

David Harper and Brad Foster in Law360: Texas Could Be Next Delaware, Attys Say as Biz Court Opens

September 9, 2024 David Harper, Bradley Foster

PRACTICES Litigation, Texas Business Courts Task Force

Haynes Boone Partners [David Harper](#) and [Brad Foster](#) recently spoke to *Law360* on the new Texas Business Court and how it compares to the Delaware Court of Chancery.

Read an excerpt below:

"We have more than 10% of the Fortune 500 physically here, and I think we can start making inroads in Texas on getting corporations to be legally domiciled here," said Brad Foster, a partner at Haynes Boone. "I'm excited. I think in 10 or 20 years, we may look back and think this was really the beginning of Texas becoming a legitimate alternative to Delaware's primacy." ...

Foster, for his part, said he expects the business court to see contract disputes more than anything. Haynes Boone started a task force to prepare clients for the court, and Foster is on the task force.

But Foster said the real sea change in Texas litigation will come through the corporate governance disputes. Most of those cases go through Delaware courts now, but with Texas' courts up and running the state may seem more of them. ...

If people start having a good experience with the courts, other lawyers will follow suit. In the meantime, attorneys who opt for the venue early will have an advantage in that the business court judges will have relatively fewer cases in front of them than state courts, said David Harper, a partner at Haynes Boone who is also the firm's business court task force.

"We've got very fine state court judges, but they have thousands and thousands of cases," he said. "I think the governor and the Legislature saw the Delaware model and believed it would be something that would be beneficial and attractive to businesses because they can have judges that are experienced and more dedicated to their complicated and high stakes disputes."

Read the full article from *Law360* [here](#).