

# Mesches and Paulsen in The Texas Lawbook: Texas Supreme Court Term Preview - Key Business Cases

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October 7, 2024 Ben Mesches, Ryan Paulsen

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**PRACTICES** Appellate, Texas Business Courts Task Force, Trials, Litigation

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Haynes Boone Partner [Ben Mesches](#) and Counsel [Ryan Paulsen](#) authored an article for *The Texas Lawbook* previewing key business cases currently on the Court's argument docket.

Read an excerpt below.

The Supreme Court of Texas has completed its first week of oral arguments of the 2024-25 term. Here is a preview of key business cases currently on the Court's argument docket.

## Business Courts

In an opinion issued before the first argument of the term, the Texas Supreme Court held in *In re Dallas County* that the newly created Fifteenth Court of Appeals satisfies geographic, jurisdictional and judicial appointment requirements under the Texas Constitution. Because SB 1045 confers original and exclusive jurisdiction on the Texas Supreme Court to address any constitutional challenges to the business court system, expect other challenges to come before the court during the coming term.

<https://search.txcourts.gov/Case.aspx?cn=24-0426&coa=cossup>

## Energy

In *ConocoPhillips Co. v. Hahn*, the Texas Supreme Court will address the impact on a nonparticipating royalty interest of subsequent ratification and stipulation agreements. The case was argued Sept. 12.

<https://search.txcourts.gov/Case.aspx?cn=23-0024&coa=cossup>

## Fiduciary Duties

The Texas Supreme Court currently has two cases on its docket addressing fiduciary duties.

First, in *Pitts v. Rivas*, the court will address whether clients' fraud and breach of fiduciary duty claims against their accountants qualify as claims for professional negligence barred by the anti-fracturing rule and whether the accountants owed fiduciary duties to the plaintiffs. The case was argued Sept. 11.

<https://search.txcourts.gov/Case.aspx?cn=23-0427&coa=cossup>

Second, *Bertucci v. Watkins* challenges the "control test" used by some courts of appeals to impose fiduciary duties on a limited partner towards other limited partners based on the exercise of control over the affairs of the limited partnership. The case was argued on Oct. 2.

<https://search.txcourts.gov/Case.aspx?cn=23-0329&coa=cossup>

## Insurance

*Ohio Cas. Ins. Co. v. Patterson-UTI Energy, Inc.* arises in the context of an insurance dispute over payment for defense costs and raises the question whether the scope of an excess policy that follows the form of the primary policy should be assessed as a question of coverage (on which the

insured bears the burden) or a question of exclusion (in which coverage is initially presumed and the insurer bears the burden of establishing a coverage exception). Argument will be held Oct. 30. <https://search.txcourts.gov/Case.aspx?cn=23-0006&coa=cossup>

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