



# (Almost) Everything You Need to Know About The Texas Business Courts

September 18, 2024

Dallas Bar Association Energy Law Section

David Cabrales, Foley & Lardner

# Structure. . .

GOVERNMENT CODE

TITLE 2. JUDICIAL BRANCH

SUBTITLE A. COURTS

CHAPTER 25A. BUSINESS COURT

"Sec. 25A.003. BUSINESS COURT JUDICIAL DISTRICT; DIVISIONS.

(a) ***The judicial district of the business court is composed of all counties in this state.***

(b) The business court is composed of divisions as provided by this section. . .

# Structure. . .

GOVERNMENT CODE

TITLE 2. JUDICIAL BRANCH

SUBTITLE A. COURTS

CHAPTER 25A. BUSINESS COURT

"Sec. 25A.003. BUSINESS COURT JUDICIAL DISTRICT; DIVISIONS.

(a) *The judicial district of the business court is composed of all counties in this state.*

(b) **The business court is composed of divisions as provided by this section. . .**

# Structure . . .

"Sec. 25A.003. BUSINESS COURT JUDICIAL DISTRICT;  
DIVISIONS

\* \* \* \*

**(c) The First Business Court Division is composed of the counties composing the First Administrative Judicial Region under Section 74.042(b) .**

(d) The Second Business Court Division is composed of the counties composing the Second Administrative Judicial Region under Section 74.042(c), subject to funding through legislative appropriations. *The division is abolished September 1, 2026, unless reauthorized by the legislature and funded through additional legislative appropriations...*"

# Structure. . .

"Sec. 25A.003. BUSINESS COURT JUDICIAL DISTRICT;  
DIVISIONS

\* \* \* \*

**(c) The First Business Court Division is composed of the counties composing the First Administrative Judicial Region under Section 74.042(b).**

(d) The Second Business Court Division is composed of the counties composing the Second

Adm.  
74.  
app.  
Sep

**The 11 divisions of the business courts mirror the geographical boundaries of the 11 Texas judicial administrative regions.**

*legislature and funded through additional legislative appropriations..."*

# Structure . . .

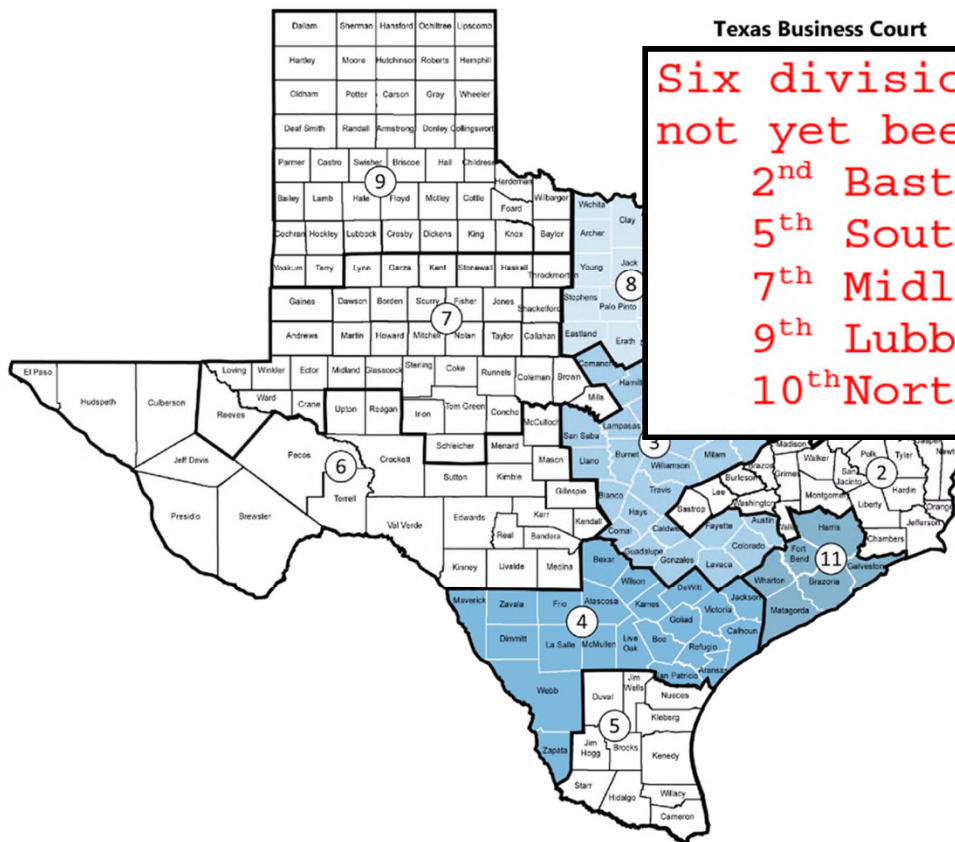
"Sec. 25A.003. BUSINESS COURT JUDICIAL DISTRICT;  
DIVISIONS

\* \* \* \*

(c) The First Business Court Division is composed of the counties composing the First Administrative Judicial Region under Section 74.042(b).

(d) The Second Business Court Division is composed of the counties composing the Second Administrative Judicial Region under Section 74.042(c), subject to funding through legislative appropriations. ***The division is abolished September 1, 2026, unless reauthorized by the legislature and funded through additional legislative appropriations...***"

# Structure...

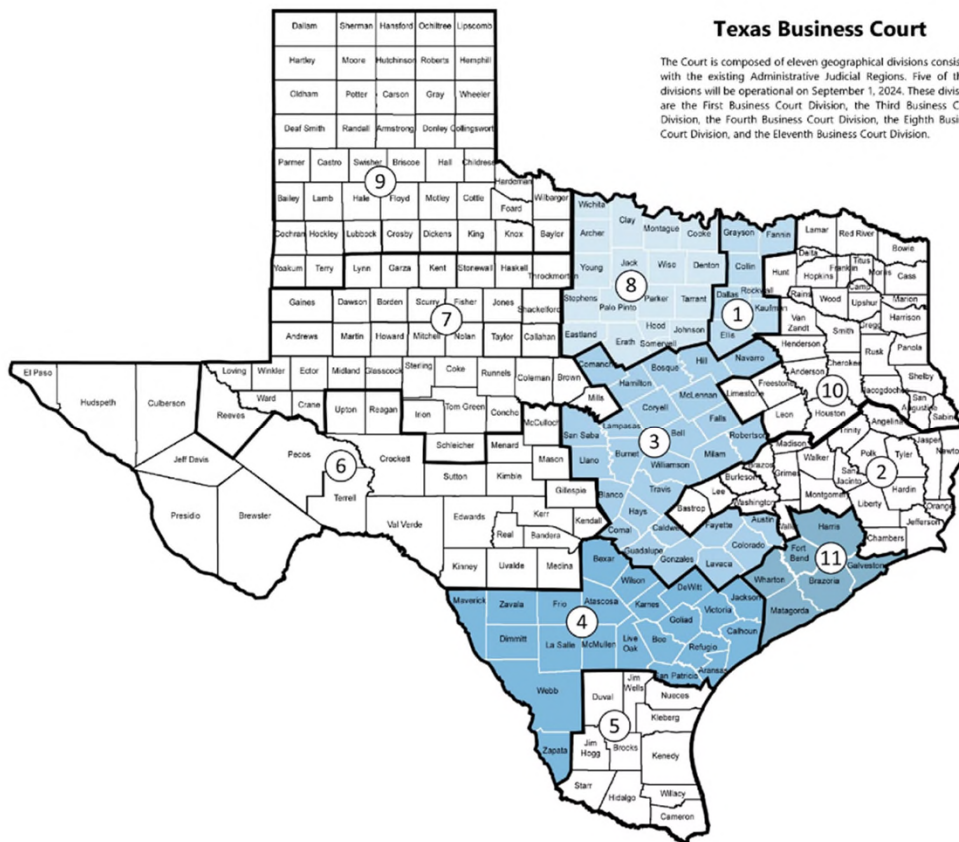


Texas Business Court

Six divisions of the business courts have not yet been funded:

- 2<sup>nd</sup> Bastrop to Tyler
- 5<sup>th</sup> South Texas
- 7<sup>th</sup> Midland/Odessa
- 9<sup>th</sup> Lubbock/Amarillo/Panhandle
- 10<sup>th</sup> Northeast Texas

# Structure . . .



1<sup>st</sup> - Collin; Dallas; Ellis; Fannin; Grayson; Kaufman; and Rockwall

3<sup>rd</sup> - Travis and 26 surrounding counties

4<sup>th</sup> - Bexar and 21 surrounding counties

8<sup>th</sup> - Tarrant and 17 surrounding counties

11<sup>th</sup> - Brazoria, Fort Bend, Galveston, Harris, Matagorda, and Wharton



# The Judges. . .

Sec. 25A.009. APPOINTMENT OF JUDGES; TERM; PRESIDING JUDGE; EXCHANGE OF BENCHES. ***(a) The governor, with the advice and consent of the senate, shall appoint:***

(1) two judges to each of the First, Third, Fourth, Eighth, and Eleventh Divisions of the business court; . . .

\* \* \* \*

(b) A business court judge shall serve for a term of two years, beginning on September 1 of every even-numbered year.

(c) A business court judge may be reappointed.

# The Judges. . .

Sec. 25A.009. APPOINTMENT OF JUDGES; TERM; PRESIDING JUDGE; EXCHANGE OF BENCHES. (a) *The governor, with the advice and consent of the senate, shall appoint:*

**(1) two judges to each of the First, Third, Fourth, Eighth, and Eleventh Divisions of the business court; . . .**

\* \* \* \*

(b) A business court judge shall serve for a term of two years, beginning on September 1 of every even-numbered year.

(c) A business court judge may be reappointed.

# The Judges. . .

Sec. 25A.009. APPOINTMENT OF JUDGES; TERM; PRESIDING JUDGE; EXCHANGE OF BENCHES. (a) *The governor, with the advice and consent of the senate, shall appoint:*

(1) two judges to each of the First, Third, Fourth, Eighth, and Eleventh Divisions of the business court; . . .

\* \* \* \*

**(b) A business court judge shall serve for a term of two years, beginning on September 1 of every even-numbered year.**

(c) A business court judge may be reappointed.

# The Judges. . .

Sec. 25A.009. APPOINTMENT OF JUDGES; TERM; PRESIDING JUDGE; EXCHANGE OF BENCHES. (a) *The governor, with the advice and consent of the senate, shall appoint:*

(1) two judges to each of the First, Third, Fourth, Eighth, and Eleventh Divisions of the business court; . . .

\* \* \* \*

(b) A business court judge shall serve for a term of two years, beginning on September 1 of every even-numbered year.

**(c) A business court judge may be reappointed.**

# The Judges. . .

Sec. 25A.008. QUALIFICATIONS OF JUDGE. (a) A  
business court judge must: . . .

# The Judges. . .

Sec. 25A.008. QUALIFICATIONS OF JUDGE. (a) A  
business court judge must:

- (1) be at least 35 years of age;

# The Judges. . .

**Sec. 25A.008. QUALIFICATIONS OF JUDGE. (a) A  
business court judge must:**

- (1) be at least 35 years of age;
- (2) be a United States citizen;

# The Judges. . .

Sec. 25A.008. QUALIFICATIONS OF JUDGE. (a) A business court judge must:

- (1) be at least 35 years of age;
- (2) be a United States citizen;

(3) have been a resident of a county within the division of the business court to which the judge is appointed for at least five years before appointment; and



# The Judges. . .

**Sec. 25A.008. QUALIFICATIONS OF JUDGE. (a) A business court judge must:**

(1) be at least 35 years of age;

(2) be a United States citizen;

(3) have been a resident of a county within the division of the business court to which the judge is appointed for at least five years before appointment; **and**

(4) be a licensed attorney in this state who has 10 or more years of experience in: . . .

# The Judges. . .

Sec. 25A.008. QUALIFICATIONS OF JUDGE. (a) A  
business court judge must:

\* \* \* \*

(4) be a licensed attorney in this state  
who has 10 or more years of experience in:

(A) practicing complex civil business  
litigation;

# The Judges. . .

Sec. 25A.008. QUALIFICATIONS OF JUDGE. (a) A business court judge must:

\* \* \* \*

(4) be a licensed attorney in this state who has 10 or more years of experience in:

(A) practicing complex civil business litigation;

(B) practicing business transaction

law;

# The Judges. . .

Sec. 25A.008. QUALIFICATIONS OF JUDGE. (a) A business court judge must:

\* \* \* \*

(4) be a licensed attorney in this state who has 10 or more years of experience in:

- (A) practicing complex civil business litigation;
- (B) practicing business transaction law;

(C) serving as a judge of a court in this state with civil jurisdiction; or

# The Judges. . .

Sec. 25A.008. QUALIFICATIONS OF JUDGE. (a) A business court judge must:

\* \* \* \*

(4) be a licensed attorney in this state who has 10 or more years of experience in:

(A) practicing complex civil business litigation;

(B) practicing business transaction law;

(C) serving as a judge of a court in this state with civil jurisdiction; **OR**

(D) any combination of experience described by Paragraphs (A) - (C) .

# The Judges. . .

**Sec. 25A.008. QUALIFICATIONS OF JUDGE. (a) A business court judge must:**

**\* \* \* \***

(4) be a licensed attorney in this state who has 10 or more years of experience in:

(A) practicing complex civil business litigation;

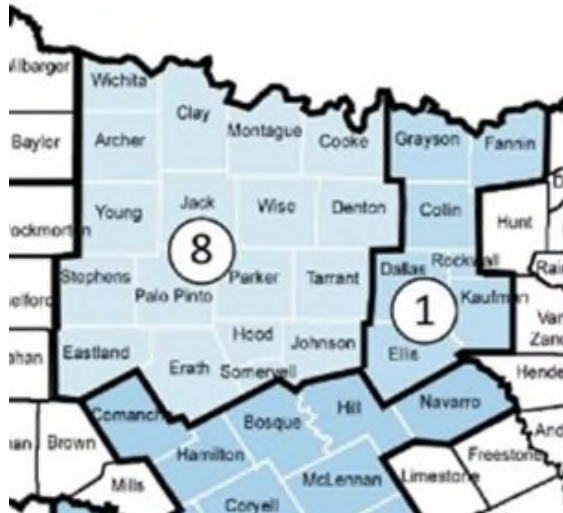
(B) practicing business transaction law;

(C) serving as a judge of a court in this state with civil jurisdiction; or

(D) any combination of experience described by Paragraphs (A) - (C).

**(b) A business court judge may not have had the judge's license to practice law revoked, suspended, or subject to a probated suspension.**

# The Judges. . .

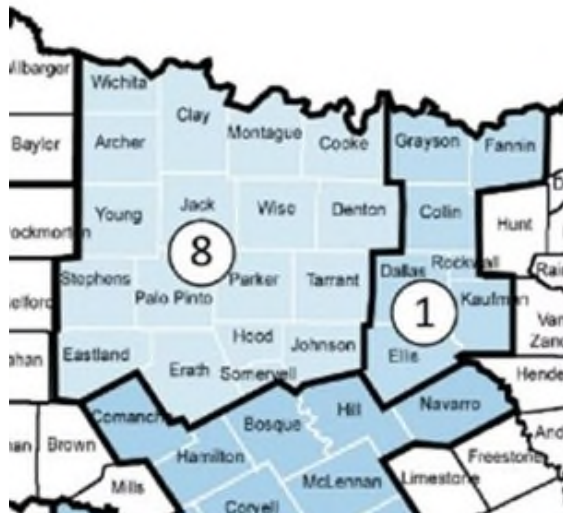


## First Business Court Division



**Andrea Bouressa - Former Judge of the 471st Judicial District Court; former Local Administrative District Judge for Collin County; B.S. in Sociology, Texas A&M University; M.S. in Sociology from the University of North Texas; J.D. from the Southern Methodist University (SMU) Dedman School of Law.**

# The Judges. . .



## First Business Court Division

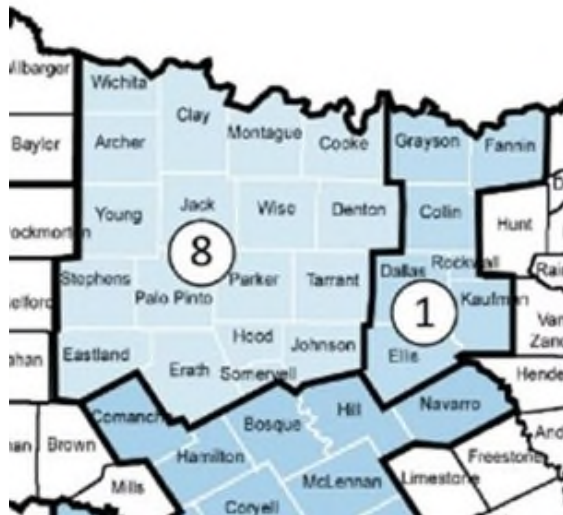


Andrea Bouressa - Former Judge of the 471st Judicial District Court; former Local Administrative District Judge for Collin County; B.S. in Sociology, Texas A&M University; M.S. in Sociology from the University of North Texas; J.D. from the Southern Methodist University (SMU) Dedman School of Law.

**William "Bill" Whitehill - Former Justice of the Texas Fifth Court of Appeals; former partner Gardere Wynne Sewell, LLP (n/k/a Foley & Lardner, LLP); B.B.A from The University of Texas at Austin; J.D. from the SMU Dedman School of Law.**



# The Judges. . .

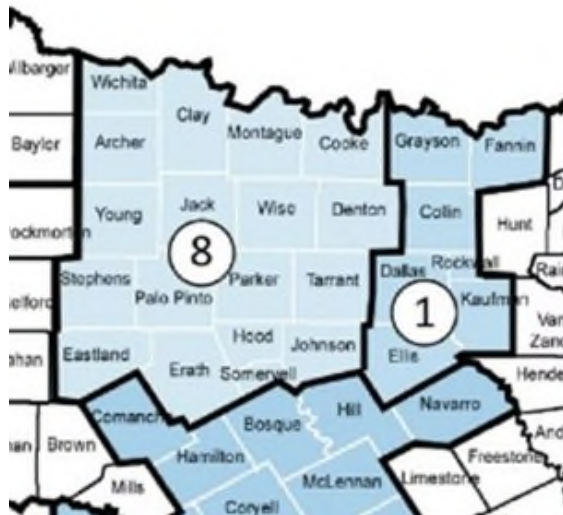


## Eighth Business Court Division



**Jerry Bullard – Former shareholder at Adams, Lynch & Loftin, P.C.; B.A. in Telecommunications from Baylor University; J.D. from The University of Texas School of Law**

# The Judges. . .



## Eighth Business Court Division



Jerry Bullard – Former shareholder at Adams, Lynch & Loftin, P.C.; B.A. in Telecommunications from Baylor University; J.D. from The University of Texas School of Law

**Brian Stagner - Former partner at Kelly Hart & Hallman; B.B.A. in Management from Angelo State University; J.D. from Texas Tech University School of Law.**

# Core Jurisdiction. . .

## 1. “Big Ticket” Business Disputes:

Sec. 25A.004. JURISDICTION AND POWERS.

\* \* \* \*

(d) ***The business court has civil jurisdiction concurrent with district courts in the following actions in which the amount in controversy exceeds \$10 million, excluding interest, statutory damages, exemplary damages, penalties, attorney's fees, and court costs:***

(1) an action arising out of a qualified transaction;

(2) an action that arises out of a contract or commercial transaction in which the parties to the contract or transaction agreed in the contract or a subsequent agreement that the business court has jurisdiction of the action, except an action that arises out of an insurance contract; and

(3) subject to Subsection (g), an action that arises out of a violation of the Finance Code or Business & Commerce Code by an organization or an officer or governing person acting on behalf of an organization other than a bank, credit union, or savings and loan association.

# Core Jurisdiction. . .

## 1. “Big Ticket” Business Disputes:

Sec. 25A.004. JURISDICTION AND POWERS.

\* \* \* \*

(d) The business court has civil jurisdiction concurrent with district courts in the following actions in which the amount in controversy exceeds \$10 million, excluding interest, statutory damages, exemplary damages, penalties, attorney's fees, and court costs:

**(1) an action arising out of a qualified transaction;**

(2) an action that arises out of a contract or commercial transaction in which the parties to the contract or transaction agreed in the contract or a subsequent agreement that the business court has jurisdiction of the action, except an action that arises out of an insurance contract; and

(3) subject to Subsection (g), an action that arises out of a violation of the Finance Code or Business & Commerce Code by an organization or an officer or governing person acting on behalf of an organization other than a bank, credit union, or savings and loan association.

# Core Jurisdiction...

**"An action arising out of a *qualified transaction*" :**

**Sec. 25A.001. DEFINITIONS.**

**(14) "Qualified transaction" means a transaction, other than a transaction involving a loan or an advance of money or credit by a bank, credit union, or savings and loan institution, under which a party:**

(A) pays or receives, or is obligated to pay or is entitled to receive, consideration with an aggregate value of at least \$10 million; or

(B) lends, advances, borrows, receives, is obligated to lend or advance, or is entitled to borrow or receive money or credit with an aggregate value of at least \$10 million.

# Core Jurisdiction...

**"An action arising out of a *qualified transaction*" :**

## **Sec. 25A.001. DEFINITIONS.**

(14) "Qualified transaction" means a transaction, other than a transaction involving a loan or an advance of money or credit by a bank, credit union, or savings and loan institution, under which a party:

**(A) pays or receives, or is obligated to pay or is entitled to receive, consideration with an aggregate value of at least \$10 million; or**

(B) lends, advances, borrows, receives, is obligated to lend or advance, or is entitled to borrow or receive money or credit with an aggregate value of at least \$10 million.

# Core Jurisdiction...

**"An action arising out of a *qualified transaction*" :**

## **Sec. 25A.001. DEFINITIONS.**

(14) "Qualified transaction" means a transaction, other than a transaction involving a loan or an advance of money or credit by a bank, credit union, or savings and loan institution, under which a party:

**(A) pays or receives, or is obligated to pay or is entitled to receive, consideration with an aggregate value of at least \$10 million; or**

(B)  
is entitled  
least \$10 m

**Energy transaction disputes will most often find their way into the business courts as "qualified transactions."**

# Core Jurisdiction...

**"An action arising out of a *qualified transaction*" :**

## **Sec. 25A.001. DEFINITIONS.**

(14) "Qualified transaction" means a transaction, other than a transaction involving a loan or an advance of money or credit by a bank, credit union, or savings and loan institution, under which a party:

(A) pays or receives, or is obligated to pay or is entitled to receive, consideration with an aggregate value of at least \$10 million; or

(B) lends, advances, borrows, receives, is obligated to lend or advance, or is entitled to borrow or receive money or credit with an aggregate value of at least \$10 million.



# Core Jurisdiction

E-filed in the Office of the Clerk  
for the Business Court of Texas  
9/3/2024 4:10 PM  
Accepted by: Beverly Crumley  
Case Number: 24-BC01B-0001

"An  
tran

No. 24-BC01B-0001

TARGA NORTHERN DELAWARE LLC, §  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Plaintiff,

IN THE BUSINESS COURT

OF THE STATE OF TEXAS

vs.

FRANKLIN MOUNTAIN  
ENERGY 2, LLC and FRANKLIN  
MOUNTAIN ENERGY, LLC,

Defendants.

FIRST DIVISION

## PLAINTIFF'S ORIGINAL PETITION

Plaintiff Targa Northern Delaware LLC files this Original Petition against  
Franklin Mountain Energy, LLC and

One of the first three cases filed in the  
business courts involves an oil & gas  
transaction.

Sec. 25

(14) "Qual  
involving  
savings an

(A)  
considerat

(B)  
lend or  
credit w

# Core Jurisdiction

E-filed in the Office of the Clerk  
for the Business Court of Texas  
9/3/2024 4:10 PM  
Accepted by: Beverly Crumley  
Case Number: 24-BC01B-0001

No. 24-BC01B-0001

BUSINESS COURT

## NATURE OF CASE

"An  
tra

Sec.

(14)  
invol  
savin

consi

lend  
cred

8. This action arises out of Defendants breach of a natural gas gathering, processing, and purchase agreement.

9. On June 1, 2021, Defendants Franklin Mountain Energy 2, LLC and Franklin Mountain Energy, LLC (collectively, "FME"), as Seller, entered into an Amended and Restated Gas Gathering, Processing and Purchase Agreement (the "Agreement") with Plaintiff Targa Northern Delaware LLC f/k/a Lucid Energy Delaware, LLC<sup>1</sup> ("Targa"), as Buyer.

# Core Jurisdiction. . .

## 1. “Big Ticket” Business Disputes:

Sec. 25A.004. JURISDICTION AND POWERS.

\* \* \* \*

*(d) The business court has civil jurisdiction concurrent with district courts in the following actions in which the amount in controversy exceeds \$10 million, excluding interest, statutory damages, exemplary damages, penalties, attorney's fees, and court costs:*

(1) an action arising out of a qualified transaction;

**(2) an action that arises out of a contract or commercial transaction in which the parties to the contract or transaction agreed in the contract or a subsequent agreement that the business court has jurisdiction of the action, except an action that arises out of an insurance contract; and**

(3) subject to Subsection (g), an action that arises out of a violation of the Finance Code or Business & Commerce Code by an organization or an officer or governing person acting on behalf of an organization other than a bank, credit union, or savings and loan association.

# Core Jurisdiction. . .

## 1. “Big Ticket” Business Disputes:

Sec. 25A.004. JURISDICTION AND POWERS.

\* \* \* \*

*(d) The business court has civil jurisdiction concurrent with district courts in the following actions in which the amount in controversy exceeds \$10 million, excluding interest, statutory damages, exemplary damages, penalties, attorney's fees, and court costs:*

- (1) an action arising out of a qualified transaction;
- (2) an action that arises out of a contract or commercial transaction in which the parties to the contract or transaction agreed in the contract or a subsequent agreement that the business court has jurisdiction of the action, except an action that arises out of an insurance contract; **and**
- (3) subject to Subsection (g), an action that arises out of a violation of the Finance Code or Business & Commerce Code by an organization or an officer or governing person acting on behalf of an organization other than a bank, credit union, or savings and loan association.**

# Core Jurisdiction. . .

1. “Big Ticket” Business Disputes

2. Internal Governance Matters:

Sec. 25A.004. JURISDICTION AND POWERS.

\* \* \* \*

(b) Subject to Subsection (c), the business court has civil jurisdiction concurrent with district courts in *the following actions in which the amount in controversy exceeds \$5 million, excluding interest, statutory damages, exemplary damages, penalties, attorney's fees, and court costs:*

(1) a derivative proceeding;

(2) an action regarding the governance, governing documents, or internal affairs of an organization;

\* \* \* \*

# Core Jurisdiction. . .

1. “Big Ticket” Business Disputes

2. Internal Governance Matters:

Sec. 25A.004. JURISDICTION AND POWERS.

\* \* \* \*

(b) Subject to Subsection (c), the business court has civil jurisdiction concurrent with district courts in *the following actions in which the amount in controversy exceeds \$5 million, excluding interest, statutory damages, exemplary damages, penalties, attorney's fees, and court costs:*

**(1) a derivative proceeding;**

\* \* \* \*

# Core Jurisdiction. . .

## 1. “Big Ticket” Business Disputes

## 2. Internal Governance Matters:

Sec. 25A.004. JURISDICTION AND POWERS.

\* \* \* \*

(b) Subject to Subsection (c), the business court has civil jurisdiction concurrent with district courts in *the following actions in which the amount in controversy exceeds \$5 million, excluding interest, statutory damages, exemplary damages, penalties, attorney's fees, and court costs:*

(1) a derivative proceeding;

(2) an action regarding the governance, **governing documents**, or **internal affairs** of an **organization**;

\* \* \* \*

**Terms in red are defined in the statute.**

# Core Jurisdiction. . .

## 1. “Big Ticket” Business Disputes

## 2. Internal Governance Matters:

Sec. 25A.004. JURISDICTION AND POWERS.

\* \* \* \*

(b) Subject to Subsection (c), the business court has civil jurisdiction concurrent with district courts in the following actions in which the amount in controversy exceeds \$5 million . . . :

\* \* \* \*

(3) an action in which a claim under a state or federal securities or trade regulation law is asserted against:

(A) an **organization**;

(B) a **controlling person** or **managerial official** of an organization for an act or omission by the organization or by the person in the person's capacity as a controlling person or managerial official;

(C) an underwriter of securities issued by the organization; or

(D) the auditor of an organization;

\* \* \* \*



# Core Jurisdiction. . .

## 1. “Big Ticket” Business Disputes

## 2. Internal Governance Matters:

Sec. 25A.004. JURISDICTION AND POWERS.

\* \* \* \*

(b) Subject to Subsection (c), the business court has civil jurisdiction concurrent with district courts in the following actions in which the amount in controversy exceeds \$5 million . . . :

\* \* \* \*

(4) an action by an **organization**, or an owner of an organization, if the action:

(A) is brought against an owner, **controlling person**, or **managerial official** of the organization; and

(B) alleges an act or omission by the person in the person's capacity as an owner, **controlling person**, or **managerial official** of the organization;

\* \* \* \*

# Core Jurisdiction. . .

## 1. “Big Ticket” Business Disputes

## 2. Internal Governance Matters:

Sec. 25A.004. JURISDICTION AND POWERS.

\* \* \* \*

(b) Subject to Subsection (c), the business court has civil jurisdiction concurrent with district courts in the following actions in which the amount in controversy exceeds \$5 million . . . :

\* \* \* \*

(5) an action alleging that an owner, **controlling person**, or **managerial official** breached a duty owed to an **organization** or an owner of an organization by reason of the person's status as an owner, **controlling person**, or **managerial official**, including the breach of a duty of loyalty or good faith;

\* \* \* \*

# Core Jurisdiction. . .

## 1. “Big Ticket” Business Disputes

## 2. Internal Governance Matters:

Sec. 25A.004. JURISDICTION AND POWERS.

\* \* \* \*

(b) Subject to Subsection (c), the business court has civil jurisdiction concurrent with district courts in *the following actions in which the amount in controversy exceeds \$5 million . . .*:

\* \* \* \*

(6) an action seeking to hold an owner or **governing person** of an **organization** 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 or **governing person**;

# Core Jurisdiction. . .

## 1. “Big Ticket” Business Disputes

## 2. Internal Governance Matters:

Sec. 25A.004. JURISDICTION AND POWERS.

\* \* \* \*

(b) Subject to Subsection (c), the business court has civil jurisdiction concurrent with district courts in the following actions in which the amount in controversy exceeds \$5 million . . . :

\* \* \* \*

(6) an action seeking to hold an owner or governing person of an organization 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 or governing person; **and**

(7) **an action arising out of the Business Organizations Code.**

# Core Jurisdiction. . .

"Subject to Subsection C" (Publicly Traded Companies):

Sec. 25A.004. JURISDICTION AND POWERS.

\* \* \* \*

*(b) Subject to Subsection (c), the business court has civil jurisdiction concurrent with district courts in the following actions. . .:*

*(c) The business court has civil jurisdiction concurrent with district courts in an action described by Subsection (b) regardless of the amount in controversy if a party to the action is a publicly traded company.*

# Supplemental Jurisdiction. . .

Sec. 25A.004. JURISDICTION AND POWERS.

\* \* \* \*

(f) Except as provided by Subsection (h), the business court has supplemental jurisdiction over any other claim related to a case or controversy within the court's jurisdiction *that forms part of the same case or controversy. . .*

# Supplemental Jurisdiction. . .

Sec. 25A.004. JURISDICTION AND POWERS.

\* \* \* \*

(f) Except as provided by Subsection (h), the business court has supplemental jurisdiction over any other claim related to a case or controversy within the court's jurisdiction *that forms part of the same case or controversy. . .*

**. . . A claim within the business court's supplemental jurisdiction may proceed in the business court *only on the agreement of all parties to the claim and a judge of the division* of the court before which the action is pending.**

# Supplemental Jurisdiction. . .

Sec. 25A.004. JURISDICTION AND POWERS.

\* \* \* \*

(f) Except as provided by Subsection (h), the business court has supplemental jurisdiction over any other claim related to a case or controversy within the court's jurisdiction *that forms part of the same case or controversy. . .*

. . . A claim within the business court's supplemental jurisdiction may proceed in the business court *only on the agreement of all parties to the claim and a judge of the division* of the court before which the action is pending.

. . . If the parties involved in a claim within the business court's supplemental jurisdiction do not agree on the claim proceeding in the business court, *the claim may proceed in a court of original jurisdiction concurrently with any related claims proceeding in the business court.*



# Supplemental Jurisdiction. . .

Claims For Which There is No Jurisdiction  
Unless There is Supplemental  
Jurisdiction:

Sec. 25A.004. JURISDICTION AND POWERS.

\* \* \* \*

(g) *Unless the claim falls within the business court's supplemental jurisdiction, the business court does not have jurisdiction of: . . .*

Effect: Business court lawsuits cannot be about only the types of matters listed in this subsection.

# Supplemental Jurisdiction. . .

Claims For Which There is No Jurisdiction  
Unless There is Supplemental  
Jurisdiction:

Sec. 25A.004. JURISDICTION AND POWERS.

\* \* \* \*

(g) *Unless the claim falls within the business court's supplemental jurisdiction, the business court does not have jurisdiction of:*

(1) **a civil action:**

(A) **brought by or against a governmental entity; or**

(B) **to foreclose on a lien on real or personal**

**property;**

# Supplemental Jurisdiction. . .

## Claims For Which There is No Jurisdiction Unless There is Supplemental Jurisdiction:

Sec. 25A.004. JURISDICTION AND POWERS.

\* \* \* \*

*(g) Unless the claim falls within the business court's supplemental jurisdiction, the business court does not have jurisdiction of:*

\* \* \* \*

(2) a claim arising out of:

(A) Subchapter E, Chapter 15, and Chapter 17, Business & Commerce Code; (B) the Estates Code; (C) the Family Code; (D) the Insurance Code; or (E) Chapter 53 and Title 9, Property Code;

# Supplemental Jurisdiction. . .

Claims For Which There is No Jurisdiction  
Unless There is Supplemental  
Jurisdiction:

Sec. 25A.004. JURISDICTION AND POWERS.

\* \* \* \*

*(g) Unless the claim falls within the business court's supplemental jurisdiction,  
the business court does not have jurisdiction of:*

\* \* \* \*

(3) a claim arising out of the production or sale of a farm product, as that term is defined by Section 9.102, Business & Commerce Code;

# Supplemental Jurisdiction...

**Clau:** (34) "Farm products" means goods, other than  
**Unl:** standing timber, with respect to which the debtor is  
**Jur:** engaged in a farming operation and which are:  
**Sec.** (A) crops grown, growing, or to be grown,  
including:  
\* \* \* (i) crops produced on trees, vines,  
and bushes; and  
(g) Unl (ii) aquatic goods produced in  
the aquacultural operations;  
**farm** (B) livestock, born or unborn, including  
**Busin** aquatic goods produced in aquacultural operations;  
(C) **supplies used or produced in a farming**  
operation; or  
(D) products of crops or livestock in their  
unmanufactured states.

# Supplemental Jurisdiction...

**Clai** (34) "Farm products" means goods, other than  
**Unl** standing timber, with respect to which the debtor is  
**Jur** engaged in a farming operation and which are:  
includ  
**Sec.** **Hypothetical: If the dispute involves a**  
**\* \* \*** **\$10M+ contract to buy fertilizer made with**  
**(g) Unl** **petrochemicals, can a business court have**  
**the** **only supplemental jurisdiction over those**  
**farm** **claims?**  
**Busin** **and bu**  
aquacultural operations;  
(B) livestock, born or unborn, including  
aquatic goods produced in aquacultural operations;  
(C) **supplies used or produced in a farming**  
operation; or  
(D) products of crops or livestock in their  
unmanufactured states.

# Supplemental Jurisdiction. . .

Claims For Which There is No Jurisdiction  
Unless There is Supplemental  
Jurisdiction:

Sec. 25A.004. JURISDICTION AND POWERS.

\* \* \* \*

*(g) Unless the claim falls within the business court's supplemental jurisdiction,  
the business court does not have jurisdiction of:*

\* \* \* \*

(4) a claim related to a *consumer transaction*, as that term is defined by Section 601.001, Business & Commerce Code, to which a consumer in this state is a party, arising out of a violation of federal or state law;

# Supplemental Jurisdiction...

## Claims For Which There is No Jurisdiction Unless There is Supplemental

J Sec. 601.001. DEFINITIONS. In this chapter:

(1) "Consumer" means an individual who seeks or  
s acquires real property, money or other personal property,  
\* services, or credit for personal, family, or household  
(c purposes.

(2) "Consumer transaction" means a transaction  
between a merchant and one or more consumers.

(3) "Merchant" means a party to a consumer  
t transaction other than a consumer.

violation of federal or state law;



# Supplemental Jurisdiction. . .

Claims For Which There is No Jurisdiction  
Unless There is Supplemental  
Jurisdiction:

Sec. 25A.004. JURISDICTION AND POWERS.

\* \* \* \*

*(g) Unless the claim falls within the business court's supplemental jurisdiction,  
the business court does not have jurisdiction of:*

\* \* \* \*

(5) a claim related to the duties and obligations under  
an insurance policy.

# No Jurisdiction (Ever!). . .

Sec. 25A.004. JURISDICTION AND POWERS.

\* \* \* \*

(h) The business court does not have jurisdiction of the following claims *regardless of whether the claim is otherwise within the court's supplemental jurisdiction* under Subsection (f):

- (1) a claim arising under Chapter 74, Civil Practice and Remedies Code;
- (2) a claim in which a party seeks recovery of monetary damages for bodily injury or death; or
- (3) a claim of legal malpractice.

# No Jurisdiction (Ever!). . .

Sec. 25A.004. JURISDICTION AND POWERS.

\* \* \* \*

(h) The business court does not have jurisdiction of the following claims *regardless of whether the claim is otherwise within the court's supplemental jurisdiction* under Subsection (f):

**(1) a claim arising under Chapter 74, Civil Practice and Remedies Code;**

(2) a claim in which a party seeks recovery of monetary damages for bodily injury or death; or

(3) a claim of legal malpractice.

# No Jurisdiction (Ever!). . .

Sec. 25A.004. JURISDICTION AND POWERS.

\* \* \* \*

(h) The business court does not have jurisdiction of the following claims *regardless of whether the claim is otherwise within the court's supplemental jurisdiction* under Subsection (f):

**(1) a claim arising under Chapter 74, Civil Practice and Remedies Code;**

(2) a claim in which a party is injured or death; by injury

(3) a claim

CIVIL PRACTICE AND REMEDIES CODE

TITLE 4. LIABILITY IN TORT

CHAPTER 74. MEDICAL LIABILITY

# No Jurisdiction (Ever!). . .

Sec. 25A.004. JURISDICTION AND POWERS.

\* \* \* \*

(h) The business court does not have jurisdiction of the following claims *regardless of whether the claim is otherwise within the court's supplemental jurisdiction* under Subsection (f):

(1) a claim arising under Chapter 74, Civil Practice and Remedies Code;

**(2) a claim in which a party seeks recovery of monetary damages for bodily injury or death; or**

(3) a claim of legal malpractice.

# No Jurisdiction (Ever!). . .

Sec. 25A.004. JURISDICTION AND POWERS.

\* \* \* \*

(h) The business court does not have jurisdiction of the following claims *regardless of whether the claim is otherwise within the court's supplemental jurisdiction* under Subsection (f):

- (1) a claim arising under Chapter 74, Civil Practice and Remedies Code;
- (2) a claim in which a party seeks recovery of monetary damages for bodily injury or death; **or**
- (3) **a claim of legal malpractice.**

# Venue, Removal, Remand. . .

Sec. 25A.006. INITIAL FILING; REMOVAL AND REMAND. (a) . . .

**The party filing the action must plead facts to establish venue in a county in a division of the business court...**

Venue may be established as provided by law or, if a written contract specifies a county as venue for the action, as provided by the contract.

# Venue, Removal, Remand. . .

Sec. 25A.006. INITIAL FILING; REMOVAL AND REMAND. (a) . . .

**The party filing the action must plead facts to establish venue in a county in a division of the business court...**

Venue may be established as provided by law or, if a written contract specifies a county as venue for the action, as provided by the contract.

## **RULE 354. ACTION ORIGINALLY FILED IN THE BUSINESS COURT**

- (a) *Pleading Requirements.* For an action originally filed in the business court, an original pleading that sets forth a claim for relief—whether an original petition, counterclaim, cross-claim, or third party claim—must, in addition to the pleading requirements specified in Part II of these rules, plead facts to establish the business court’s authority to hear the action. An original petition must also plead facts to establish venue in a county in an operating division of the business court.



# Venue, Removal, Remand. . .

Sec. 25A.006. INITIAL FILING; REMOVAL AND REMAND. (a) . . .

The party filing the action must plead facts to establish venue in a county in a division of the business court...

**Venue may be established as provided by law or, if a written contract specifies a county as venue for the action, as provided by the contract.**

# Venue, Removal, Remand. . .

Sec. 25A.006. INITIAL FILING; REMOVAL AND REMAND. (a) . . . The party filing the action must plead facts to establish venue in a county in a division of the business court... Venue may be established as provided by law or, if a written contract specifies a county as venue for the action, as provided by the contract.

(b) If the business court does not have jurisdiction of the action, the court shall, at the option of the party filing the action:

(1) transfer the action to a district court or county court at law in a county of proper venue; or

(2) *dismiss the action without prejudice to the party's rights.*

# Venue, Removal, Remand. . .

Sec. 25A.006. INITIAL FILING; REMOVAL AND REMAND. (a) . . . The party filing the action must plead facts to establish venue in a county in a division of the business court... Venue may be established as provided by law or, if a written contract specifies a county as venue for the action, as provided by the contract.

(b) If the business court does not have jurisdiction of the action, the court shall, at the option of the party filing the action:

(1) transfer the action to a district court or county court at law in a county of proper venue; or

(2) *dismiss the action without prejudice to the party's rights.*

## **RULE 357. EFFECT OF DISMISSAL OF AN ACTION OR CLAIM**

If the business court dismisses an action or claim and the same action or claim is filed in a different court within 60 days after the dismissal becomes final, the applicable statute of limitations is suspended for the period between the filings.

# Venue, Removal, Remand. . .

Sec. 25A.006. INITIAL FILING; REMOVAL AND REMAND.

\* \* \* \*

(d) A party to an action filed in a district court or county court at law *that is within the jurisdiction of the business court* may remove the action to the business court. If the business court does not have jurisdiction of the action, the business court shall remand the action to the court in which the action was originally filed.

# Venue, Removal, Remand. . .

Sec. 25A.006. INITIAL FILING; REMOVAL AND REMAND.

\* \* \* \*

(d) A party to an action filed in a district court or county court at law that is within the jurisdiction of the business court may remove the action to the business court. If the business court does not have jurisdiction of the action, the business court shall remand the action to the court in which the action was originally filed.

**(e) A party to an action filed in a district court or county court at law in a county of proper venue that is not within an operating division of the business court or the judge of the court in which the action is filed *may not remove or transfer the action to the business court.***

# Venue, Removal, Remand. . .

Sec. 25A.006. INITIAL FILING; REMOVAL AND REMAND.

\* \* \* \*

(d) A party to an action filed in a district court or county court at law that is within the jurisdiction of the business court may remove the action to the business court. If the business court does not have jurisdiction of the action, the business court shall remand the action to the court in which the action was originally filed.

(e) A party to an action filed in a district court or county court at law in a county of proper venue that is not within an operating division of the business court or the judge of the court in which the action is filed *may not remove or transfer the action to the business court.*

A party cannot remove a lawsuit from a county in a "non-business court area" into a business court.

# Venue, Removal, Remand. . .

Sec. 25A.006. INITIAL FILING; REMOVAL AND REMAND.

\* \* \* \*

(d) A party to an action filed in a district court or county court at law that is within the jurisdiction of the business court may remove the action to the business court. **If the business court does not have jurisdiction of the action, the business court shall remand the action to the court in which the action was originally filed.**

# Venue, Removal, Remand. . .

Sec. 25A.006. INITIAL FILING; REMOVAL AND REMAND.

\* \* \* \*

(d) A party to an action filed in a district court or county court at law that is within the jurisdiction of the business court may remove the action to the business court. **If the business court does not have jurisdiction of the action, the business court shall remand the action to the court in which the action was originally filed.**

## **RULE 355. ACTION REMOVED TO THE BUSINESS COURT**

- (a) *Notice of Removal Required.* A party court or county court at law may re filing a notice of removal with:
- (1) the court from which removal i
- (f) *Remand.*
- (1) **When Required.** If the business court determines, on motion or its own initiative, that removal was improper, the business court must remand the action to the court from which the action was removed.
- (2) **Motion to Remand.**
- (A) A party may file a motion to remand the action in the business



# Venue, Removal, Remand. . .

Sec. 25A.006. INITIAL FILING; REMOVAL AND REMAND.

\* \* \* \*

(h) The filing of an action or a notice of removal in the business court is subject to Section 10.001, Civil Practice and Remedies Code.

(i) Removal of a case to the business court is not subject to the statutes or rules governing the due order of pleading.

(j) Removal of a case does not waive a defect in venue or constitute an appearance to determine personal jurisdiction.

# Venue, Removal, Remand...

Sec. 25A.006. INITIAL FILING; REMOVAL AND REMAND.

\* \* \* \*

(h) The filing of an action or a notice of removal in the business court is subject to Section 10.001, Civil Practice and Remedies Code.

(i) Removal of a case

or rules

## CHAPTER 10. SANCTIONS FOR FRIVOLOUS PLEADINGS AND MOTIONS

Sec. 10.001. SIGNING OF PLEADINGS AND MOTIONS. The signing of a pleading or motion as required by the Texas Rules of Civil Procedure constitutes a certificate by the signatory that to the signatory's best knowledge, information, and belief, formed after reasonable inquiry:

- (1) the pleading or motion is not being presented for any improper purpose, including to harass or to cause unnecessary delay or needless increase in the cost of litigation;
- (2) each claim, defense, or other legal contention in the pleading or motion is warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
- (3) each allegation or other factual contention in the pleading or motion has evidentiary support or, for a specifically identified allegation or factual contention, is likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and
- (4) each denial in the pleading or motion of a factual contention is warranted on the evidence or, for a specifically identified denial, is reasonably based on a lack of information or belief.

# Venue, Removal, Remand. . .

Sec. 25A.006. INITIAL FILING; REMOVAL AND REMAND.

\* \* \* \*

(h) The filing of an action or a notice of removal in the business court is subject to Section 10.001, Civil Practice and Remedies Code.

(i) Removal of a case to the business court is not subject to the statutes or rules governing the due order of pleading.

(j) Removal of a case does not waive a defect in venue or constitute an appearance to determine personal jurisdiction.

# Venue, Removal, Remand. . .

Sec. 25A.006. INITIAL FILING; REMOVAL AND REMAND.

\* \* \* \*

(h) The filing of an action or a notice of removal in the business court is subject to Section 10.001, Civil Practice and Remedies Code.

(i) Removal of a case to the business court is not subject to the statutes or rules governing the due order of pleading.

**(j) Removal of a case does not waive a defect in venue or constitute an appearance to determine personal jurisdiction.**

# Venue, Removal, Remand. . .

Sec. 25A.006. INITIAL FILING; REMOVAL AND REMAND.

\* \* \* \*

(f) *A party may file an agreed notice of removal at any time during the pendency of the action.* If all parties to the action have not agreed to remove the action, the notice of removal must be filed:

(1) not later than the 30th day after the date the party requesting removal of the action discovered, or reasonably should have discovered, facts establishing the business court's jurisdiction over the action; or

(2) if an application for temporary injunction is pending on the date the party requesting removal of the action discovered, or reasonably should have discovered, facts establishing the business court's jurisdiction over the action, not later than the 30th day after the date the application is granted, denied, or denied as a matter of law.

# Venue, Removal, Remand. . .

Sec. 25A.006. INITIAL FILING; REMOVAL AND REMAND.

\* \* \* \*

(f) *A party may file an agreed notice of removal at any time during the pendency of the action.* If all parties to the action have not agreed to remove the action, the notice of removal must be filed:

(1) not later than the 30th day after the date the party requesting removal of the action discovered, or reasonably should have discovered, facts est

**Can cases filed before the inception of the business courts be removed?**

dat  
hav

action, not later than the 30th day after the date the application is granted, denied, or denied as a matter of law.

# Venue, Removal, Remand. . .

Sec. 25A.006. INITIAL FILING; REMOVAL AND REMAND.

\* \* \* \*

(f) *A party may file an agreed notice of removal at any time during the pendency of the action.* If all parties to the action have not agreed to remove the action, the notice of removal must be filed:

re: H.B. No. 19

es: 1 court had on August 31, 2024, if the business court is not created  
da: 2 as a result of Subsection (a) of this section.

ha: 3 SECTION 8. The changes in law made by this Act apply to  
ac: 4 civil actions commenced on or after September 1, 2024.  
de:

# Venue, Removal, Remand. . .

Sec. 25A.006. INITIAL FILING; REMOVAL AND REMAND.

\* \* \* \*

(f) *A party may file an agreed notice of removal at any time during the pendency of the action.* If all parties to the action have not agreed to remove the action, the notice of removal must be filed:

H.B. No. 19

re:  
es:  
da:  
ha:  
ac:  
de:

1 court ha  
2 as a res  
3 Sl  
4 civil ac

(f) *Remand.*

- (1) **When Required.** If the business court determines, on motion or its own initiative, that removal was improper, the business court must remand the action to the court from which the action was removed.
- (2) **Motion to Remand.**

(A) *A party may file a motion to remand the action in the business*



# Venue, Removal, Remand. . .

Sec. 25A.006. INITIAL FILING; REMOVAL AND REMAND.

\* \* \* \*

(f) *A party may file an agreed notice of removal at any time during*

the action  
of removal

Note: As of 9/17/24, two of the 8 cases pending before the business courts are removals of cases filed before the inception of the business courts.

re:  
es:

1 court ha

(f) *Remand.*

da  
ha:

2 as a res

(1) When Required. If the business court determines, on motion or its own initiative, that removal was improper, the business court must remand the action to the court from which the action was removed.

ac  
de:

3 Sl  
4 civil ac

(2) Motion to Remand.

(A) A party may file a motion to remand the action in the business

# Venue, Removal, Remand. . .

Sec. 25A.006. INITIAL FILING; REMOVAL AND REMAND.

\* \* \* \*

(f) *A party may file an agreed notice of removal at any time during the pendency of the action.* **If all parties to the action have not agreed to remove the action, the notice of removal must be filed:**

**(1) not later than the 30th day after the date the party requesting removal of the action discovered, or reasonably should have discovered, facts establishing the business court's jurisdiction over the action; or**

(2) *if an application for temporary injunction is pending on the date the party requesting removal of the action discovered, or reasonably should have discovered, facts establishing the business court's jurisdiction over the action, not later than the 30th day after the date the application is granted, denied, or denied as a matter of law.*

# Venue, Removal, Remand. . .

Sec. 25A.006. INITIAL FILING; REMOVAL AND REMAND.

\* \* \* \*

(f) *A party may file an agreed notice of removal at any time during the pendency of the action.* **If all parties to the action have not agreed to remove the action, the notice of removal must be filed:**

(1) *not later than the 30th day after the date the party requesting removal of the action discovered, or reasonably should have discovered, facts establishing the business court's jurisdiction over the action; or*

**(2) if an application for temporary injunction is pending on the date the party requesting removal of the action discovered, or reasonably should have discovered, facts establishing the business court's jurisdiction over the action, not later than the 30th day after the date the application is granted, denied, or denied as a matter of law.**

# Transfer...

Sec. 25A.006. INITIAL FILING; REMOVAL AND REMAND.

\* \* \* \*

(k) **The judge of a court in which an action is filed may request the presiding judge for the court's administrative region to transfer the action to the business court if the action is within the business court's jurisdiction.** The judge shall notify all parties of the transfer request and request a hearing on the transfer request. After a hearing on the request, the presiding judge may transfer the action to the business court if the presiding judge finds the transfer will facilitate the fair and efficient administration of justice. The business court clerk shall assign an action transferred under this subsection to the appropriate division of the business court.

# Transfer...

Sec. 25A.006. INITIAL FILING; REMOVAL AND REMAND.

\* \* \* \*

(k) The judge of a court in which an action is filed may request the presiding judge for the court's administrative region to transfer the action to the business court if the action is within the business court's jurisdiction. The judge shall notify all parties of the transfer request and request a hearing on the transfer request. **After a hearing on the request, the presiding judge may transfer the action to the business court if the presiding judge finds the transfer will facilitate the fair and efficient administration of justice.** The business court clerk shall assign an action transferred under this subsection to the appropriate division of the business court.

# Transfer...

Sec. 25A.006. INITIAL FILING; REMOVAL AND REMAND.

\* \* \* \*

(k) The judge of a court in which an action is filed may request the presiding judge for the court's

## **RULE 356. ACTION TRANSFERRED TO THE BUSINESS COURT**

- (c) *Transfer.* The regional presiding judge may transfer the action to the business court if the regional presiding judge finds the transfer will facilitate the fair and efficient administration of justice. A party may challenge the regional presiding judge's denial of a motion to transfer by filing a petition for writ of mandamus in the court of appeals district for the requesting court's county.

clerk shall assign an action transferred under this subsection to the appropriate division of the business court.

# Jury Trials. . .

Sec. 25A.015. JURY PRACTICE AND PROCEDURE; VENUE FOR JURY TRIAL. (a) A party in an action pending in the business court has the right to a trial by jury when required by the constitution.

# Jury Trials. . .

Sec. 25A.015. JURY PRACTICE AND PROCEDURE; VENUE FOR JURY TRIAL. (a) A party in an action pending in the business court has the right to a trial by jury when required by the constitution.

**(b) Subject to Subsection (d), a jury trial in a case filed initially in the business court shall be held in any county in which the case could have been filed under Section 15.002, Civil Practice and Remedies Code, as chosen by the plaintiff.**



# Jury Trials...

Sec. 25A.015. JURY PRACTICE AND PROCEDURE; VENUE FOR JURY TRIAL. (a) A party in an action pending in the business court has the right to a trial by jury when required by the constitution.

**(b) Subject to Subsection (d), a jury trial in a case filed initially in the business court shall be held in any county in which the case could have been filed under Section 25A.015, Civil Practice and Remedies Code.**

Sec. 15.002. VENUE: GENERAL RULE. (a) Except as otherwise provided by this subchapter or Subchapter B or C, all lawsuits shall be brought:

- (1) in the county in which all or a substantial part of the events or omissions giving rise to the claim occurred;
- (2) in the county of defendant's residence at the time the cause of action accrued if defendant is a natural person;
- (3) in the county of the defendant's principal office in this state, if the defendant is not a natural person; or
- (4) if Subdivisions (1), (2), and (3) do not apply, in the county in which the plaintiff resided at the time of the accrual of the cause of action.

# Jury Trials...

Sec. 25A.015. JURY PRACTICE AND PROCEDURE; VENUE FOR JURY TRIAL. (a) A party in an action pending in the business court has the right to a trial by jury when required by the constitution.

(b) Subject to Subsection (d), a jury trial in a case filed initially in the business court shall be held in **any county in which the case could have been filed** under Section 15.002, Civil Practice and Remedies Code, as chosen by the plaintiff.

Does this really mean "any" county where the case could have been filed, or simply any county within the business court division (or any business court division)?

# Jury Trials. . .

Sec. 25A.015. JURY PRACTICE AND PROCEDURE; VENUE FOR JURY TRIAL. (a) A party in an action pending in the business court has the right to a trial by jury when required by the constitution.

**(b) Subject to Subsection (d),** a jury trial in a case filed initially in the business court shall be held in any county in which the case could have been filed under Section 15.002, Civil Practice and Remedies Code, as chosen by the plaintiff.

\* \* \* \*

**(d) A jury trial for a case in which a written contract specifies a county as venue for suits shall be held in that county.**

# Jury Trials...

Sec. 25A.015. JURY PRACTICE AND PROCEDURE; VENUE FOR JURY TRIAL. (a) A party in an action pending in the business court has the right to a trial by jury when required by the constitution.

**(b) Subject to Subsection (d),** a jury trial in a case filed initially in the business court shall be held in any county in which the case could have been filed under Section 15.002, Civil Practice and Remedies Code, as chosen by the plaintiff.

\* \* \* \*

**(d) A jury trial for a case in which a written contract specifies a county as venue for suits shall be held in that county.**

Does the venue provision simply need to specify the county where the lawsuit should be filed, or must it state "filed and tried"?

# Jury Trials. . .

Sec. 25A.015. JURY PRACTICE AND PROCEDURE; VENUE FOR JURY TRIAL. (a) A party in an action pending in the business court has the right to a trial by jury when required by the constitution.

(b) Subject to Subsection (d), a jury trial in a case filed initially in the business court shall be held in any county in which the case could have been filed under Section 15.002, Civil Practice and Remedies Code, as chosen by the plaintiff.

**(c) Subject to Subsections (b) and (d), a jury trial in a case removed to the business court shall be held in the county in which the action was originally filed.**

# Jury Trials. . .

Sec. 25A.015. JURY PRACTICE AND PROCEDURE; VENUE FOR JURY TRIAL. (a) A party in an action pending in the business court has the right to a trial by jury when required by the constitution.

(b) Subject to Subsection (d), a jury trial in a case filed initially in the business court shall be held in any county in which the case could have been filed under Section 15.002, Civil Practice and Remedies Code, as chosen by the plaintiff.

(c) Subject to Subsections (b) and (d), a jury trial in a case removed to the business court shall be held in the county in which the action was originally filed.

\* \* \* \*

**(e) The parties and the business court judge may agree to hold the jury trial in any other county. A party may not be required to agree to hold the jury trial in a different county.**

# Appeals. . .

Sec. 25A.007. APPEALS. (a) Notwithstanding any other law and except as provided by Subsection (b) and in instances when the supreme court has concurrent or exclusive jurisdiction, the Fifteenth Court of Appeals has exclusive jurisdiction over an appeal from an order or judgment of the business court or an original proceeding related to an action or order of the business court.

# Appeals...

Sec. 25A.007  
and except a  
when the sup  
jurisdiction,  
jurisdiction  
business cour  
or order of t

S.B. No. 1045

AN ACT

1  
2 relating to the creation of the Fifteenth Court of Appeals with  
3 jurisdiction over certain civil cases, the compensation of the  
4 justices of that court, and the jurisdiction of the courts of  
5 appeals in this state.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 ARTICLE 1. FIFTEENTH COURT OF APPEALS

8 SECTION 1.01. Section 22.201, Government Code, is amended  
9 by amending Subsection (a) and adding Subsection (p) to read as  
10 follows:

11 (a) The state is organized [~~divided~~] into 15 [~~14~~] courts of  
12 appeals districts with a court of appeals in each district.

13 (p) The Fifteenth Court of Appeals District is composed of  
14 all counties in this state.



# Appeals...

Sec. 25A.007

and except a  
when the sup  
jurisdiction  
jurisdiction  
business co  
or order of

S.B. No. 1045

AN ACT

1

2 relating to the creation of the Fifteenth Court of Appeals with  
jurisdiction over certain civil cases, the compensation of the  
jurisdiction of the courts of

## The New 15<sup>th</sup> Court of Appeals

- statewide jurisdiction
- 3 judges initially appointed by the Governor
- Judges will stand for election
- Appeals of state government and state constitutional matters
- Appeals of business court cases.

13

(p) The Fifteenth

14

all counties in this state.

ended  
ad as

rts of

osed of

# Odds and Ends. . .

**Sec. 25A.004. JURISDICTION AND POWERS. (a)** Subject to Subsections (b), (c), (d), (e), and (f), **the business court has the powers provided to district courts by Chapter 24, including the power to:**

# Odds and Ends. . .

**Sec. 25A.004. JURISDICTION AND POWERS.** (a) Subject to Subsections (b), (c), (d), (e), and (f), the business court has the powers provided to district courts by Chapter 24, including the power to:

(1) **issue writs of injunction, mandamus, sequestration, attachment, garnishment, and supersedeas; and**

# Odds and Ends. . .

**Sec. 25A.004. JURISDICTION AND POWERS.** (a) Subject to Subsections (b), (c), (d), (e), and (f), the business court has the powers provided to district courts by Chapter 24, including the power to:

- (1) issue writs of injunction, mandamus, sequestration, attachment, garnishment, and supersedeas; **and**
- (2) **grant any relief that may be granted by a district court.**

# Odds and Ends. . .

**Sec. 25A.004. JURISDICTION AND POWERS. (a) Subject to Subsections (b), (c), (d), (e), and (f),** the business court has the powers provided to district courts by Chapter 24, including the power to:

(1) issue writs of injunction, mandamus, sequestration, attachment, garnishment, and supersedeas; and

(2) grant any relief that may be granted by a district court.

\* \* \* \*

# Odds and Ends. . .

**Sec. 25A.004. JURISDICTION AND POWERS.** (a) Subject to Subsections (b), (c), (d), (e), and (f), the business court has the powers provided to district courts by Chapter 24, including the power to:

- (1) issue writs of injunction, mandamus, sequestration, attachment, garnishment, and supersedeas; and
- (2) grant any relief that may be granted by a district court.

\* \* \* \*

(e) The business court has civil jurisdiction concurrent with district courts in an action seeking injunctive relief or a declaratory judgment under Chapter 37, Civil Practice and Remedies Code, involving a dispute based on a claim within the court's jurisdiction under Subsection (b), (c), or (d).

# Odds and Ends. . .

Sec. 25A.004. JURISDICTION AND POWERS. (a) Subject to Subsections (b), (c), (d), (e), and (f), the business court has the powers provided to district courts by Chapter 24, including the power to:

The business courts cannot grant injunctive relief or render declaratory judgment on matters for which they have only supplemental jurisdiction.

\* \* \* \*

(e) The business court has civil jurisdiction concurrent with district courts in an action seeking injunctive relief or a declaratory judgment under Chapter 37, Civil Practice and Remedies Code, involving a dispute based on a claim within the court's jurisdiction under Subsection (b), (c), or (d).

# Odds and Ends. . .

Sec. 25A.014. VISITING JUDGE. (a) A retired or former judge or justice who has the qualifications prescribed by Section 25A.008 may be assigned as a visiting judge of a division of the business court by the chief justice of the supreme court. A visiting judge of a division of the business court is subject to objection, disqualification, or recusal in the same manner as a retired or former judge or justice is subject to objection, disqualification, or recusal if appointed as a visiting district judge.



# Odds and Ends. . .

Sec. 25A.014. VISITING JUDGE. (a) A retired or former judge or justice who has the qualifications prescribed by Section 25A.008 may be assigned as a visiting judge of a division of the business court by the chief justice of the supreme court. A visiting judge of a division of the business court is subject to objection, disqualification, or recusal in the same manner as a retired or former judge or justice is subject to objection, disqualification, or recusal if appointed as a visiting district judge.

# Odds and Ends. . .

Sec. 25A.017. COURT LOCATION; STAFFING.

\* \* \* \*

(b) . . . The administrative presiding judge of the business court shall appoint a clerk, whose office shall be located in Travis County in facilities provided by this state. The clerk shall:

- (1) accept all filings in the business court; and
- (2) fulfill the legal and administrative functions of a district clerk.

# Odds and Ends. . .

Sec. 25A.017. COURT LOCATION; STAFFING.

\* \* \* \*

(b) . . . The administrative presiding judge of the business court shall appoint a clerk, whose office shall be located in Travis County in facilities provided by this state. The clerk shall:

- (1) accept all filings in the business court; and
- (2) fulfill the legal and administrative functions of a district clerk.

# Odds and Ends. . .

Sec. 25A.017. COURT LOCATION; STAFFING.

\* \* \* \*

(c) Each business court judge shall maintain chambers in the county the judge selects within the geographic boundaries of the division to which the judge is appointed in facilities provided by this state. For purposes of this section, the Office of Court Administration of the Texas Judicial System may contract for the use of facilities with a county.

# Odds and Ends. . .

Sec. 25A.017. COURT LOCATION; STAFFING.

\* \* \* \*

(c) Each business court judge shall maintain chambers in the county the judge selects within the geographic boundaries of the division to which the judge is appointed in facilities provided by this state. **For purposes of this section, the Office of Court Administration of the Texas Judicial System may contract for the use of facilities with a county.**

# Odds and Ends. . .

Sec. 25A.017. COURT LOCATION; STAFFING.

\* \* \* \*

(d) Subject to Section 25A.015, a business court judge may hold court at any courtroom within the geographic boundaries of the division to which the judge is appointed as the court determines necessary or convenient for a particular civil action. To the extent practicable, a county using existing courtrooms and facilities shall accommodate the business court in the conduct of the court's hearings and other proceedings.

# Odds and Ends. . .

Sec. 25A.017. COURT LOCATION; STAFFING.

\* \* \* \*

(d) Subject to Section 25A.015, a business court judge may hold court at any courtroom within the geographic boundaries of the division to which the judge is appointed as the court determines necessary or convenient for a particular civil action. **To the extent practicable, a county using existing courtrooms and facilities shall accommodate the business court in the conduct of the court's hearings and other proceedings.**

# Odds and Ends. . .

Sec. 25A.017. COURT LOCATION; STAFFING.

\* \* \* \*

(e) **The business court may conduct a proceeding other than a jury trial as a remote proceeding to facilitate the resolution of a matter before the court.** The business court may not require a party or attorney to remotely attend a court proceeding in which oral testimony is heard, absent the agreement of the parties.

(f) The business court shall conduct a remote proceeding from a courtroom or the facilities provided to a business court judge by this state.



# Odds and Ends. . .

Sec. 25A.017. COURT LOCATION; STAFFING.

\* \* \* \*

(e) The business court may conduct a proceeding other than a jury trial as a remote proceeding to facilitate the resolution of a matter before the court. **The business court may not require a party or attorney to remotely attend a court proceeding in which oral testimony is heard, absent the agreement of the parties.**

(f) The business court shall conduct a remote proceeding from a courtroom or the facilities provided to a business court judge by this state.

# Odds and Ends. . .

Sec. 25A.017. COURT LOCATION; STAFFING.

\* \* \* \*

(e) The business court may conduct a proceeding other than a jury trial as a remote proceeding to facilitate the resolution of a matter before the court. **The business court may not require a party or attorney to remotely attend a court proceeding in which oral testimony is heard, absent the agreement of the parties.**

(f) **The business court shall conduct a remote proceeding from a courtroom or the facilities provided to a business court judge by this state.**

# Odds and Ends. . .

Sec. 25A.016. WRITTEN OPINIONS. The supreme court shall adopt rules for the issuance of written opinions by the business court.

## **RULE 360. WRITTEN OPINIONS IN BUSINESS COURT ACTIONS**

- (a) *When Required.* A business court judge must issue a written opinion:
  - (1) in connection with a dispositive ruling, on the request of a party; and
  - (2) on an issue important to the jurisprudence of the state, regardless of request.
- (b) *When Permitted.* A business court judge may issue a written opinion in connection with any order.

# Odds and Ends. . .

Sec. 25A.018. FEES. The supreme court shall set fees for filings and actions in the business court in amounts sufficient to cover the costs of administering this chapter, taking into account fee waivers necessary for the interest of justice.

## In the Business Court:

filing fee for action originally filed in the business court <sup>2</sup> .....	\$2500
additional filing fee for action originally filed in the business court <sup>3</sup> .....	\$137
filing fee for action removed to the business court <sup>2</sup> .....	\$2500
any action listed in Loc. Gov't Code § 133.151(a)(2) <sup>4</sup> .....	\$80
any other motion <sup>2</sup> .....	\$50
fees for services performed by the clerk <sup>2</sup> ... same as fees in Gov't Code §§ 51.318–.319	
jury fee <sup>5</sup> .....	as ordered by the business court

David Cabrales  
Foley & Lardner

[dcabrales@foley.com](mailto:dcabrales@foley.com)

214-999-4359 o

214-924-4408 m

