

The Cost of Admission in the New Texas Business Courts

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The Texas Supreme Court recently issued an order setting the long-awaited fees for the new Texas business courts set to open for business on Sept. 1, 2024. Unlike their district and family court counterparts, the Texas business courts, created by House Bill 19, are expected to be self-funded through rates and fees that are set “at a sufficient amount to cover the costs of administering” the business courts.

It is not surprising then that the fees for the business courts are slightly more than their district court counterparts. Most notably, filing a case in the business courts will cost a plaintiff \$2,500 compared to \$213 in district court. But this increased initial filing fee likely will not deter plaintiffs who are seeking the expertise and speed that the business court system promises, especially when considering the minimum amount at issue in disputes falling within jurisdiction of the business courts is \$5 million in most cases and \$10 million in some. In other words, the cost of admission to the business courts will be less than 0.1% of the damages plaintiffs seek to recover.

While the filing fee is clear, the fees associated with requesting a jury trial remain an open question. Requesting a jury in district court costs a party a mere \$10. Although parties can negotiate additional juror pay for especially long cases to keep jurors engaged or bring in lunches to streamline time, the only required fee is the paltry \$10. Jurors are then paid their daily stipends using funds from the counties and the state. However, since the business courts are meant to be self-sustaining, the parties are left to foot the jury bill in total. The Texas Supreme Court has empowered the business courts to set the jury fee and allocate that fee among the parties on a case-by-case basis. The Court did, however, outline guardrails: A jury will cost the parties a \$300 fee for staff time in summoning jurors, a fee for security if needed, a fee for juror pay (which must be at least a minimum of \$20/juror for the first day and \$58/juror for each day after) and a fee for processing summons. This structure leaves a lot to the unknown. For example, should the court decide that jurors serving on a month-long trial deserve more per diem compensation, the court may require each party to pay \$100/juror per day or \$2,000/juror for a four-week trial.

Perhaps the biggest remaining question is whether these fees will be enough to fund court operations in their entirety, as required by House Bill 19. We may well see changes to these fee schedules as the volume of cases in these courts stabilize and the cost to fund becomes clearer. But even a future adjustment to double the current filing fee still feels like a drop in the bucket for a party seeking more than \$5 million or even \$10 million in damages.

The full text of all the Texas Supreme Court’s order be found [here](#). For assistance navigating the new Texas business courts, 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.