

## Harper in The Texas Lawyer: New Law Would Bolster Texas Business Courts

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**PRACTICES** Texas Business Courts Task Force, Texas Corporate Governance, Litigation

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Haynes Boone Partner [David Harper](#) spoke with *The Texas Lawyer* as the Texas Legislature has moved to expand the state's fledgling business court system by decreasing the amount-in-controversy thresholds, a key move in potentially disrupting Delaware's long-standing dominance in corporate law and litigation.

House Bill 40, by Rep. Brooks Landgraf, would lower the threshold for business disputes by millions, likely increasing the number of cases in the specialized court's jurisdiction.

"The single biggest change is to reduce the amount in controversy required to get into business court in most cases from \$10 million to \$5 million," said David Harper.

The legislation expands the Business Court's authority to hear several new categories of cases, including intellectual property disputes involving trade secrets and other state-level intellectual property matters. Another big change concerns arbitration cases.

"You can come in and bring arbitration disputes into business court," Harper said. "So, for example, if you want to get your arbitration award confirmed or you have a dispute about going to arbitration, those can now be brought into business court."

Harper predicts the lower threshold will significantly increase the court's caseload.

"Coming down from 10 million to 5 million is a big jump, and so I think there will be a lot more commercial transactions and series of transactions that add up to \$5 million worth so that you would get into business court," he said. "I think you will see more cases brought in business court because of that."

The change could create workload challenges for business court judges, Harper noted: "If a judge has 25 or 50 cases with the business court that could be very busy because they're all big cases."

To read the full article from *The Texas Lawyer*, click [here](#).