Rules of Procedure Approved for the New Texas Business Courts

July 10, 2024

RELATED PRACTICES Texas Business Courts Task Force

The Texas Supreme Court has approved final rules of procedure for the new Texas business court and Fifteenth Court of Appeals. The new rules are effective Sept. 1, 2024, which is when the new courts are set to begin operation.

There are numerous new Texas Rules of Civil Procedure for the business court, covering authority and venue, removal, transfer, the statute of limitations, and written opinions (among other things). Here are some notable details:

- **Authority and Venue (Rule 354)** – For an action originally filed in the business court, a party must plead facts to establish the business court's authority to hear the action and to establish venue in a county in an operating business court division. If the business court lacks authority, it may transfer or dismiss the action without prejudice upon a party's motion or the court's own initiative. If the venue is improper, the business court may transfer the action upon a party's motion.
- **Removal (Rule 355)** – The procedure for removing an action to the business court is patterned off the procedure for removing an action to federal court, although there are some differences. For an action originally filed in a district or county court, a party may remove the action to the business court by filing a notice of removal at any time during the pendency of the action if all parties agree to removal or within a shortened time frame if all partes have not agreed to removal. The business court must remand the action if it determines, upon motion or its own initiative, that removal was improper.
- **Transfer (Rule 356)** – On its own initiative, a court may request that an action be transferred to the business court by the presiding judge for the administrative judicial region, which gives significant power to judges. The parties may object to transfer and have a hearing held, challenge any denial of transfer via a petition for writ of mandamus, and seek remand from the business court.
- **Statute of Limitations (Rule 357)** – This rule gives the filing party the brief ability to avoid the statute of limitations in the event the business court dismisses an action or claim. If the business court dismisses the action or claim and a party files that same action or claim in a different court within 60 days, then the applicable statute of limitations is suspended for the period between the filings.
- **Written Opinions (Rule 359)** – Perhaps the biggest change between the business court's operation and district court's operation is that the business court must issue a written opinion in connection with a dispositive ruling (if a party requests one) and on an issue important to the jurisprudence of the state (regardless of request). In connection with any other order, a written opinion is permitted but not required.

In addition, there are new and amended Texas Rules of Appellate Procedure for the Fifteenth Court of Appeals that address the notice of appeal, docketing statement, and transfer (among other things). Some of the highlights include the following:

© 2026 Haynes and Boone, LLP

- **Notice of Appeal (Rule 25.1)** – All notices of appeal must state whether the appeal involves a matter brought by or against the state or a state entity, brought by or against an officer or employee of the state or a state entity arising out of that person's official conduct, or in which a party challenges the constitutionality or validity of a state statute or rule and the attorney general is a party to the case. This rule is intended to assist in determining which court of appeal should hear the appeal.
- **Docketing Statement (Rule 32.1)** – The appellant must file the Docketing Statement approved by the Office of Court Administration (or another document that includes the same information), and that Docketing Statement now includes questions that help determine whether the action falls within the Fifteenth Court of Appeals' exclusive jurisdiction.
- **Transfer (Rule 27a)** – For appeals improperly taken to the Fifteenth Court of Appeals or over which the Fifteenth Court of Appeals has exclusive jurisdiction, a party may file a motion to transfer the appeal with the transferor court within 30 days after the appeal is perfected, or the transferor court may notify the parties of its intent to transfer the appeal on its own initiative. The appeal may be transferred if no party objects or the transferor court determines that any objection lacks merit, plus the transferee court agrees to the transfer. If the transferor and transferee court do not agree, the Texas Supreme Court determines the motion or court request to transfer.

The full text of all the new and amended rules for the Texas business court and Fifteenth Court of Appeals can be found here and here, respectively. For assistance navigating the new rules in your litigation matters, please contact a member of the Haynes Boone Texas Business Courts Task Force, which is comprised of attorneys from a variety of practices who have specialized knowledge of the new business court system.

© 2026 Haynes and Boone, LLP