

## Navigating the Texas Business Court

May 2024

### Michael Morfey

+1 (713) 220-4163  
michaelmorfey@HuntonAK.com

### Kaylan Dunn

+ (713) 220-4127  
kaylandunn@HuntonAK.com

### Drew McKay

+ (713) 220-4108  
drewmckay@HuntonAK.com

1

## Introduction



- Law became effective September 1, 2023
- “Statutory court” created under Article V, Section 1 of the Texas Constitution
- Business court opens September 1, 2024
- In one-year interim, the Texas Supreme Court will adopt procedures and judges will be appointed

2

2

## ARTICLE V JUDICIAL DEPARTMENT

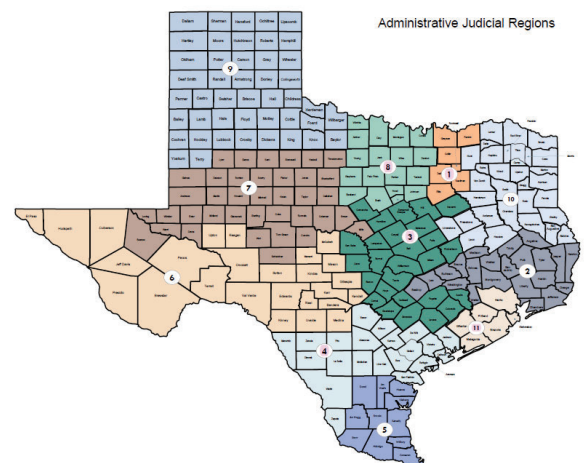


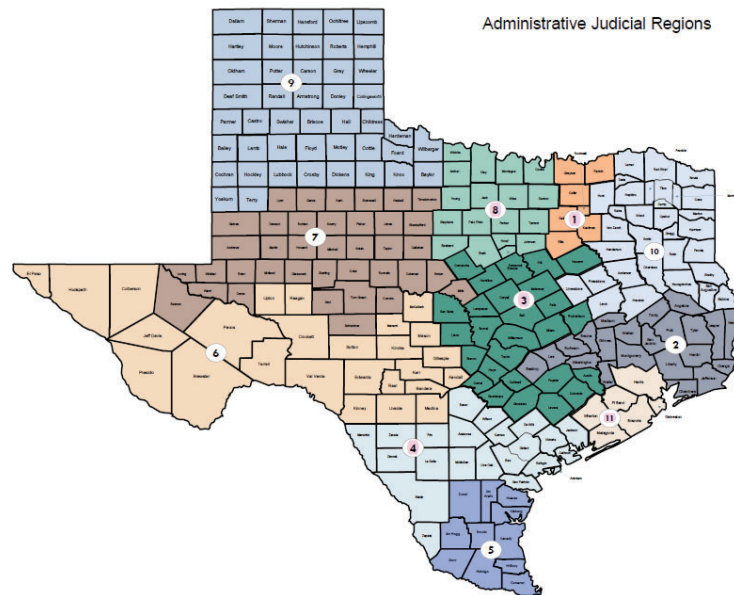
**Sec. 1. JUDICIAL POWER VESTED IN COURTS; LEGISLATIVE POWER REGARDING COURTS.** The judicial power of this State shall be vested in one Supreme Court, in one Court of Criminal Appeals, in Courts of Appeals, in District Courts, in County Courts, in Commissioners Courts, in Courts of Justices of the Peace, and in such other courts as may be provided by law.

The Legislature may establish such other courts as it may deem necessary and prescribe the jurisdiction and organization thereof, and may conform the jurisdiction of the district and other inferior courts thereto. (Feb. 15, 1876. Amended Aug. 11, 1891, Nov. 8, 1977, and Nov. 4, 1980.)

# Geographic Divisions

- 11 geographic divisions in same regions as existing administrative judicial regions
- First five divisions:
  - Regions containing Austin, Dallas, Fort Worth, Houston and San Antonio
  - September 1, 2024
  - Two judges
- Remaining six divisions:
  - September 1, 2026
  - One judge





## Qualification of Business Court Judges

- 35 years of age
- U.S. citizen, and resident of a county within the division of the business court for at least 5 years before appointment
- A licensed attorney in Texas who has 10 or more years of experience in:
  - (a) practicing complex business civil litigation,
  - (b) practicing business transaction law,
  - (c) serving as a judge of a court in Texas with civil jurisdiction, or
  - (d) any combination of experience described in (a)–(c)



Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: The New Texas Business Courts

Also available as part of the eCourse  
[2024 Corporate Counsel eConference](#)

First appeared as part of the conference materials for the  
46<sup>th</sup> Annual Corporate Counsel Institute session  
"The New Texas Business Courts"