpractice. D. Other- business transactions, corporate trust, shareholder derivative action, securities litigation, and trade secrets. E. Assignment for the benefit of creditors. <p>Some matters are subject to discretionary case assignment, given the amount in controversy is at least \$750,000, if the case results in:</p> <ul style="list-style-type: none"> A. Numerous pre-trial motions raising difficult or novel legal issues, or legal issues inextricably intertwined and time consuming; B. Management of large numbers of separately represented parties on main actions, cross claims, counterclaims, third party claims; C. Management of large amounts of documents, both paper and electronic, during the pendency of the matter and at trial; D. Protracted trial; E. Management of large numbers of expert witnesses; F. Multiple claims resulting in consolidation of numerous individual actions; G. Potential of significant impact on the parties' business, whether from a monetary or corporate governance standpoint; H. A high degree of case management, including the handling of discovery disputes and motion practice; I. Due to the complexity of the case, the services of a Special or General Magistrate would be beneficial. 			
Ineligible Cases	<p>The following types of matters shall not be assigned to the Complex Business Litigation Section absent special circumstances:</p> <ul style="list-style-type: none"> A. A matter involving occupational health or safety; B. An environmental claim which does not involve the sale or disposition of a business or insurance coverage dispute; C. A matter in eminent domain; D. An administrative agency, tax, zoning, or other appeal; E. A matter required by statute or other law to be heard in some other Court or Court Division; F. A case that is appropriately transferred out of a CBL Section; G. Tobacco litigation; H. Business foreclosures; and I. Chinese Drywall related cases. 			
Designation	Mandatory filing in the complex business litigation court if the case meets certain requirements; discretionary filing in other matters.			

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BUSINESS COURTS IN OTHER STATES				
FLORIDA				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
2007	Fla. 13th Cir. Local Rule 3	Business Court	13th Judicial Circuit (Hillsborough County)	N/A
Case Eligibility	<p>Automatically assigned cases:</p> <ul style="list-style-type: none"> A. Internal affairs or governance; dissolution or liquidation rights; obligations between or among owners (shareholders, partners, members); or liability or indemnity of managers (officers, directors, managers, trustees, or members or partners functioning as managers) of corporations, partnerships, limited partnerships, limited liability companies or partnerships; B. Trade secrets and non-compete agreements; C. Intellectual property; D. Securities or state securities laws; E. Antitrust statutes; F. Shareholder derivative actions and related class actions; G. Corporate trust affairs or director and officer liability; H. Non-consumer UCC-related transactions; I. Purchases and sales of businesses or the assets of a business; and J. Franchisee / franchisor relationships and liabilities. <p>Other complex cases may be transferred into the business court at the request of the judge assigned to the case, which will likely involve:</p> <ul style="list-style-type: none"> A. Numerous pretrial motions raising difficult or novel legal issues, or legal issues inextricably intertwined and time consuming; B. Management of large numbers of separately represented parties on main actions, cross claims, counterclaims and third party claims; C. Management of large amounts of documents, both paper and electronic, during the pendency of the matter and at trial; D. Management of large numbers of expert witnesses; E. Multiple claims resulting in consolidation of numerous individual motions; F. Potential of significant impact on the parties' business, whether from a monetary or corporate governance standpoint; and G. A high degree of case management, including the handling of discovery disputes and motion practice, in which the services of a special or general magistrate would be beneficial. 			
Ineligible Cases	N/A			
Designation	Cases may be transferred into the business court by a party or sua sponte.			
Notes	N/A			

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BUSINESS COURTS IN OTHER STATES				
GEORGIA				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
2005	Atlanta Judicial Cir. Rule 1004	Metro Atlanta Business Court	Fulton and Gwinnett Counties	\$1,000,000 (in some cases)
Case Eligibility	Cases eligible to be heard in the Business Case Division must implicate one or more of the following: 1. Georgia Securities Act of 1973, O.C.G.A. §10-5-1 2. UCC, O.C.G.A. §11-1-101 3. Georgia Business Corporation Code, O.C.G.A. §14-2-101 4. Uniform Partnership Act, O.C.G.A. §14-8-1 5. Uniform Limited Partnership Act, O.C.G.A. §14-9A-1 6. Georgia Revised Uniform Limited Partnership Act, O.C.G.A. §14-9-100 7. Georgia Limited Liability Company Act, O.C.G.A. §14-11-100 8. Georgia International Commercial Arbitration Code, O.C.G.A. §9-9-20 9. Any other action that the parties and the Court believe warrants assignment to the Business Case Division, including large contract and business tort cases and other complex commercial litigation, where the value of the relief sought is at least one million dollars. 10. Cases involving personal injury, wrongful death, employment discrimination, or low-dollar consumer class action claims, however, are excluded from the Business Case Division unless all parties consent to the transfer.			
Ineligible Cases	Cases involving personal injury, wrongful death, employment discrimination, or low-dollar consumer class action claims, however, are excluded from the Business Case Division unless all parties consent to the transfer.			
Designation	Cases may be transferred to the Business Case Division upon the request of the assigned Judge or upon the motion of one party.			
Notes	The court has a single judge, appointed by the Governor and confirmed by the State House and Senate Judiciary Committees, and has chambers in Macon, Georgia.			

■ State has business court and complex litigation court
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BUSINESS COURTS IN OTHER STATES				
GEORGIA				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
2020	Ga. Code § 15-5A-1 et seq.	Business Court	Statewide	\$1,000,000 for claims involving commercial real property; \$500,000 for other eligible claims
Case Eligibility	<p>The Court’s jurisdiction is set forth in OCGA § 15-5A-3. Notwithstanding the amount in controversy, where equitable relief is sought, the Court may exercise jurisdiction over claims:</p> <ul style="list-style-type: none"> - Arising under the Georgia Arbitration Code; - Arising under the Georgia International Commercial Arbitration Code; - Arising under the Georgia Trade Secrets Act of 1990; - Involving securities, including but not limited to disputes arising under the Georgia Uniform Securities Act of 2008; - Arising under the Uniform Commercial Code; - Arising under the Georgia Business Corporation Code; - Arising under the Uniform Partnership Act; - Arising under the Georgia Revised Uniform Limited Partnership Act; - Arising under the Uniform Limited Partnership Act - Arising under Georgia Limited Liability Company Act; - That relate to the internal affairs of businesses, including, but not limited to, rights or obligations between or among business participants regarding the liability or indemnity of business participants, officers, directors, managers, trustees, or partners; - Arising under federal law over which courts of this state have concurrent jurisdiction; - Where the complaint includes a professional malpractice claim arising out of a business dispute; - Involving tort claims between or among two or more business entities or individuals as to their business or investment activities relating to contracts, transactions, or relationships between or among such entities or individuals; - For breach of contract, fraud, or misrepresentation between businesses arising out of business transactions or relationships; - Arising from e-commerce agreements; technology licensing agreements, including, but not limited to, software and biotechnology license agreements; or any other agreement involving the licensing of any intellectual property right, including, but not limited to, an agreement relating to patent rights; and - Involving commercial real property. 			

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BUSINESS COURTS IN OTHER STATES				
GEORGIA - CONTINUED				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
Ineligible Cases	<p>The Georgia Statewide Business Court shall not have authority to exercise jurisdiction over claims arising under federal or state law, as applicable, involving:</p> <ul style="list-style-type: none"> (1) Physical injury inflicted upon the body of a person or death; (2) Mental or emotional injury inflicted upon a person; (3) Physical contact of an insulting or provoking nature with the body of a person; (4) A threat of physical violence toward another person; (5) Matters arising under Title 19; (6) Residential landlord and tenant disputes; (7) Foreclosures; (8) Individual consumer claims involving a retail customer of goods or services who uses or intends to use such goods or services primarily for personal, family, or household purposes; provided, however, that this paragraph shall not be construed to preclude the court from exercising jurisdiction over mass actions or class actions involving such individual consumer claims; or (9) Collections in matters involving a family owned farm entity as defined in Code Section 48-5-41.1 or an individual farmer. Ga. Code § 15-5A-3(b). 			
Designation	<p>Cases are not assigned to the Business Court. Instead, an action may be brought to the Business Court in one of three ways: (1) the direct filing of a pleading with the Business Court; (2) the filing of a Petition for Removal of an existing action from a superior or state court by agreement of all parties; or (3) the filing of a Petition to Transfer an existing action from a superior or state court by one or more parties, but not all parties.</p>			
Notes	<p>The new Statewide Business Court will not serve as the exclusive venue for business disputes in Georgia, as the Metro Atlanta Business Court will continue to operate, and other counties may establish their own business court dockets or programs.</p>			

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BUSINESS COURTS IN OTHER STATES				
ILLINOIS				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
1993	Cook County Gen. Admin. Order No. 92-2	Commercial Calendars Section	Cook County (Chicago)	\$30,000 within the city of Chicago; \$100,000 in suburban districts
Case Eligibility	A commercial case is one which is assigned to the Commercial Calendar Section of the Law Division and is: one which pleads cause(s) of action for, among other things, breach of contract (including breach of loan agreements or guarantees, construction contracts, breach of warranty), employment disputes, employment discrimination, qui tam claims, civil and/or commercial fraud, conspiracy, interference with business relationships, or shareholder disputes.			
Ineligible Cases	Commercial cases do not include causes of action for purely equitable relief, personal injury, divorce, criminal, real estate foreclosure, wills, housing code violations and/or evictions.			
Designation	The number of cases assigned to each Commercial Calendar shall be as the Presiding Judge of the Law Division may from time to time designate.			
Notes	Commercial Calendar Section is under the umbrella of the Law Division.			

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BUSINESS COURTS IN OTHER STATES				
INDIANA				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
2016 (made permanent in 2019)	Ind. Rules of Court	Commercial Court	Ten courts in ten counties	N/A
Case Eligibility	<p>Any civil case, including any jury case, non-jury case, injunction, temporary restraining order, class action, declaratory judgment, or derivative action, shall be eligible for assignment into the Commercial Court Docket pursuant to Commercial Court Rule 4 if the gravamen of the case relates to any of the following:</p> <p>(A) The formation, governance, dissolution, or liquidation of a business entity;</p> <p>(B) The rights or obligations between or among the owners, shareholders, officers, directors, managers, trustees, partners, or members of a business entity, or rights and obligations between or among any of them and the business entity;</p> <p>(C) Trade secret, non-disclosure, non-compete, or employment agreements involving a business entity and an employee, owner, shareholder, officer, director, manager, trustee, partner, or member of the business entity;</p> <p>(D) The rights, obligations, liability, or indemnity of an owner, shareholder, officer, director, manager, trustee, partner, or member of a business entity owed to or from the business entity;</p> <p>(E) Disputes between or among two or more business entities or individuals as to their business activities relating to contracts, transactions, or relationships between or among them, including without limitation the following:</p> <p>(1) Transactions governed by the Uniform Commercial Code, except for claims described in Commercial Court Rule 3(B) and 3(O);</p> <p>(2) The purchase, sale, lease, or license of; a security interest in; or the infringement or misappropriation of patents, trademarks, service marks, copyrights, trade secrets, or other intellectual property;</p> <p>(3) The purchase or sale of a business entity, whether by merger, acquisition of shares or assets, or otherwise;</p> <p>(4) The sale of goods or services by a business entity to a business entity;</p> <p>(5) Non-consumer bank or brokerage accounts, including loan, deposit, cash management, and investment accounts;</p> <p>(6) Surety bonds and suretyship or guarantee obligations of individuals given in connection with business transactions;</p> <p>(7) The purchase, sale, lease, or license of or a security interest in commercial property, whether tangible or intangible personal property or real property;</p> <p>(8) Franchise or dealer relationships;</p> <p>(9) Business related torts, such as claims of unfair competition, false advertising, unfair trade practices, fraud, or interference with contractual relations or prospective contractual relations;</p> <p>(10) Cases relating to or arising under antitrust laws;</p> <p>(11) Cases relating to securities or relating to or arising under securities laws;</p> <p>(12) Commercial insurance contracts, including coverage disputes;</p> <p>(13) Environmental claims arising from a breach of contractual or legal obligations or indemnities between business entities;</p> <p>(14) Cases with a gravamen substantially similar to the foregoing (1 - 13) and not otherwise encompassed by Commercial Court Rule 3.</p> <p>(F) Subject to acceptance of jurisdiction over the matter by the Commercial Court Judge, cases otherwise falling within the general intended purpose of the Commercial Court Docket wherein the parties agree to submit to the Commercial Court Docket.</p>			

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BUSINESS COURTS IN OTHER STATES	
INDIANA CONTINUED	
Ineligible Cases	<p>(A) Personal injury, survivor, or wrongful death matters;</p> <p>(B) Consumer claims against business entities or insurers of business entities, including breach of warranty, product liability, and personal injury cases and cases arising under consumer protection laws;</p> <p>(C) Matters involving only wages or hours, occupational health or safety, workers' compensation, or unemployment compensation;</p> <p>(D) Environmental claims, except as described in Commercial Court Rule 2(E)(13);</p> <p>(E) Matters in eminent domain;</p> <p>(F) Employment law cases, except those as described in Commercial Court Rule 2(C);</p> <p>(G) Discrimination cases based upon the federal or state constitutions or the applicable federal, state, or political subdivision statutes, rules, regulations, or ordinances;</p> <p>(H) Administrative agency, tax, zoning, and other appeals;</p> <p>(I) Petition actions in the nature of a change of name of an individual, mental health act, guardianship, or government election matters;</p> <p>(J) Individual residential real estate disputes, including foreclosure actions, or non-commercial landlord-tenant disputes;</p> <p>(K) Any matter subject to the jurisdiction of the domestic relations, juvenile, or probate divisions of a court;</p> <p>(L) Any matter subject to the exclusive jurisdiction of a city court, a town court, or the small claims division of a court;</p> <p>(M) Any matter required by statute or other law to be heard in some other court or division of a court;</p> <p>(N) Any criminal matter, other than criminal contempt in connection with a matter pending on the Commercial Court Docket;</p> <p>(O) Consumer debts, such as debts or accounts incurred or obtained by an individual primarily for a personal, family, or household purpose; credit card debts incurred by individuals; medical services debts incurred by individuals; student loans; tax debts of individuals; promissory notes not primarily associated with purchasing an interest in a business; personal automobile loans; legal fees incurred for family or household purposes (such as probate, divorce, child custody, child support, criminal defense, negligence, and other tortious acts); and other similar types of consumer debts.</p>
Designation	Eligible cases must apply for assignment. Parties may object to the assignment.

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BUSINESS COURTS IN OTHER STATES				
IOWA				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
2012 (made permanent in 2016)	Memo. of Operation	Business Specialty Court	Statewide	\$200,000
Case Eligibility	<p>Cases must involve claims for compensatory damages totaling \$200,000 or more or involve claims seeking primarily injunctive or declaratory relief. In addition, cases must also satisfy one or more of the following criteria:</p> <ol style="list-style-type: none"> 1. Arise from technology licensing agreements, including software and biotechnology licensing agreements, or any agreement involving the licensing of any intellectual property right, including patent rights. 2. Relate to the internal affairs of businesses (i.e., corporations, limited liability companies, general partnerships, limited liability partnerships, sole proprietorships, professional associations, real estate investment trusts, and joint ventures), including the rights or obligations between or among business participants, or the liability or indemnity of business participants, officers, directors, managers, trustees, or partners, among themselves or to the business. 3. Involve claims of breach of contract, fraud, misrepresentation, or statutory violations between businesses arising out of business transactions or relationships. 4. Be a shareholder derivative or commercial class action. 5. Arise from commercial bank transactions. 6. Relate to trade secrets, noncompete, nonsolicitation, or confidentiality agreements. 7. Involve commercial real property disputes other than residential landlord-tenant disputes and foreclosures. 8. Be a trade secrets, antitrust, or securities-related action. 9. Involve business tort claims between or among two or more business entities or individuals as to their business or investment activities relating to contracts, transactions, or relationships between or among them. 			
Ineligible Cases	N/A			
Designation	Case may be assigned or transferred. A case may be transferred if all parties consent to the transfer and subject to the approval of the State Court Administrator. Alternatively, any party may file a motion to transfer the case to the business court in the judicial district where the case is filed for determination by the chief judge of the judicial district.			

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BUSINESS COURTS IN OTHER STATES				
KENTUCKY				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
2020 (pilot program ongoing)	Ky. Supreme Court Order 2019-13	Business Court	Jefferson County Circuit Court	N/A
Case Eligibility	<p>Any Civil Case with proper venue in Jefferson Circuit Court shall be assigned to the Business Court Docket if the Gravamen of the dispute relates to any of the following:</p> <ul style="list-style-type: none"> a. Breach of contract claims involving a Business Entity, other than (1) contract disputes involving claims by a Consumer against a Business Entity which are not asserted as part of a Complex Consumer Class Action; and (2) contract disputes involving claims by a Business Entity to collect an account from a Consumer; b. Business tort claims against a Business Entity, Affiliated Person or employee or agent including but not limited to, interference with contract or prospective business relationships, fraud, misrepresentation, false advertising, antitrust, unfair competition, unfair trade practices, trade libel or disparagement; c. Business Class Actions not brought by Consumers, with the exception that Complex Consumer Class Actions are eligible; d. The formation, governance, internal affairs, operations, control, dissolution or liquidation of a Business Entity; e. The rights, obligations, liability or indemnity by, between or among one or more Affiliated Persons of a Business Entity; f. Claims of breach of fiduciary duty or statutory violations relating to a Business Entity or an Affiliated Person arising out of business transactions or relationships; g. The valuation, offering, solicitation, sale, purchase, transfer, hypothecation or possession of a Business Interest; h. The provisions of KRS Chapters 14A, 271B, 272, 272A, 273, 273A, 274, 275, 279, 292, 362, 362.1, 362.2, 365 and those pertaining to any statutory or business trusts under KRS Chapters 386 or 386A; i. Intellectual property, trade secret (including under the Uniform Trade Secret Act), nondisclosure, confidentiality, non-competition and nonsolicitation disputes; j. Transactions governed by the Uniform Commercial Code, except Consumer transactions; k. Franchise, distribution, agency or dealer disputes; l. The purchase or sale of all or part of a Business Entity, whether by merger, acquisition of assets or ownership interests therein, or otherwise; m. Insurance, indemnity, surety and guaranty contracts and bonds, insuring Business Entities and their Affiliated Persons and employees against liability, loss and damage, including coverage disputes, but not including suits in which the Gravamen of the suit is a Personal Injury Dispute, a claim for wrongful death, or property damage for nonbusiness property owned or possessed by a natural person; n. Commercial real estate, except where the Gravamen is a Personal Injury Dispute, wrongful death or property damage for non-business property owned or possessed by a natural person; o. Environmental disputes arising from a breach of a contractual or legal obligation or indemnity between Business Entities; p. The provision of professional services to a Business Entity or the provision of professional services regarding the valuation, offering, solicitation, sale, purchase, transfer or possession of a Business Interest; or q. Claims involving a Business Entity or Business Interest not included above, or excluded under BCR 2.2 below, that otherwise should be considered eligible for assignment to the Business Court, in the discretion of the Business Court. 			

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BUSINESS COURTS IN OTHER STATES

KENTUCKY CONTINUED

Ineligible Cases	<p>A Civil Case shall not be assigned to the Business Court Docket if the Gravamen of the case relates to any of the following:</p> <ul style="list-style-type: none"> a. Sales or construction of a residence; b. Professional services other than those described above in BCR 2.1; c. Insurance coverage relating to a Personal Injury Dispute or a claim for wrongful death or property damage for non-business property owned or possessed by a natural person; d. Individual Consumer disputes, including claims for breach of warranty and breach of contract, product liability claims and claims arising under the consumer protection laws; e. Consumer class actions that do not qualify as Complex Consumer Class Actions; f. An action brought by the Attorney General under the consumer protection laws alleging unfair, false, misleading, or deceptive acts or practices; g. Personal Injury Disputes and wrongful death claims filed individually or as class actions; h. Disputes involving wages or hours, occupational health or safety, workers' compensation or unemployment compensation; i. Environmental disputes, except as described in BCR 2.1 above; j. Eminent domain disputes; k. Employee/employer disputes, except where pendent or incidental to the matters described in BCR 2.1 above; l. Administrative agency, tax, zoning and other appeals; m. Individual residential real estate and non-commercial landlord/tenant disputes, including foreclosure actions; n. Actions to collect professional fees not otherwise identified as eligible for assignment under BCR 2.1; o. Except as to the enforcement of a judgment of the Business Court Docket, proceedings to enforce a judgment regardless of the nature of the underlying case; p. Actions by insurers to collect premiums or rescind policies; q. Actions to collect Consumer contracts, accounts, debts, and loans; and r. Any matter required by statute or other law to be heard in some other court.
Designation	<p>Plaintiff will designate case as appropriate for assignment to the Business Court Docket. Defendant may object to the assignment. Judge has discretion to return case back to general assignment. Defendant may file to reassign if plaintiff fails to do so.</p>
Notes	<p>A judge may refer a case to the bus iness court docket sua sponte.</p>

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BUSINESS COURTS IN OTHER STATES				
MAINE				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
2008	Me. Admin. Order JB-07-1	Business and Consumer Docket	Statewide	N/A
Case Eligibility	<p>Types of cases considered for transfer:</p> <ul style="list-style-type: none"> - Jury and nonjury civil actions, including but not limited to appeals under Rules 80B and 80C, business dissolutions, class actions, and family matters cases that require distribution of business assets that do not involve children. - New filings and cases currently pending in the Superior and District Courts. - Actions in which: <ul style="list-style-type: none"> - The principal claim(s) involve matters of significance to the transactions, operations, or governance of a business entity and/or the rights of a consumer arising out of transactions or other dealings with a business and/or governmental entity; and - Specialized or differentiated judicial management is required. <p>Deciding whether a case may be right for transfer to the BCD is a case-specific decision. The BCD may consider the following factors in deciding whether a case should be accepted for transfer:</p> <ul style="list-style-type: none"> - The number of separately-represented parties; - The number and nature of pretrial motions filed or expected to be filed; - Any novel and/or complex legal issues; - The number of witnesses; - The nature and amount of documentary evidence; - The need to coordinate the case with related actions pending in one or more courts in other counties, states or countries, or in a federal court; - The need for on-going judicial supervision; and - Any other factor(s) which warrant placement to the BCD. 			
Ineligible Cases	N/A			
Designation	Cases may only be transferred into the BCD via application or judicial recommendation. The Business and Consumer Court does not accept cases for filing in the first instance. Party objecting to transfer must file written objection within 14 days of the filing of the application to transfer.			
Notes	N/A			

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BUSINESS COURTS IN OTHER STATES				
MARYLAND				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
2003	Md. Rule 16-308	Business and Technology Case Management Program	Statewide	N/A
Case Eligibility	<p>Factors that the judge may consider in making the determination for a case to be in the program include:</p> <ol style="list-style-type: none"> (1) the nature of the relief sought; (2) the number and diverse interests of the parties; (3) the anticipated nature and extent of pretrial discovery and motions; (4) whether the parties agree to waive venue if assignment of the action to the program makes that necessary; (5) the degree of novelty and complexity of the factual, legal, or evidentiary issues presented; (6) whether business or technology issues predominate over other issues presented in the action; and (7) the willingness of the parties to participate in ADR procedures. <p>Types of complex commercial disputes that likely will be assigned to the program include those involving:</p> <ul style="list-style-type: none"> - Technology development and ownership; - Software consulting agreements; - Network and Internet web site development and maintenance agreements; - Hosting of internet web sites for business entities; and - Technology licensing agreements, including software and biotechnology licensing agreements or any agreement involving the licensing of any intellectual property rights, including patent rights. 			
Ineligible Cases	N/A			
Designation	On written request of a party or on the court's own initiative, the judge may assign an action to the program if the judge determines that the action presents commercial or technological issues of such a complex or novel nature that specialized treatment is likely to improve the administration of justice.			
Notes	The program is governed by the Committee on Complex Litigation under the Conference of Circuit Judges. The Committee's charge includes all complex litigation, except asbestos, with the initial focus on business and technology litigation.			

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BUSINESS COURTS IN OTHER STATES				
MASSACHUSETTS				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
2000 (made permanent in 2003; made statewide 2009)	Mass. Sup. Ct. Admin. Dir. 17-1	Business Litigation Session of the Superior Court	Statewide	N/A
Case Eligibility	<p>Cases that fall within any of the following categories may be accepted into the BLS in the sound discretion of the BLS Administrative Justice, based principally on the complexity of the case and the need for substantial case management:</p> <ul style="list-style-type: none"> a.1 claims relating to the governance and conduct of internal affairs of entities a.2 claims relating to employment agreements a.3 claims relating to liability of shareholders, directors, officers, partners, etc. b.1 shareholder derivative claims b.2 claims relating to or arising out of securities transactions c.1 claims involving mergers, consolidations, sales of assets, issuance of debt, equity and like interests d.1 claims to determine the use or status of, or claims involving, intellectual property d.2 claims to determine the use or status of, or claims involving, confidential, proprietary or trade secret information d.3 claims to determine the use or status of, or claims involving, restrictive covenants e.1 claims involving breaches of contract or fiduciary duties, fraud, misrepresentation, business torts or other violations involving business relationships f.1 claims under the U.C.C. involving complex issues g.1 claims arising from transactions with banks, investment bankers and financial advisers, brokerage firms, mutual and money funds h.1 claims for violation of antitrust or other trade regulation laws, including class actions h.2 claims of unfair trade practices involving complex issues, including class actions that do not involve personal injury i.1 professional malpractice claims other than claims for personal injury or death j.1 claims by or against a business enterprise to which a government entity is a party k.1 other claims involving complex issues or that require close case management, including but not limited to insurance coverage or reinsurance, construction, commercial lease disputes, real estate and consumer matters. 			
Ineligible Cases	N/A			
Designation	Plaintiff may file directly with the BLS or another party may move to transfer the case into the BLS. A judge may also transfer the case to BLS sua sponte.			
Notes	Judges are assigned to one of two sessions of six months each, and with two judges working as a team in each session. Venue must be in Suffolk County (or waiver of venue) even though the session has statewide jurisdiction.			

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BUSINESS COURTS IN OTHER STATES				
MICHIGAN				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
2011 (made statewide in 2013)	Mich. Comp. Laws §§ 600.8031–.8047	Business Court	Seventeen counties	N/A
Case Eligibility	<p>Business or commercial disputes include, but are not limited to, the following types of actions:</p> <ul style="list-style-type: none"> o Those involving the sale, merger, purchase, combination, dissolution, liquidation, organizational structure, governance, or finances of a Business enterprise. o Those involving information technology, software, or website development, maintenance, or hosting. o Those involving the internal organization of Business entities and the rights or obligations of shareholders, partners, members, owners, officers, directors, or managers. o Those arising out of contractual agreements or other Business dealings, including licensing, trade secret, intellectual property, antitrust, securities, noncompete, non-solicitation, and confidentiality agreements if all available administrative remedies are completely exhausted, including, but not limited to, alternative dispute resolution processes prescribed in the agreements. o Those arising out of commercial transactions, including commercial bank transactions. o Those arising out of Business or commercial insurance policies. o Those involving commercial real property. 			
Ineligible Cases	<p>Business or commercial disputes expressly exclude the following types of actions:</p> <ul style="list-style-type: none"> o Personal injury actions including, but not limited to, wrongful death and malpractice actions. o Product liability actions in which any claimant is an individual. o Matters within the jurisdiction of the family division of circuit court. o Proceedings under the probate code of 1939, 1939 PA 288, MCL 710.21 to 712B.41. o Proceedings under the estates and protected individuals code, 1998 PA 386, MCL 700.1101 to 700.8206. o Criminal matters. o Condemnation matters. o Appeals from lower courts to any administrative agency. o Proceedings to enforce judgments of any kind, including supplementary hearings. o Landlord-tenant matters involving only residential property. o Land contract, mortgage, construction, and condominium lien foreclosure matters and actions involving the enforcement of condominium and homeowners' associations governing documents. o Motor vehicle insurance coverage under the insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302. o Insurance coverage disputes in which an insured or an alleged insured is an individual a consumer. o Employment discrimination. o Civil rights including, but not limited to, an action brought under any of the following: <ul style="list-style-type: none"> - The Elliot-Larsen civil rights act. - The persons with disabilities civil rights act. - Chapter XXI of the Michigan penal code. - Wrongful discharge, except for actions involving corporate officers or directors. - Worker's compensation claims under the worker's disability compensation act. 			

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BUSINESS COURTS IN OTHER STATES	
MICHIGAN - CONTINUED	
Designation	Any case that has a business or commercial dispute as defined in the act, whether in the initial pleading or added later, must be placed on the business docket, even if the case also contains nonbusiness claims.
Notes	In late 2011 three counties adopted Specialized Business Dockets—Macomb County, Kent County, and Oakland County. Later in 2012, however, the Michigan Legislature passed legislation authorizing the creation of business courts statewide. The legislation required that any circuit court with three or more judges create a Specialized Business Court Docket and authorized, but did not mandate, other circuits to similarly create a Specialized Business Court Docket. As of June 3, 2019, seventeen counties in Michigan have created Specialized Business Court Dockets, each with the authority to set their own rules and procedures.

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BUSINESS COURTS IN OTHER STATES				
MINNESOTA				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
2013	Minn. Court Rule 146	Complex Case Program	Statewide	N/A
Case Eligibility	<p>(a) Definition. A “complex case” is an action that requires exceptional judicial management to avoid placing unnecessary burdens on the court or the litigants and to expedite the case, keep costs reasonable, and promote effective decision making by the court, the parties, and counsel.</p> <p>(b) Factors. In deciding whether an action is a complex case under (a), the court must consider, among other things, whether the action is likely to involve:</p> <ol style="list-style-type: none"> (1) Numerous hearings, pretrial and dispositive motions raising difficult or novel legal issues that will be time-consuming to resolve; (2) Management of a large number of witnesses or a substantial amount of documentary evidence; (3) Management of a large number of separately represented parties; (4) Multiple expert witnesses; (5) Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court; (6) Substantial post judgment judicial supervision; or (7) Legal or technical issues of complexity. <p>(c) Provisional designation. An action is provisionally a complex case if it involves one or more of the following types of claims:</p> <ol style="list-style-type: none"> (1) Antitrust or trade regulation claims; (2) Intellectual property matters, such as trade secrets, copyrights, patents, etc.; (3) Construction defect claims involving many parties or structures; (4) Securities claims or investment losses involving many parties; (5) Environmental or toxic tort claims involving many parties; (6) Product liability claims; (7) Claims involving mass torts; (8) Claims involving class actions; (9) Ownership or control of business claims; or (10) Insurance coverage claims arising out of any of the claims listed in (c)(1) through (c)(9). 			
Ineligible Cases	N/A			
Designation	The parties can agree to be governed by the CCP rules. A party objecting to assignment to CCP must move for such within 14 days of the designation.			
Notes	N/A			

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BUSINESS COURTS IN OTHER STATES				
NEVADA				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
2000	8th Jud. Dist. Ct. Rule of Practice 1.61	Business Court	Clark County (Las Vegas)	N/A
Case Eligibility	<p>“Business matters” shall be:</p> <p>(1) Matters in which the primary claims or issues are based on, or will require decision under NRS Chapters 78-92A or other similar statutes from other jurisdictions, without regard to the amount in controversy;</p> <p>(2) Any of the following:</p> <p>(i) Claims or cases arising under the Uniform Commercial Code, or as to which the Code will supply the rule of decision;</p> <p>(ii) Claims arising from business torts;</p> <p>(iii) Claims arising from the purchase or sale of (A) the stock of a business, (B) all or substantially all of the assets of a business, or (C) commercial real estate; or</p> <p>(iv) Business franchise transactions and relationships.</p>			
Ineligible Cases	<p>Examples of cases which are not business matters include, but are not limited to, those for which the predominant legal issues are centered on:</p> <p>(1) Personal injury;</p> <p>(2) Products liability;</p> <p>(3) Claims brought by a consumer individually or as a representative of a class against a business;</p> <p>(4) Landlord-tenant disputes involving residential property;</p> <p>(5) Occupational health or safety;</p> <p>(6) Environmental claims which do not arise as a result of the sale or disposition of a business subject to subsection (a)(2)(iii), above;</p> <p>(7) Eminent domain;</p> <p>(8) Malpractice;</p> <p>(9) Employment law, including but not limited to wrongful termination of employment;</p> <p>(10) Administrative agency, tax, zoning, and other appeals;</p> <p>(11) Petition actions involving public elections;</p> <p>(12) Residential real estate disputes between individuals or between an individual and an association of homeowners;</p> <p>(13) Claims to collect professional fees;</p> <p>(14) Declaratory judgment as to insurance coverage for a personal injury or property damage action;</p> <p>(15) Proceedings to register or enforce a judgment regardless of the nature of the underlying case;</p> <p>(16) Actions by insurers to collect premiums or rescind policies;</p> <p>(17) Construction defect claims involving primarily residential units;</p> <p>(18) The granting, denying, or withholding of governmental approvals, permits, licenses, variances, registrations, or findings of suitability; and</p> <p>(19) Cases filed under NRS 3.223 in the family division.</p>			
Designation	Any party may file a request that a case be assigned as a business matter. A party must file an opposition to the designation within 10 days of the assignment.			
Notes	Business matters are divided among full-time civil judges designated as business court judges by the chief judge.			

■ State has business court and complex litigation court ■ State has business court ■ State has complex litigation court ■ State has pilot program

BUSINESS COURTS IN OTHER STATES				
NEVADA				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
2000	2nd Jud. Dist. Ct. Rule of Practice 2.1	Business Court	Washoe County (Reno)	N/A
Case Eligibility	<p>A civil action shall be assigned to the business court docket if, regardless of the nature of relief sought, the primary subject matter of the action is:</p> <p>(a) A dispute concerning the validity, control, operation or governance of entities created under NRS Chapters 78-88, including shareholder derivative actions;</p> <p>(b) A dispute concerning a trade-mark or trade name; a claim asserted pursuant to the Nevada Trade Secrets Act, NRS 600A.010, et seq.; a claim asserted pursuant to the Nevada Securities Act, NRS 90.211, et seq.; a claim asserted pursuant to the Nevada Deceptive Trade Practices Act, NRS 598.0903, et seq.; a claim involving investment securities governed by NRS 104.8101, et seq.; or,</p> <p>(c) Any dispute among business entities if the presiding judge of the business court docket determines that the case would benefit from enhanced case management.</p>			
Ineligible Cases	<p>Actions in which the primary claim alleges personal injury or products liability, damage of a consumer by a business, wrongful termination of employment, or actions arising from a landlord-tenant relationship shall not be included in the business court docket.</p>			
Designation	<p>A party in an action assigned to another department of the court may request that the action be transferred to the business court docket. Upon filing of such a request, the clerk shall transfer the case file to the presiding judge of the business court docket who shall thereupon determine whether to assume jurisdiction of the case. The decision of the presiding judge of the business court docket to accept or decline jurisdiction of the action is final, and is not appealable nor reviewable upon any petition for extraordinary relief. Subject to approval by the judges of the business court docket and the chief judge, an action filed in any other judicial district may be transferred to the business court docket of this district if all parties and the district judge assigned to the case consent.</p>			
Notes	<p>The judges of the business court docket may hear and decide all other civil and criminal actions assigned to such judge as any other general jurisdiction district court judge.</p>			

■ State has business court and complex litigation court ■ State has business court ■ State has complex litigation court ■ State has pilot program

BUSINESS COURTS IN OTHER STATES				
NEW HAMPSHIRE				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
2008	N.H. Sup. Ct. Rule 207	Business and Commercial Dispute Docket	Statewide	\$50,000
Case Eligibility	<p>The principal claim or claims must arise from or involve the following:</p> <ul style="list-style-type: none"> (i) Claims arising from breach of contract or fiduciary duties, fraud, misrepresentation, business tort, or statutory violations arising out of business dealings or transactions. (ii) Claims arising from transactions under the Uniform Commercial Code. (iii) Claims arising from the purchase, sale and lease of commercial real or personal property or security interests therein. (iv) Claims related to surety bonds. (v) Franchisee/franchisor relationships and liabilities. (vi) Malpractice claims of non-medical professionals in connection with rendering services to a business enterprise. (vii) Real estate title petitions. (viii) Shareholder derivative actions. (ix) Commercial class actions. (x) Commercial bank transactions. (xi) Actions relating to the internal affairs or governance; dissolution or liquidation rights or obligations between and among owners, including shareholders, partners, or members; or liability or indemnity of managers, including officers, directors, managers, trustees, or members or partners functioning as managers, of corporations, partnerships, limited partnerships, limited liability companies or partnerships, professional associations, business trusts, joint ventures, or other business enterprises. (xii) Business insolvencies and receiverships. (xiii) Other complex disputes of a business or commercial nature. 			
Ineligible Cases	N/A			
Designation	Court has jurisdiction when all parties have consented to jurisdiction, at least one party is a business entity, and no party is a consumer. The court has authority to accept cases filed or cases that could be filed in any superior court throughout the state.			
Notes	Venue is waived by agreeing to submit a dispute to the business court docket.			

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BUSINESS COURTS IN OTHER STATES				
NEW JERSEY				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
2015	N.J. Directive 01-19	Complex Business Litigation Program	Statewide	\$200,000
Case Eligibility	<p>The program includes cases arising from business or commercial transactions or construction projects that involve potentially significant damages awards. Program cases may have: The program includes cases arising from business or commercial transactions or construction projects that involve potentially significant damages awards. Program cases may have:</p> <ul style="list-style-type: none"> - complex or novel factual or legal issues; - large numbers of separately represented parties; - large numbers of lay and expert witnesses; - a substantial amount of documentary evidence, including electronically stored information; or - require a substantial amount of time to complete trial. <p>CBLP judges handle cases arising from the following non-exclusive list of circumstances:</p> <ul style="list-style-type: none"> • non-consumer Uniform Commercial Code transactions; • the purchase and sale of assets of businesses or assets of a business, including contract disputes and commercial landlord/tenant claims; • non-consumer sales of goods or services by or to a business; • non-consumer bank or brokerage accounts including loan, deposit, cash management, and investment accounts; • purchase, sale, or lease of commercial personal property, or security interests therein; • arising out of state securities laws; • intellectual property disputes; • business licensing agreement disputes; • unfair competition disputes; • sale, purchase of a business or purchase or sale of stock, assets or liabilities of a business; • mergers and acquisitions disputes; • franchisee/franchisor relationship and liabilities; • business torts, including interference with prospective economic advantage, interference with contractual relations, tortious interference with business relationships, breach of implied covenant of good faith and fair dealing, fraud, fraud in the inducement, misrepresentation, and breach of fiduciary duty; • liability or indemnity of managers (officers, directors, managers, trustees or members or partners functioning as managers) of corporations, partnerships, limited partnerships, limited liability companies or partnerships, professional associations, business trusts, joint ventures or other business enterprises; • Racketeer Influenced and Corrupt Organizations Act (RICO) claims; • complex commercial construction disputes; • other complex disputes of a business or commercial nature. 			

■ State has business court and complex litigation court ■ State has business court ■ State has complex litigation court ■ State has pilot program

BUSINESS COURTS IN OTHER STATES	
NEW JERSEY - CONTINUED	
Ineligible Cases	<p>The CBLP does not include matters involving:</p> <ul style="list-style-type: none"> • internal affairs or governance disputes over management and/or control of business entities; • dissolution or liquidation rights or obligation between or among owners (shareholders, partner, members); • statutory and custodial receivership or actions seeking the appointment of special fiscal agents; • restructuring of a business entity; • shareholder derivative suits; • actions to protect the interests of a business, such as non-compete agreements, trade secrets or restrictive covenant agreements. <p>Also excluded from CBLP are actions primarily involving consumers, labor organizations, personal, physical or mental injury; mechanics’ lien actions, and condemnation proceedings. Following is a noninclusive list of actions that generally are not handled by CBLP judges and are handled by judges regularly assigned to the Law Division, Civil Part:</p> <ul style="list-style-type: none"> • class action consumer claims; • products liability actions; • personal injury and wrongful death actions; • commercial landlord verses consumer tenant actions; • noncommercial real estate matters actions; • actions by consumers against a business and businesses against consumers; • enforcement of arbitration awards; • condemnation actions; • landlord-tenant matters involving summary dispossession; • employment Law Against Discrimination actions; • civil rights actions; • professional malpractice actions; • medical device litigation and pharmaceutical litigation; • Multicounty Litigation (mass tort); • environmental litigation including environmental insurance coverage actions; • Conscientious Employee Protection Act actions; • agreements relating to an individual or collective contract of employment; • wrongful discharge actions; • slander of title or product disparagement actions; • fraudulent transfers under the Uniform Fraudulent Transfers Act; • consumer residential construction actions
Designation	<p>Case is automatically assigned to the program if the amount in controversy is at least \$200,000 and the litigants self-designate the case as complex commercial or complex construction. Parties can file a motion requesting admission into or opposition to the program.</p>
Notes	<p>Essex County began assigning complex commercial cases to an internal program in 1993. And commercial pilot programs in Essex and Bergen counties began in 1996. The state’s supreme court established a statewide program in 2015.</p>

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BUSINESS COURTS IN OTHER STATES				
NEW YORK				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
1993 (made permanent in 1995)	N.Y. State Trial Courts § 202.70	Commercial Division	Nine counties and two districts	Ranges from \$50,000 to \$500,000, depending on the county or district
Case Eligibility	<p>Actions in which the principal claims involve or consist of the following will be heard in the Commercial Division provided that the monetary threshold is met or equitable or declaratory relief is sought:</p> <ol style="list-style-type: none"> (1) Breach of contract or fiduciary duty, fraud, misrepresentation, business tort (e.g., unfair competition), or statutory and/or common law violation where the breach or violation is alleged to arise out of business dealings (e.g., sales of assets or securities; corporate restructuring; partnership, shareholder, joint venture, and other business agreements; trade secrets; restrictive covenants; and employment agreements not including claims that principally involve alleged discriminatory practices); (2) Transactions governed by the Uniform Commercial Code (exclusive of those concerning individual cooperative or condominium units); (3) Transactions involving commercial real property, including Yellowstone injunctions and excluding actions for the payment of rent only; (4) Shareholder derivative actions -- without consideration of the monetary threshold; (5) Commercial class actions -- without consideration of the monetary threshold; (6) Business transactions involving or arising out of dealings with commercial banks and other financial institutions; (7) Internal affairs of business organizations; (8) Malpractice by accountants or actuaries, and legal malpractice arising out of representation in commercial matters; (9) Environmental insurance coverage; (10) Commercial insurance coverage (e.g. directors and officers, errors and omissions, and business interruption coverage); (11) Dissolution of corporations, partnerships, limited liability companies, limited liability partnerships and joint ventures -- without consideration of the monetary threshold; and (12) Applications to stay or compel arbitration and affirm or disaffirm arbitration awards and related injunctive relief pursuant to CPLR Article 75 involving any of the foregoing enumerated commercial issues. Where the applicable arbitration agreement provides for the arbitration to be heard outside the United States, the monetary threshold set forth in section 202.70(a) shall not apply. 			
Ineligible Cases	<p>The following will not be heard in the Commercial Division even if the monetary threshold is met:</p> <ol style="list-style-type: none"> (1) Suits to collect professional fees; (2) Cases seeking a declaratory judgment as to insurance coverage for personal injury or property damage; (3) Residential real estate disputes, including landlord-tenant matters, and commercial real estate disputes involving the payment of rent only; (4) Home improvement contracts involving residential properties consisting of one to four residential units or individual units in any residential building, including cooperative or condominium units; (5) Proceedings to enforce a judgment regardless of the nature of the underlying case; (6) First-party insurance claims and actions by insurers to collect premiums or rescind non-commercial policies; and (7) Attorney malpractice actions except as otherwise provided in paragraph (b)(8). 			
Designation	Within 90 days of service of a complaint, any party may seek assignment to the Commercial Division. Cases may also be transferred out of the Commercial Division.			
Notes	New York County began a pilot program in 1993. This program was followed by the state's supreme court creating the Commercial Division in 1995, which operates in several districts.			

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BUSINESS COURTS IN OTHER STATES				
NORTH CAROLINA				
1996	N.C. Business Court Rules	Business Court	Statewide	N/A, \$1,000,000, or \$5,000,000, depending on the type of dispute
Case Eligibility	<p>Any party may designate as a mandatory complex business case an action that involves a material issues related to the following types of disputes:</p> <p>(1) Disputes involving the law governing corporations, except charitable and religious organizations on the grounds of religious purpose, partnerships, and limited liability companies.</p> <p>(2) Disputes involving securities.</p> <p>(3) Disputes involving antitrust law.</p> <p>(4) Disputes involving trademark law.</p> <p>(5) Disputes involving the ownership, use, licensing, lease, installation, or performance of intellectual property, including computer software, software applications, information technology and systems, data and data security, pharmaceuticals, biotechnology products, and bioscience technologies.</p> <p>(8) Disputes involving trade secrets.</p> <p>(9) Contract disputes in which all of the following four conditions are met:</p> <p>(a) At least one plaintiff and at least one defendant is a corporation, partnership, or limited liability company, including any entity authorized to transact business in North Carolina.</p> <p>(b) The complaint asserts a claim for breach of contract or seeks a declaration of rights, status, or other legal relations under a contract.</p> <p>(c) The amount in controversy computed is at least \$1,000,000.</p> <p>(d) All parties consent to the designation.</p> <p>(1) Involves a material issue relate to tax law that has been the subject of a contested tax case for which judicial review is requested, or a civil action containing a constitutional challenge to a tax statute.</p> <p>(2) As described in subsection (1), (2), (3), (4), (5), or (8) above, the amount in controversy is at least \$5,000,000.</p>			
Ineligible Cases	N/A			
Designation	Party may seek designation to the court. Party may seek opposition to the notice of designation.			
Notes	Court has locations in Charlotte, Greensboro, Raleigh, and Winston-Salem.			

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BUSINESS COURTS IN OTHER STATES				
OHIO				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
2009	Ohio Sup. Ct. Rule of Superintendence 49	Commercial Docket	Four counties: Cuyahoga, Franklin, Hamilton, and Lucas	N/A
Case Eligibility	<p>Any civil case, including any jury case; non-jury case; injunction, including any temporary restraining order; class action; declaratory judgment; or derivative action, shall be eligible for assignment into the commercial docket of a court of common pleas if the gravamen of the case relates to any of the following:</p> <p>(A) The formation, governance, dissolution, or liquidation of a business entity;</p> <p>(B) The rights or obligations between or among the owners, shareholders, partners, or members of a business entity, or rights and obligations between or among any of them and the business entity;</p> <p>(C) Trade secret, non-disclosure, non-compete, or employment agreements involving a business entity and an owner, sole proprietor, shareholder, partner, or member of the business entity;</p> <p>(D) The rights, obligations, liability, or indemnity of an officer, director, manager, trustee, partner, or member of a business entity owed to or from the business entity;</p> <p>(E) Disputes between or among two or more business entities or individuals as to their business or investment activities relating to contracts, transactions, or relationships between or among them, including without limitation the following:</p> <p>(1) Transactions governed by the uniform commercial code, except for consumer product liability claims;</p> <p>(2) The purchase, sale, lease, or license of; a security interest in; or the infringement or misappropriation of patents, trademarks, service marks, copyrights, trade secrets, or other intellectual property;</p> <p>(3) The purchase or sale of a business entity or the assets of a business entity;</p> <p>(4) The sale of goods or services by a business entity to a business entity;</p> <p>(5) Non-consumer bank or brokerage accounts, including loan, deposit, cash management, and investment accounts;</p> <p>(6) Surety bonds and suretyship or guarantee obligations of individuals given in connection with business transactions;</p> <p>(7) The purchase, sale, lease, or license of or a security interest in commercial property, whether tangible, intangible personal, or real property;</p> <p>(8) Franchise or dealer relationships;</p> <p>(9) Business related torts, such as claims of unfair competition, false advertising, unfair trade practices, fraud, or interference with contractual relations or prospective contractual relations;</p> <p>(10) Cases relating to or arising under federal or state antitrust laws;</p> <p>(11) Cases relating to securities or relating to or arising under federal or state securities laws;</p> <p>(12) Commercial insurance contracts, including coverage disputes.</p>			

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BUSINESS COURTS IN OTHER STATES	
OHIO - CONTINUED	
Ineligible Cases	<p>A civil case shall not be eligible for assignment into the commercial docket if a labor organization is a party in the case, a governmental entity is other than a nominal party in the case, the case does not relate to any of the required topics, or the gravamen of the case relates to any of the following:</p> <p>(A) Personal injury, survivor, or wrongful death matters;</p> <p>(B) Consumer claims against business entities or insurers of business entities, including product liability and personal injury cases, and cases arising under federal or state consumer protection laws;</p> <p>(C) Matters involving wages or hours, occupational health or safety, workers' compensation, or unemployment compensation;</p> <p>(D) Environmental claims, except those arising from a breach of contractual or legal obligations or indemnities between business entities;</p> <p>(E) Matters in eminent domain;</p> <p>(F) Employment law cases, except those involving certain owners;</p> <p>(G) Discrimination cases based upon the federal or state constitutions or the applicable federal, state, or political subdivision statutes, rules, regulations, or ordinances;</p> <p>(H) Administrative agency, tax, zoning, and other appeals;</p> <p>(I) Petition actions in the nature of a change of name of an individual, mental health act, guardianship, or government election matters;</p> <p>(J) Individual residential real estate disputes, including foreclosure actions, or noncommercial landlord-tenant disputes;</p> <p>(K) Any matter subject to the jurisdiction of the domestic relations, juvenile, or probate divisions of a court of common pleas;</p> <p>(L) Any matter subject to the jurisdiction of a municipal court, county court, mayor's court, small claims division of a municipal court or county court, or any matter required by statute or other law to be heard in some other court or division of a court;</p> <p>(M) Any criminal matter, other than criminal contempt in connection with a matter pending on the commercial docket.</p>
Designation	<p>Plaintiff may file for assignment with initial pleading. If plaintiff fails to do so, any other party may file a request or assignment with their first responsive pleading. Judge may sua sponte assign case to commercial docket. Case may be transferred out of the commercial docket if appropriate.</p>
Notes	<p>The Commercial Docket Program is available to counties with either six or more general division judges, or populations exceeding 300,000. Establishing a commercial docket is up to each individual court.</p>

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BUSINESS COURTS IN OTHER STATES				
OREGON				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
2010	Or. Uniform Trial Ct. Rules ch. 23	Complex Litigation Court	Statewide	N/A
Case Eligibility	The criteria used for assignment of a case to the Oregon Complex Litigation Court may include, but are not limited to, the number of parties, the complexity of the legal issues, the complexity of the factual issues, the complexity of discovery, and the anticipated length of trial.			
Ineligible Cases	N/A			
Designation	Voluntary assignment of a case to the court requires agreement of the parties, the presiding judge or designee of the court with venue, and the managing panel of the court. Cases may be removed from the court.			
Notes	Assignment of a case to the court does not change the venue of a case. The court began as a local pilot program in Lane County in 2006, called the Commercial Court Program. It was designed to allow Lane County Circuit Court to handle complex litigation cases from out of county that would have been burdensome to a court's normal docket.			

■ State has business court and complex litigation court
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BUSINESS COURTS IN OTHER STATES				
PENNSYLVANIA				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
2000	Admin. Docket No. 01 of 2016	Commerce Case Management Program	1st Jud. Dist. (Philadelphia)	N/A
Case Eligibility	<p>Jury, Non-Jury & Equity, and Class Action cases shall be assigned to the Commerce Program if they are among the following types of actions:</p> <p>a. Actions relating to the internal affairs or governance, dissolution or liquidation, rights or obligations between or among owners (shareholders, partners, members), or liability or indemnity of managers (officers, directors, managers, trustees, or members or partners functioning as managers) of business corporations, partnerships, limited partnerships, limited liability companies or partnerships, professional associations, business trusts, joint ventures or other business enterprises, including but not limited to any actions involving interpretation of the rights or obligations under the organic law (e.g., Pa. Business Corporation Law), articles of incorporation, by-laws or agreements governing such enterprises;</p> <p>b. Disputes between or among two or more business enterprises relating to transactions, business relationships or contracts between or among the business enterprises. Examples of such transactions, relationships and contracts include:</p> <ol style="list-style-type: none"> (1) Uniform Comm`ercial Code transactions; (2) Purchases or sales of businesses or the assets of businesses; (3) Sales of goods or services by or to business enterprises; (4) Non-consumer bank or brokerage accounts, including loan, deposit cash management and investment accounts; (5) Surety bonds; (6) Purchases or sales or leases of, or security interests in, commercial, real or personal property; and (7) Franchisor/franchisee relationships. <p>c. Actions relating to trade secret or non-compete agreements;</p> <p>d. "Business torts," such as claims of unfair competition, or interference with contractual relations or prospective contractual relations;</p> <p>e. Actions relating to intellectual property disputes;</p> <p>f. Actions relating to securities, or relating to or arising under the Pennsylvania Securities Act;</p> <p>g. Derivative actions and class actions based on claims otherwise falling within these ten types, such as shareholder class actions, but not including consumer class actions, personal injury class actions, and products liability class actions;</p> <p>h. Actions relating to corporate trust affairs;</p> <p>i. Declaratory judgment actions brought by insurers, and coverage dispute and bad faith claims brought by insureds where the dispute arises from a business or commercial insurance policy, such as a Comprehensive General Liability policy; and</p> <p>j. Third-party indemnification claims against insurance companies where the subject insurance policy is a business or commercial policy and where the underlying dispute would otherwise be assigned to the Commerce Program, not including claims where the underlying dispute is principally a personal injury claim.</p>			

■ State has business court and complex litigation court ■ State has business court ■ State has complex litigation court ■ State has pilot program

BUSINESS COURTS IN OTHER STATES

PENNSYLVANIA - CONTINUED

<p>Ineligible Cases</p>	<p>The following types of matters are not to be included in the Commerce Program:</p> <ul style="list-style-type: none"> a. Matters subject to Compulsory Arbitration in this Court or to the jurisdiction of the Municipal Court, including any appeals. b. Personal injury, survival or wrongful death matters. c. Individual consumer claims against businesses or insurers, including products liability and personal injury cases. d. Matters involving occupational health or safety. e. Environmental claims not involved in the sale or disposition of a business and other than those addressed in Commerce Program types (i) or (j) above. f. Matters in eminent domain. g. Malpractice claims, other than those brought by business enterprises against attorneys, accountants, architects or other professionals in connection with the rendering of professional services to the business enterprise. h. Employment law cases, other than those referenced in Commerce Program type (c) above. i. Administrative agency, tax, zoning and other appeals. j. Petition Actions in the nature of Change of Name, Mental Health Act, Appointment of an Arbitrator, Government Election Matters, Leave to Issue Subpoena, or to Compel Medical Examination. k. Individual, residential real estate and non-commercial landlord-tenant disputes. l. Domestic relations matters, and actions relating to distribution of marital property, custody or support. m. Any matter required by statute to be heard in the Orphans' Court or Family Court Division of the Philadelphia Court of Common Pleas, or other matter which has heretofore been within the jurisdiction of the Orphans' Court or Family Court Division of this Court. n. Any criminal matter other than criminal contempt in connection with a Commerce Program action. o. Such other matters as the Court shall determine.
<p>Designation</p>	<p>Commercial and business-to-business disputes filed after January 2000, that are not subject to the court's Compulsory Arbitration Program, are assigned to the Commerce Court. All Class Actions and motions regarding Confessed Judgments are also assigned to the Commerce Court. Real Estate Tax and Water/Sewer Lien Sequestration Petitions are assigned to the Supervising Judge of the Commerce Court.</p>
<p>Notes</p>	<p>N/A</p>

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BUSINESS COURTS IN OTHER STATES				
PENNSYLVANIA				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
1992 (complex litigation center); 2007 (commerce center)	Docket and Procedures	Commerce and Complex Litigation Center	5th Jud. Dist. (Pittsburgh)	N/A, \$250,000, or \$1,000,000, depending on the type of dispute
Case Eligibility	<p>The types of cases that may be assigned to the Center fall into two major categories: Commerce or Complex Litigation. The Commerce category is subject matter based. The Complex Litigation category is based on the complexities of the litigation. Many cases coming within the Commerce category will also come within the Complex Litigation category.</p> <p>The Commerce category is broken into two subcategories as further described below: The first subcategory identifies cases that, because of the subject matter, are presumptively accepted. The second subcategory describes commercial cases that the Center's judges will more carefully review before determining whether to assign the case to the Center.</p> <p>COMMERCE CASES THAT ARE PRESUMPTIVELY ASSIGNED TO THE CENTER</p> <ol style="list-style-type: none"> 1. Shareholder derivative actions and all other actions relating to the governance and conduct of internal affairs of all business enterprises, however organized, including liability of officers, directors, partners, managers, and trustees under statute and common law. 2. Actions involving sale or purchase, or merger or conversion of any form of business entity, including the sale of the entire assets of the entity. 3. Actions in which the primary claims arise out of restrictive covenants and involve a severe disruption of the affairs of a business. 4. Actions where the primary disputes involve intellectual property or trade secrets. 5. Actions relating to securities, including claims arising out of violations of securities act of any jurisdiction. 6. Actions where the primary claims relate to the Internet, electronic commerce, and biotechnology, including disputes over the interpretation and enforcement of any agreements involving these topics. 7. Any class actions for which the Class Action Judge has not assumed responsibility. <p>OTHER COMMERCIAL LITIGATION</p> <ol style="list-style-type: none"> 1. Litigation under the Uniform Commercial Code arising out of commercial transactions which involves complex factual or legal issues or will otherwise require extensive case management. 2. Actions arising out of commercial transactions involving alleged breaches of contract or fiduciary duties, fraud, misrepresentation, business torts, violations of anti-trust and restraint of trade laws if the claims involve complex factual or legal issues or will otherwise require extensive case management. 3. Employer-employee disputes, including discrimination claims, where the litigation involves complex factual or legal issues or will otherwise require extensive case management. 4. Insurance coverage disputes arising from policies insuring business enterprises and any disputes as to environmental insurance coverage provided, as to both types of disputes, that the dispute involves an amount of at least \$250,000. 5. Business insolvencies and receiverships. 6. Confirmation and Vacation of Arbitration Awards entered in favor of or against a business entity if the amount of the controversy exceeds \$250,000. 7. Franchisor-franchisee disputes which involve complex factual or legal issues or will otherwise require extensive case management. 			

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BUSINESS COURTS IN OTHER STATES

PENNSYLVANIA - CONTINUED

Case Eligibility Continued	<p>COMPLEX LITIGATION</p> <p>This category refers to litigation that, if not declared complex, will in all likelihood require the involvement of more than one judge and the expenditure of a substantial amount of judicial resources and will benefit significantly from case management. Factors that will be considered in making the determination of whether the case will be assigned to the Center include (1) the number of separately represented parties with differing interests; (2) the number of anticipated motions; (3) the degree of novelty and complexity of the factual and legal issues; (4) the amount of the controversy; and (5) the time it may take for the case to be tried. Consideration will also be given as to how the limited resources of the Center may be best utilized. The following are examples of litigation that may be assigned to the Center: (1) mass tort or toxic tort litigation (other than asbestos); (2) personal injury cases that involve large numbers of separately represented parties with different interests, issues of unique concern or that will benefit significantly from extensive case management; (3) environmental private actions; (4) construction litigation where the amount in controversy exceeds \$1,000,000; and (5) consumer litigation where numerous lawsuits are based on similar conduct.</p>
Ineligible Cases	<p>The following actions will not be assigned to the Center in the absence of compelling circumstances:</p> <ol style="list-style-type: none"> 1. landlord-tenant disputes involving possession of property; 2. mortgage foreclosures; 3. eminent domain; 4. proceedings to enforce a judgment regardless of the nature of the underlying case; and 5. applications to open a default judgment.
Designation	<p>An order of court assigning a case to the Center may be entered pursuant to a motion of a party titled Motion to Assign Case to the Commerce and Complex Litigation Center or by the court without a request from any party. Any case assigned to the Center may, at the discretion of the judge to whom the case is assigned, be transferred out of the Center at any time if the judge concludes that the case should never have been assigned to the Center, that the case is no longer complex, or that, for any other reason, the case is no longer suitable for the Center. A case may also be referred out of the Center for trial if the resources of the Center preclude the case from being tried by a judge assigned to the Center.</p>
Notes	N/A

■ State has business court and complex litigation court
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BUSINESS COURTS IN OTHER STATES				
RHODE ISLAND				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
2001 (local); 2011 (expanded to statewide)	R.I. Admin. Order No. 2011-10	Business Calendar	Statewide	N/A
Case Eligibility	Civil actions in which the principal claim or claims involve the following are appropriate matters to be assigned to the Business Calendar for all purposes, including motion practice, discovery disputes, injunctive relief and hearing on the merits (with or without a jury); (a) Breach of contract or fiduciary duties, fraud, misrepresentation, business tort or statutory violations arising out of business dealings and/or transactions; (b) Transactions governed by the provisions of the Uniform Commercial Code; (c) Complicated transactions involving commercial real property; (d) Shareholder derivative actions; (e) Commercial class actions; (f) Business transactions involving or arising out of dealings with commercial banks and other financial institutions; (g) Matters affecting the internal affairs or governance of business organizations or entities; (h) Business insolvencies and receiverships.			
Ineligible Cases	Simple collection matters, declaratory judgment proceedings with respect to insurance coverage, confirmation or vacation of arbitration awards, and general landlord and tenant issues shall not be assigned to the Business Calendar.			
Designation	New matters shall be assigned to the Business Calendar at the request of either party and with the assent of a Justice assigned to the Business Calendar. For pending cases not yet assigned to the general civil trial calendar, either party may request assignment to the Business Calendar with the assent of a Justice assigned to the Business Calendar.			
Notes	In 2001, the Presiding Justice of the Rhode Island Superior Court issued an administrative order establishing a Business Calendar for the Superior Court in Providence and Bristol Counties. In 2011, the Superior Court expanded the Business Calendar statewide.			

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BUSINESS COURTS IN OTHER STATES				
SOUTH CAROLINA				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
2007 (made permanent in 2019)	S.C. Admin. Order 2019-01-30-01	Business Court	Statewide (divided into 3 regions)	N/A
Case Eligibility	<p>Without respect to the amount in controversy, civil matters in which the principal claim or claims are made under the following Titles of the South Carolina Code of Laws are appropriate matters to be assigned to the Business Court:</p> <ul style="list-style-type: none"> a. Title 33—South Carolina Business Corporation Act of 1988; b. Title 35—South Carolina Uniform Securities Act of 2005; c. Title 36, Chapter 8—South Carolina Uniform Commercial Code: Investment Securities; d. Title 39, Chapter 3—Trade and Commerce: Trusts, Monopolies, and Restraints of Trade; e. Title 39, Chapter 8—Trade and Commerce: The South Carolina Trade Secrets Act; f. Title 39, Chapter 15—Trade and Commerce: Labels and Trademarks; or, g. for such other cases as the Chief Business Court Judge may determine. 			
Ineligible Cases	N/A			
Designation	Assignment of cases may be made by the Chief Business Court Judge sua sponte or at the request of counsel. Counsel may request assignment no later than 180 days after the commencement of the action. This requirement may be waived for good cause shown.			
Notes	The Business Court Program covers all counties statewide, and the State is divided into three Business Court Regions.			

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BUSINESS COURTS IN OTHER STATES				
TENNESSEE				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
2015 (pilot program ongoing)	Tenn. Admin. Order 2017-00638	Business Court Docket	Statewide	\$250,000
Case Eligibility	<p>Cases in which at least \$250,000 compensatory damages are alleged or cases seeking primarily injunctive or declaratory relief, and which also satisfy one or more of the following criteria:</p> <ul style="list-style-type: none"> i. relate to the governance or internal affairs of businesses (i.e., corporations, limited liability companies, general partnerships, limited liability partnerships, sole proprietorships, professional associations, real estate investment trusts, and joint ventures), including the rights or obligations of shareholders, officers, directors, partners, and members, or the liability or indemnity of officers, directors, managers, trustees, or partners; ii. involve claims of breach of fiduciary duty or statutory violations between businesses arising out of business transactions or relationships; iii. involve a commercial class action; iv. arise from technology licensing agreements, including software and biotechnology licensing agreements, or any agreement involving the licensing of any intellectual property right, including patent rights; v. claims involving antitrust, trade secrets, trademark law, or securities-related actions; vi. involve claims that present sufficiently complex commercial issues that would have significant implications for the larger business community, including but not limited to cases with subject matter that technically would render the case “Excluded” pursuant to Section 2, as recommended by the Business Court Docket Judge and as determined within the discretion of the Chief Justice. 			
Ineligible Cases	<p>The following cases are excluded from the Business Court Docket:</p> <ul style="list-style-type: none"> a. personal injury or wrongful death; b. professional malpractice claims; c. commercial property disputes, residential landlord-tenant matters, and foreclosure actions; d. employee/employer disputes, except where pendent or incidental to the matters listed in Section 1 above and sufficiently complex business issues are presented; e. health care liability; f. the sole claim is a professional fee dispute; g. where the State of Tennessee or any other government or governmental agency is a party; h. administrative appeals from a State or County Agency, including tax and zoning matters; i. claims involving breach of contract, fraud, or misrepresentation, except when pendent or incidental to matters listed in Section 1 above and sufficiently complex business issues are presented; j. actions for violations of or interference with noncompete, nonsolicitation, and/or confidentiality agreements, except when pendent or incidental to matters listed in Section 1 above and sufficiently complex business issues are presented; k. commercial or residential contract construction disputes and/or commercial or residential construction defect claims; and l. cases involving violations of the Tennessee Consumer Protection Act. 			
Designation	<p>Any party may file a request for designation within 30 days of the service of complaint. The request certifies the case meets the prerequisites. If case is outside Davidson County, parties requesting designation must file waiver of venue and joint consent. Objections to assignment must be made within 30 days of order transferring case to the business court.</p>			
Notes	<p>The pilot project was expanded in 2017 to open up the Business Court Pilot Project to disputes from other jurisdictions around the state.</p>			

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BUSINESS COURTS IN OTHER STATES				
WEST VIRGINIA				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
2012	W.V. Trial Court Rule 29	Business Court Division	Statewide (divided into 7 judicial circuits)	N/A
Case Eligibility	<p>“Business Litigation” — one or more pending actions in circuit court in which:</p> <ol style="list-style-type: none"> 1. the principal claim or claims involve matters of significance to the transactions, operations, or governance between business entities; and 2. the dispute presents commercial and/or technology issues in which specialized treatment is likely to improve the expectation of a fair and reasonable resolution of the controversy because of the need for specialized knowledge or expertise in the subject matter or familiarity with some specific law or legal principles that may be applicable. 			
Ineligible Cases	<p>“Business Litigation” means the principal claim or claims do not involve: consumer litigation, such as products liability, personal injury, wrongful death, consumer class actions, actions arising under the West Virginia Consumer Credit Act and consumer insurance coverage disputes; non-commercial insurance disputes relating to bad faith, or disputes in which an individual may be covered under a commercial policy, but is involved in the dispute in an individual capacity; employee suits; consumer environmental actions; consumer malpractice actions; consumer and residential real estate, such as landlord-tenant disputes; domestic relations; criminal cases; eminent domain or condemnation; and administrative disputes with government organizations and regulatory agencies, provided, however, that complex tax appeals are eligible to be referred to the Business Court Division.</p>			
Designation	<p>Any party or judge may file a motion seeking a referral to the division. The motion must be filed after the time to answer the complaint has expired, unless good cause is shown. Reply to the motion must be filed within 20 days.</p>			
Notes	<p>“Business Litigation Assignment Region” — a group of existing judicial circuits that meets the population requirements set forth in the code.</p>			

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BUSINESS COURTS IN OTHER STATES				
WISCONSIN				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
2017 (pilot program ongoing)	Wis. Interim Rule 16-05	Commercial Docket	Waukesha and Dane counties, and circuit courts of 2nd, 8th, and 10th Judicial Districts	N/A, \$100,000, or \$250,000, depending on the type of dispute
Case Eligibility	<p>Mandatory Assignment of Cases to the Commercial Court Docket. Any case that is one of the following types of cases that is filed in a circuit court in which a Commercial Court docket has been established shall be assigned to the Commercial Court docket, and the Commercial Court shall have jurisdiction over any of the following types of cases:</p> <p>a) Cases involving the governance or internal affairs of business organizations, including claims between or among owners or constituents of a business organization; claims against officers, directors or managers of a business organization; claims involving the indemnity of owners, officers, directors, or managers of a business organization; claims involving the interpretation of the rights and obligations under the law governing the business organization; claims involving the interpretation of the rights and obligations under the agreements governing the business organization, such as the articles of incorporation, bylaws, operating agreements, membership agreement, or partnership agreement of the business organization;</p> <p>b) Cases involving tortious or statutorily prohibited business activity, unfair competition or antitrust; claims of tortious interference with a business organization; claims involving restrictive covenants and agreements not to compete or solicit; claims involving confidentiality agreements;</p> <p>c) Cases involving the sale, consolidation, or merger of a business organization, conversion, share exchange or the sale of substantially all of the assets of a business organization;</p> <p>d) Cases involving the sale of securities, including claims for securities fraud;</p> <p>e) Cases involving intellectual property rights, including claims to determine the use, ownership, or status of trademarks, trade secrets, or copyrights; claims involving any agreement relating to the licensing of any intellectual property right, including patent rights;</p> <p>f) Cases involving the relationship between a franchisor and franchisee or similar distribution relationship;</p> <p>g) Cases involving claims or disputes under chs. 402, 403, 404, 405, or 409, or any similar statute or law from another jurisdiction, when the amount in controversy exceeds \$100,000, exclusive of interest, costs, and attorney fees;</p> <p>h) Cases involving receiverships in excess of \$250,000;</p> <p>i) Cases involving confirmation of arbitration awards and compelling/enforcing arbitration awards;</p> <p>j) Cases involving commercial real estate construction disputes over \$250,000.</p>			
Ineligible Cases	<p>The following cases will not be assigned to the Commercial Court docket:</p> <p>a) Cases involving small claims;</p> <p>b) Cases involving a governmental entity or political subdivision seeking to enforce a statutory or regulatory restriction or prohibition;</p> <p>c) Cases involving consumer contracts or transactions; landlord/tenant disputes; domestic relations claims; labor claims; receivership, insolvency, or liquidation cases; malpractice claims; personal injury claims; product liability claims; civil rights claims; tax disputes; cases seeking to compel arbitration or to affirm or disaffirm an arbitration award; construction claims; or environmental claims unless the claim or dispute identified in this section is ancillary and incidental to a case assigned to the Commercial Court.</p>			
Designation	<p>Plaintiff shall state if the case qualifies for the court in its complaint. If plaintiff does not, the circuit court may, sua sponte, or upon a motion filed by the defendant or third party with its responsive pleading, order the transfer of a case to the Commercial Court docket if that judge determines that the case meets the mandatory criteria. Case's designation may be contested.</p>			
Notes	<p>Pilot has been extended to 2024. Parties from counties that do not have a dedicated Commercial Court docket may file a joint petition for transfer to have their cases administered within a Commercial Court docket.</p>			

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BUSINESS COURTS IN OTHER STATES				
WYOMING				
Year Est.	Applicable Law	Name of Court or Program	Court Reach	Minimum Amount in Controversy
2020	Wyo. R. Civ. P. for Chancery Court	Chancery Court	Statewide	\$50,000 (except in some cases)
Case Eligibility	<p>The chancery court shall have jurisdiction to hear and decide actions for equitable or declaratory relief and for actions where the prayer for money recovery is an amount exceeding \$50,000, exclusive of claims for punitive or exemplary damages, prejudgment or post judgment interest, costs and attorney fees provided the cause of action arises from at least one of the following:</p> <ul style="list-style-type: none"> (i) Breach of contract; (ii) Breach of fiduciary duty; (iii) Fraud; (iv) Misrepresentation; (v) A statutory or common law violation involving: <ul style="list-style-type: none"> (A) The sale of assets or securities; (B) A corporate restructuring; (C) A partnership, shareholder, joint venture or other business agreement; (D) Trade secrets; or (E) Employment agreements not including claims that principally involve alleged discriminatory practices. (vi) Transactions governed by the Uniform Commercial Code; (vii) Shareholder derivative actions. The monetary threshold set forth in this subsection shall not apply to actions brought under this paragraph; (viii) Commercial class actions; (ix) Business transactions involving or arising out of dealings with commercial banks and other financial institutions; (x) A dispute concerning the internal affairs of business organizations; (xi) A dispute concerning environmental insurance coverage; (xii) A dispute concerning commercial insurance coverage; (xiii) Dissolution of corporations, partnerships, limited liability companies, limited liability partnerships, joint ventures, banks and trust companies. The monetary threshold set forth in this subsection shall not apply to actions brought under this paragraph; (xiv) Transactions governed by the Wyoming Uniform Trust Code; (xv) Applications to stay or compel arbitration and affirm or disaffirm arbitration awards and related injunctive relief or appeals, involving any of the foregoing enumerated issues. Where any applicable arbitration agreement provides for an arbitration to be heard outside the United States, the monetary threshold set forth in this subsection shall not apply; (xvi) A dispute concerning a trademark, trade name or service mark. The monetary threshold set forth in this subsection shall not apply to actions brought under this paragraph. 			

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BUSINESS COURTS IN OTHER STATES	
WYOMING - CONTINUED	
Ineligible Cases	<p>Except as otherwise provided in this rule or otherwise provided by statute, the following includes, but is not limited to, the actions that are not within the jurisdiction of the chancery court:</p> <ol style="list-style-type: none"> (1) Personal injury or wrongful death; (2) Professional malpractice claims; (3) Consumer claims against business entities or insurers of business entities, including breach of warranty, product liability, and personal injury cases and cases arising under consumer protection laws; (4) Matters involving only wages or hours, occupational health or safety, workers' compensation, or unemployment compensation; (5) Environmental claims, except those described in subparagraph (b)(11); (6) Actions in the nature of a change of name of an individual, mental health act, guardianship, conservatorship, or government election matters; (7) Individual residential real estate disputes, including foreclosure actions, or noncommercial landlord-tenant disputes; (8) Any criminal matter, other than criminal contempt in connection with a matter pending before the chancery court; (9) Consumer debts, such as debts or accounts incurred by an individual primarily for a personal, family, or household purpose; credit card debts incurred by individuals; medical services debts incurred by individuals; student loans; tax debts of individuals; personal auto mobile loans; and other similar types of consumer debts; or (10) Summary or formal probate matters (domiciliary or ancillary).
Designation	<p>Cases may be filed directly with chancery court. Party may file an objection for the matter to proceed in the court. Court may be removed from district court to chancery court within 20 days of service, or 30 days if all parties agree to remove.</p>

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ENDNOTES

- 1 *The Texas Judicial System, Recommendations for Reform*, TEXANS FOR LAWSUIT REFORM FOUND. (2007), https://tlrfoundation.com/wp-content/uploads/2019/07/tlrf_courtadmin2007_%C6%92_web.pdf.
- 2 See Tex. S.B. 1204, 80th Leg., R.S. (2007); Tex. H.B. 2906, 80th Leg., R.S. (2007).
- 3 These states include: Arizona, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, West Virginia, Wisconsin, and Wyoming. See *infra* Table 1; see also Lee Applebaum et al., *Through the Decades: The Development of Business Courts in the United States of America*, 75 BUS. LAW. 2053, 2072–76 (2020); Jens Dammann, *Business Courts and Firm Performance* 3 (U. Tex. L., L. & Econ. Res. Paper No. 564, 2017); Richard L. Renck & Carmen H. Thomas, *Recent Developments in Business Commercial Courts in the United States and Abroad*, A.B.A. (May 22, 2014), https://www.americanbar.org/groups/business_law/publications/blt/2014/05/01_renck/; *Business and Commercial Litigation Courts: Course Curriculum*, NAT'L CTR. FOR ST. CTS. (2020), <https://ncsc.contentdm.oclc.org/digital/collection/traffic/id/91>.
Arizona, California, Connecticut, Minnesota, and Oregon have complex litigation courts. See *infra* Table 1.
Jefferson County, Kentucky and the states of Tennessee and Wisconsin are currently undergoing pilot projects. See *infra* Table 1.
- 4 Benjamin F. Tennille et al., *Getting to Yes in Specialized Courts: The Unique Role of ADR in Business Court Cases*, 11 PEPP. DISP. RESOL. L.J. 35, 39 (2010).
- 5 Tyler Moorhead, Note, *Business Courts: Their Advantages, Implementation Strategies, and Indiana's Pursuit of Its Own*, 50 IND. L. REV. 397, 406–07 (2016).
- 6 See generally John F. Coyle, *Business Courts and Interstate Competition*, 53 WM. & MARY L. REV. 1915 (2012).
- 7 *Judicial Officers of the Court of Chancery*, DEL. CTS., <https://courts.delaware.gov/chancery/judges.aspx> (last visited Dec. 13, 2021).
- 8 *Id.*
- 9 *Id.*
- 10 *Jurisdiction of the Court of Chancery*, DEL. CTS., <https://courts.delaware.gov/Chancery/jurisdiction.aspx> (last visited Dec. 13, 2021).
- 11 *Id.*
- 12 *Id.*
- 13 *Court of Chancery*, DEL. CTS., <https://courts.delaware.gov/chancery/index.aspx> (last visited Dec. 13, 2021).
- 14 Applebaum, *supra* note 3, at 2058.
- 15 *Opinions and Orders*, DEL. CTS., <https://courts.delaware.gov/opinions/index.aspx?ag=court%20of%20chancery> (last visited Dec. 13, 2021).
- 16 See Coyle, *supra* note 6, at 1925.
- 17 Coyle, *supra* note 6, at 1925. Delaware's Complex Commercial Litigation Division of the Superior Court was actually modeled off New York's Commercial Division to close Delaware's jurisdictional gap.
- 18 See Applebaum, *supra* note 3, at 2058.
- 19 *Complex Commercial Litigation Division (CCLD)*, DEL. CTS., <https://courts.delaware.gov/superior/complex.aspx> (last visited Dec. 13, 2021).
- 20 *Id.*
- 21 See *id.* As discussed above, Chancery Court disputes may be submitted to a jury heard in the Superior Court.
- 22 *Id.*
- 23 *Id.*
- 24 See Applebaum, *supra* note 3, at 2058–60.
- 25 See generally *supra* note 3.
- 26 See *supra* Table 1; see also Applebaum, *supra* note 3, at 2072–76.
- 27 Arizona has both a commercial court and a complex litigation court. See Lee Applebaum, *Arizona Commercial Court in Maricopa County (Phoenix) Made Permanent*, BUS. CTS. BLOG (June 11, 2019), <https://www.businesscourtsblog.com/arizona-commercial-court-in-maricopa-county-phoenix-made-permanent/>.
- 28 Because many commentators choose to indiscriminately classify these complex litigation courts as “business courts,” conducting a fully accurate census is difficult.
- 29 The pilot project concluded in 2015 without renewal. See *The Colorado Civil Access Pilot Project Applicable to Business Actions in Certain District Courts*, COLO. JUD. BRANCH, [https://www.courts.state.co.us/userfiles/file/Court_Probation/Educational_Resources/CAPP%20FAQs%20R8%2013%20\(FINAL\).pdf](https://www.courts.state.co.us/userfiles/file/Court_Probation/Educational_Resources/CAPP%20FAQs%20R8%2013%20(FINAL).pdf) (last updated Aug. 26, 2014).
- 30 See Dammann, *supra* note 3, at 7.
- 31 Examples include Chicago, Pittsburgh, and Fort Lauderdale. See *Commercial Calendar Section*, ST. ILL., CIR. CT. COOK CTY., <https://www.cookcountycourt.org/about-the-court/County-Department/Law-Division/Commercial-Calendar-Section> (last visited Nov. 29, 2021); *Commerce and Complex Litigation Center*, FIFTH JUD. DIST. PENN., CTY. ALLEGHENY, https://www.allegheycourts.us/civil/commerce_complex_litigation.aspx (last visited Nov. 29, 2021); *Complex Litigation Unit*, SEVENTEENTH JUD. CIR. FLA., <http://www.17th.ficourts.org/circuit-civil-complex-litigation/> (last visited Nov. 29, 2021).
- 32 See Coyle, *supra* note 6, at 1937.

- 33 In Michigan, a case must be assigned to the business court if the amount in controversy is greater than \$25,000 and all or part of the action includes a business or commercial dispute. See MICH. COMP. LAWS §§ 600.8035(1), 600.605, 600.8301(1).
- 34 In Georgia’s business court, where damages are requested, the amount in controversy must be at least \$1 million for claims involving commercial real property or \$500,000 for any eligible claims not involving commercial real property. GA. CODE ANN. § 15-5A-3(a)(1)(B).
- 35 For example, Maine lacks an amount-in-controversy requirement. See ME. R. CIV. P. 130 et seq.
- 36 See Fla. 11th Jud. Cir., Admin. Order 16-12 § 3 (Oct. 27, 2016), http://www.jud11.flcourts.org/Administrative_Orders/2016-12-Reaffirmation%20of%20the%20Creation%20of%20the%20Complex%20Business%20Litigation%20Section-No%20Signature.pdf; Fla. 9th Jud. Cir., Admin. Order 2019-08-02 ¶ I(A) (Nov. 20, 2019), <https://www.ninthcircuit.org/sites/default/files/2019-08-02%20-%20Amended%20Order%20Regarding%20Business%20Court.pdf>; Fla. 17th Jud. Cir., Admin. Order 2013-11-Civ ¶ (b)(5) (Mar. 11, 2013), <http://www.17th.flcourts.org/wp-content/uploads/2017/08/2013-11-civ.pdf>; Fla. 13th Jud. Cir., Admin. Order S-2013-021 ¶ 2 (Apr. 18, 2013), <https://www.fljud13.org/Portals/0/AO/DOCS/2013-021-S.pdf>.
- 37 While one of the options to get into Delaware’s CCLD is to have a claim with an amount in controversy of \$1 million or greater, there are other avenues to maintain jurisdiction in that court. See *supra* p. 5; *Complex Commercial Litigation Division (CCLD)*, DEL. CTS., <https://courts.delaware.gov/superior/complex.aspx> (last visited Dec. 13, 2021).
- 38 *In re Iowa Business Specialty Court*, at ¶ E (Iowa Jan. 14, 2019) (mem.), https://www.iowacourts.gov/static/media/cms/011419_Business_Ct_Memo_5A469FC10871C.pdf. (last visited Dec. 13, 2021); see also *infra* Table 2.
- 39 The Arizona Commercial Court allows and precludes the following types of cases:
- (b) Eligible Case Types. A commercial case is generally eligible for the commercial court if it meets one of the following descriptions:
- (1) concerns the internal affairs, governance, dissolution, receivership, or liquidation of a business organization;
 - (2) arises out of obligations, liabilities, or indemnity claims between or among owners of the same business organization (including shareholders, members, and partners), or which concerns the liability or indemnity of individuals within a business organization (including officers, directors, managers, member managers, general partners, and trustees);
 - (3) concerns the sale, merger, or dissolution of a business organization, or the sale of substantially all of the assets of a business organization;
 - (4) relates to trade secrets or misappropriation of intellectual property, or arises from an agreement not to solicit, compete, or disclose;
 - (5) is a shareholder or member derivative action;
 - (6) arises from a commercial real estate transaction;
 - (7) arises from a relationship between a franchisor and a franchisee;
 - (8) involves the purchase or sale of securities or allegations of securities fraud;
 - (9) concerns a claim under state antitrust law;
 - (10) arises from a business contract or transaction governed by the Uniform Commercial Code;
 - (11) is a malpractice claim against a professional, other than a medical professional, that arises from services the professional provided to a business organization;
 - (12) arises out of tortious or statutorily prohibited business activity, such as unfair competition, tortious interference, misrepresentation or fraud; or
 - (13) arises from any dispute between a business organization and an insurer under a commercial insurance policy, including an action by either the business or the insurer related to coverage or bad faith.
- (c) Ineligible Case Types. A case that seeks only monetary relief in an amount less than \$300,000 is not eligible for the commercial court. The following case types are generally not commercial cases unless business issues predominate:
- (1) evictions;
 - (2) eminent domain or condemnation;
 - (3) civil rights;
 - (4) motor vehicle torts and other torts involving personal injury to a plaintiff;
 - (5) administrative appeals;
 - (6) domestic relations, protective orders, or criminal matters, except a criminal contempt arising in a commercial court case;
 - (7) wrongful termination of employment and statutory employment claims; or
 - (8) disputes concerning consumer contracts or transactions. A “consumer contract or transaction” is one that is primarily for personal, family, or household purposes.
- ARIZ. R. CIV. P. 8.1(b), (c).
- 40 Cases eligible for Indiana’s Commercial Court Docket include:
- Any civil case, including any jury case, non-jury case, injunction, temporary restraining order, class action, declaratory judgment, or derivative action . . . if the gravamen of the case relates to any of the following:
- (A) The formation, governance, dissolution, or liquidation of a business entity;
 - (B) The rights or obligations between or among the owners, shareholders, officers, directors, managers, trustees, partners, or members of a business entity, or rights and obligations between or among any of them and the business entity;

- (C) Trade secret, non-disclosure, non-compete, or employment agreements involving a business entity and an employee, owner, shareholder, officer, director, manager, trustee, partner, or member of the business entity;
- (D) The rights, obligations, liability, or indemnity of an owner, shareholder, officer, director, manager, trustee, partner, or member of a business entity owed to or from the business entity;
- (E) Disputes between or among two or more business entities or individuals as to their business activities relating to contracts, transactions, or relationships between or among them, including without limitation the following:
 - (1) Transactions governed by the Uniform Commercial Code, except for claims described in Commercial Court Rule 3(B) and 3(O);
 - (2) The purchase, sale, lease, or license of; a security interest in; or the infringement or misappropriation of patents, trademarks, service marks, copyrights, trade secrets, or other intellectual property;
 - (3) The purchase or sale of a business entity, whether by merger, acquisition of shares or assets, or otherwise;
 - (4) The sale of goods or services by a business entity to a business entity;
 - (5) Non-consumer bank or brokerage accounts, including loan, deposit, cash management, and investment accounts;
 - (6) Surety bonds and suretyship or guarantee obligations of individuals given in connection with business transactions;
 - (7) The purchase, sale, lease, or license of or a security interest in commercial property, whether tangible or intangible personal property or real property;
 - (8) Franchise or dealer relationships;
 - (9) Business related torts, such as claims of unfair competition, false advertising, unfair trade practices, fraud, or interference with contractual relations or prospective contractual relations;
 - (10) Cases relating to or arising under antitrust laws;
 - (11) Cases relating to securities or relating to or arising under securities laws;
 - (12) Commercial insurance contracts, including coverage disputes;
 - (13) Environmental claims arising from a breach of contractual or legal obligations or indemnities between business entities;
 - (14) Cases with a gravamen substantially similar to the foregoing (1 - 13) and not otherwise encompassed by Commercial Court Rule 3.
- (F) Subject to acceptance of jurisdiction over the matter by the Commercial Court Judge, cases otherwise falling within the general intended purpose of the Commercial Court Docket wherein the parties agree to submit to the Commercial Court Docket.

IND. COM. CT. R. 2. Cases not eligible for the Indiana Commercial Court Docket include:

A civil case shall not be eligible for assignment into the Commercial Court Docket pursuant to Commercial Court 4 if the case does not relate to any of the topics provided under Commercial Court Rule 2, or the gravamen of the case relates to any of the following:

- (A) Personal injury, survivor, or wrongful death matters;
- (B) Consumer claims against business entities or insurers of business entities, including breach of warranty, product liability, and personal injury cases and cases arising under consumer protection laws;
- (C) Matters involving only wages or hours, occupational health or safety, workers' compensation, or unemployment compensation;
- (D) Environmental claims, except as described in Commercial Court Rule 2(E)(13);
- (E) Matters in eminent domain;
- (F) Employment law cases, except those as described in Commercial Court Rule 2(C);
- (G) Discrimination cases based upon the federal or state constitutions or the applicable federal, state, or political subdivision statutes, rules, regulations, or ordinances;
- (H) Administrative agency, tax, zoning, and other appeals;
- (I) Petition actions in the nature of a change of name of an individual, mental health act, guardianship, or government election matters;
- (J) Individual residential real estate disputes, including foreclosure actions, or non-commercial landlord-tenant disputes;
- (K) Any matter subject to the jurisdiction of the domestic relations, juvenile, or probate divisions of a court;
- (L) Any matter subject to the exclusive jurisdiction of a city court, a town court, or the small claims division of a court;
- (M) Any matter required by statute or other law to be heard in some other court or division of a court;
- (N) Any criminal matter, other than criminal contempt in connection with a matter pending on the Commercial Court Docket;
- (O) Consumer debts, such as debts or accounts incurred or obtained by an individual primarily for a personal, family, or household purpose; credit card debts incurred by individuals; medical services debts incurred by individuals; student loans; tax debts of individuals; promissory notes not primarily associated with purchasing an interest in a business; personal automobile loans; legal fees incurred for family or household purposes (such as probate, divorce, child custody, child support, criminal defense, negligence, and other tortious acts); and other similar types of consumer debts.

IND. COM. CT. R. 3.

- 41 See *supra* p. 5; see also *Complex Commercial Litigation Division (CCLD)*, DEL. CTS., <https://courts.delaware.gov/superior/complex.aspx> (last visited Dec. 13, 2021).
- 42 CAL. RULES OF COURT, rule 3.400(a).
- 43 See, e.g., *id.* rule 3.400(b), (c); OR. UNIFORM TRIAL COURT RULE 23.010(1); MINN. R. 146.02.
- 44 ARIZ. R. CIV. P. 8.1.
- 45 *Id.*
- 46 *Id.*
- 47 *Id.*
- 48 *Id.*
- 49 *Id.*
- 50 *In re Iowa Business Specialty Court*, at ¶ F (Iowa Jan. 14, 2019) (mem.), https://www.iowacourts.gov/static/media/cms/011419_Business_Ct_Memo_5A469FC10871C.pdf.
- 51 *Id.*
- 52 *Id.*
- 53 *Id.*
- 54 *Id.*
- 55 *Id.*
- 56 *Iowa Business Specialty Court*, IOWA JUD. BRANCH, <https://www.iowacourts.gov/iowa-courts/district-court/iowa-business-specialty-court> (last visited Dec. 2, 2021).
- 57 *Iowa Business Specialty Court*, at ¶ F.
- 58 *Id.*
- 59 *Id.*
- 60 *Id.*
- 61 *Id.*
- 62 *Id.*
- 63 *Id.*
- 64 N.C. GEN. STAT. § 7A-45.4.
- 65 *Id.*
- 66 *Id.* § 7A-27(a).
- 67 N.C.R. PRAC. SUPER. & DIST. CT. 2.1.
- 68 N.C. GEN. STAT. § 7A-45.4(b).
- 69 *Business Court FAQs*, N.C. JUD. BRANCH, <https://www.nccourts.gov/courts/business-court/business-court-faqs> (last visited Dec. 3, 2021).
- 70 *Id.*
- 71 *Id.*
- 72 See Applebaum, *supra* note 3, at 2065.
- 73 See *id.* at 2068.
- 74 See *Business Court Judges*, N.C. JUD. BRANCH, <https://www.nccourts.gov/courts/business-court/business-court-judges> (last visited Dec. 2, 2021); Andrew Jones, *Toward a Stronger Economic Future for North Carolina: Precedent and Opinions of the North Carolina Business Court*, 6 ELON L. REV. 189, 192, 199 (2014).
- 75 GA. CODE ANN. § 15-5A-6(c).
- 76 *Iowa Business Specialty Court*, IOWA JUD. BRANCH, <https://www.iowacourts.gov/iowa-courts/district-court/iowa-business-specialty-court> (last visited Dec. 2, 2021).
- 77 *Id.*
- 78 *In re Iowa Business Specialty Court*, ¶ D (Iowa Jan. 14, 2019) (mem.), https://www.iowacourts.gov/static/media/cms/011419_Business_Ct_Memo_5A469FC10871C.pdf.
- 79 IOWA CODE § 46.14.
- 80 See Coyle, *supra* note 6, at 1978 n.242; see also Lawrence Baum, *Judicial Specialization and the Adjudication of Immigration Cases*, 59 DUKE L.J. 1501, 1538 (2010) (“Whether or not judges on a specialized court have prior experience in the field of their court’s work, they become specialists once they begin their judicial service.”).
- 81 See Coyle, *supra* note 6, at 1969.
- 82 See Applebaum, *supra* note 3, at 2063.
- 83 MICH. COMP. LAWS § 600.8043.
- 84 See Coyle, *supra* note 6, at 1938–39.
- 85 See *id.* at 1939.
- 86 See *id.* at 1956 n.164.
- 87 See Tex. S.B. 1204, 80th Leg., R.S. (2007); Tex. H.B. 2906, 80th Leg., R.S. (2007).
- 88 Tex. S.B. 1204, § 8.02, sec. 74.184 (introduced version).
- 89 Tex. S.B. 992, 81st Leg., R.S. (2009).
- 90 Tex. H.B. 1603, 84th Leg., R.S. (2015); Tex. H.B. 2594, 85th Leg., R.S. (2017).
- 91 Tex. H.B. 2594 (introduced version); see also Tex. H.B. 1603 (house committee report version).

- 92 Tex. H.B. 1603, § 1, sec. 24A.051 (house committee report version); *see also* Tex. H.B. 2594, § 1, sec. 24A.051 (introduced version). The house committee report version of H.B. 1603 and the introduced version of H.B. 2594 are nearly identical, including the list of eligible cases.
- 93 Tex. H.B. 2594, § 1, sec. 24A.052(a) (introduced version).
- 94 *Id.*
- 95 *Id.* sec. 24A.052(b).
- 96 *Id.* sec. 24A.052(f).
- 97 *Id.* secs. 24A.055, 25A.056.
- 98 *Id.* sec. 24A.054.
- 99 Tex. H.B. 4149, 86th Leg., R.S. (2019).
- 100 *Compare* Tex. H.B. 4149 (introduced version), *with* Tex. H.B. 1603 (house committee report version), *and* Tex. H.B. 2594 (introduced version).
- 101 Tex. H.B. 1875, 87th Leg., R.S. (2021).
- 102 Byron F. Egan, *Texas Chancery Courts: The Missing Link to More Texas Entities*, 79 TEX. B.J. 98 (Feb. 2016).
- 103 *See generally* Dammann, *supra* note 3.
- 104 *See, e.g.*, David E. Chamberlain, *Texas Chancery Courts: An Unconstitutional Money-Wasting Proposal*, 79 TEX. B.J. 99 (Feb. 2016).
- 105 Jenni Bergal, *States Set Up ‘Business Courts’ for Corporate Conflicts*, STATELINE (Oct. 28, 2015), <https://www.governing.com/archive/business-courts-take-on-complex-corporate-conflicts.html>.
- 106 *Id.*
- 107 Anne Tucker Nees, *Making a Case for Business Courts: A Survey of and Proposed Framework to Evaluate Business Courts*, 24 GA. ST. U. L. REV. 477, 489 n.38 (2012).
- 108 *Id.*
- 109 *See* Coyle, *supra* note 6, at 1973–74 & n.226.
- 110 TEX. CONST. art. I, § 15.
- 111 *See, e.g.*, Joshua L. Sohn, *Specialized Juries for Patent Cases: An Empirical Proposal*, 18 U. PA. J. BUS. L. 1175 (2016); Franklin Strier, *The Educated Jury: A Proposal for Complex Litigation*, 47 DEPAUL L. REV. 49 (1997); Jonathan J. Koehler, *Train Our Jurors* (Nw. U. Sch. L., Fac. Working Paper No. 141, 2006).
- 112 *See* Tex. H.B. 1603, 84th Leg., R.S., § 1, sec. 24A.063 (2015) (house committee report version); Tex. H.B. 2594, 85th Leg., R.S., § 1, sec. 24A.063 (2017) (introduced version); Tex. H.B. 4149, 86th Leg., R.S., § 1, sec. 24A.063 (2019) (introduced version).
- 113 *See* Tennille, *supra* note 4, at 104.
- 114 *See, e.g.*, ILL. RULES OF THE COURT, rule 25.1 (Circuit Court of Cook County, Illinois); *see also* Tennille, *supra* note 4, at 72–96 tbl. 1.

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