



Insights: Alerts

# Texas Business Courts Prepare to Begin Accepting New Cases

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This is an update to our firm's [previous article](#) covering the creation of Texas' new business court system and Fifteenth Court of Appeals. These new courts were created in 2023 by the 88th Texas Legislature and will begin accepting cases on **September 1, 2024**.

According to [a recent press release](#) from Governor Greg Abbott's office, the goal of these new courts is "to provide an efficient mechanism for businesses to resolve complex commercial disputes in Texas." It is expected that the business courts will handle a small number of large commercial cases and will therefore be more streamlined and less congested compared to state district courts.

On June 28, 2024 the Texas Supreme Court issued its [final approval of rules](#) for the business courts which can be found in the Texas Rules of Civil Procedure, Rules 352-360. The rules address various procedural issues that may arise in business court practice, though one rule in particular – Rule 360 – stands out. This rule requires a business court judge to issue a written opinion in connection with a case-dispositive ruling at the request of any party, as well as a written opinion for "an issue important to the jurisprudence of the state, regardless of request." The rule also permits a business court judge to issue a written opinion at his or her discretion in connection with any order. This is a significant departure from the normal practice in Texas civil courts which primarily rely on simple *pro forma* orders, indicating the court's ruling but providing little or no explanation or justification. This practice will greatly enhance the predictability and consistency of business court decisions on specific legal issues, and appeals of those issues, by giving insight into the legal justification for the ruling and creating reliable precedent.

The Texas Supreme Court has also signaled its approval of the courts, recently rejecting a challenge to the constitutionality of the Fifteenth Court of Appeals in [In re Dallas County, Case No. 24-0426](#). The case involved a question of whether the Texas Legislature had exceeded its constitutional authority by creating the new court of appeals. The Texas Supreme Court unanimously ruled that the Legislature had not exceeded its authority under Article V of the Texas Constitution, which, as the Court noted, "gives the legislature substantial power to create courts."

Governor Abbott has recently appointed judges who will preside over the new courts. As noted in our previous

article, judges for the court of appeals and business courts are appointed to two-year terms by the Governor, with the advice and consent of the Texas Senate. This differs from the process for other state court judges who are elected by popular vote.

Governor Abbott's office has offered the following biographical information regarding the inaugural judges:

### **Fifteenth Court of Appeals**

The Fifteenth Court of Appeals will be located in Austin, Texas, and comprised of a chief justice and two associate justices. On June 11, 2024, Governor Abbott [announced](#) the following appointments to the court:

**Scott A. Brister** of Austin is a Senior Partner at Hunton Andrews Kurth LLP. Previously, he served as a Justice on the Supreme Court of Texas, Justice and Chief Justice of the First and Fourteenth Courts of Appeals, and Judge of the 234th Judicial District Court. He is a member of the State Bar of Texas and its Pattern Jury Charge Committee and is board certified in Civil Appellate Law, Civil Trial Law, and Personal Injury Law by the Texas Board of Legal Specialization. He is a former member of the Supreme Court Advisory Committee, Supreme Court Jury Task Force, and American Law Institute and former chair of the Texas Commission on Public School Finance. Brister received a Bachelor of Arts in History from Duke University and a Juris Doctor from Harvard Law School.

**Scott K. Field** of Liberty Hill is Judge of the 480th Judicial District Court in Williamson County. Previously, he served as a Justice of the Third Court of Appeals, partner at Butler Snow, LLP, managing partner of the Field Law Firm, PLLC and York, Keller & Field, LLP, and an attorney at Baker Botts LLP. He is a member of the State Bar of Texas, Williamson County Bar Association, Austin Bar Association, Texas Supreme Court Historical Society, The Federalist Society, and the Williamson County Christian Legal Society and a board member of Williamson County Inn of Court. Additionally, he is a life fellow of the Texas Bar Foundation and Austin Bar Foundation and former director of the Texas Aggie Bar Association. He is a mentor for The University of Texas (UT) School of Law Mentoring Program and a Deacon and Trustee of Austin Baptist Church. Field received a Bachelor of Arts in Political Science from Texas A&M University and a Juris Doctor from UT Austin School of Law.

**April L. Farris** of Houston is a Justice on the First Court of Appeals, where she has served since January 2021. Previously, she was an Appellate Litigation Partner at Yetter Coleman, LLP and served as an Assistant Solicitor General for the Texas Solicitor General's Office. She is an editorial board member for The Advocate, executive committee member for the Garland R. Walker Inn of Court, and an honorary board member for Houston's Christian Legal Society. Additionally, she is a member of the American Law Institute, Texas State Bar Appellate Section, Texas Supreme Court Historical Society, and the Texas Pattern Jury Charge Oversight Committee, a life fellow of the Texas Bar Foundation, and a volunteer as a National Association of Women Judges mentor judge. Farris received a Bachelor of Science in Integrated Marketing Communications from Abilene Christian University and a Juris Doctor from Harvard Law School.

Judge Brister will serve as Chief Justice while Judges Field and Farris will serve as associate justices.

### **First Business Court Division – Dallas, Texas**

The First Business Court Division will be located in Dallas, Texas and will serve the counties of Collin, Dallas, Ellis, Fannin, Grayson, Kaufman, and Rockwall. On June 12, 2024, Governor Abbott [announced](#) the following appointments to the court:

**Andrea Bouressa** of Murphy is Judge of the 471st Judicial District Court and recently served a two-year term as Local Administrative District Judge for Collin County. She is a member of the State Bar of Texas, Collin County Bar Association, Curt B. Henderson American Inn of Court, and The Federalist Society. She received the 2022 Rising Aggie Lawyer Award from the Texas Aggie Bar Association and was recognized as the 2023 Outstanding Jurist by the Collin County Women Lawyers Association. Bouressa received a Bachelor of Science in Sociology from Texas A&M University, a Master of Science in Sociology from the University of North Texas, and a Juris Doctor from the Southern Methodist University Dedman School of Law.

**William "Bill" Whitehill** of Coppell is a member of Condon Tobin Sladek Thornton Nerenberg PLLC, where he is head of its appellate and special issues practice group and is a former Justice of the Texas Fifth Court of Appeals in Dallas. Before joining the Court of Appeals, he was a long-time trial and appellate partner at Gardere Wynne Sewell, LLP (n/k/a Foley & Lardner, LLP). He is the Chair of the Dallas Bar Association Appellate Section and former Chair of the State Bar of Texas Antitrust and Business Litigation Section and the Dallas Bar Association Antitrust & Trade Regulation Section. He is an adjunct trial advocacy instructor at the Robert H. Dedman, SMU Dedman School of Law; a National Institute for Trial Advocacy Deposition Skills Instructor; and a frequent continuing legal education speaker at State Bar of Texas, Dallas Bar Association, and other events. He is a Master of the Mac Taylor Inn of Court, sustaining life fellow of the Texas Bar Foundation, and fellow of the Dallas Bar Foundation. Additionally, he is a former member of the Center for International Legal Studies, International Bar Association, Fifth Circuit Bar Association, Rockwall Bar Association, Dallas Association of Young Lawyers, and the Texas Association of Bank Counsel. He served as a judge for the Coppell Teen Court, is a homeless kitchen volunteer for Cornerstone Baptist Church, and is a former co-teacher and mentor at Cornerstone Crossroads Academy. Whitehill received a Bachelor of Business Administration from The University of Texas at Austin and a Juris Doctor from the SMU Dedman School of Law.

### **Third Business Court Division – Austin, Texas**

The Third Business Court Division will be located in Austin, Texas, and will serve the counties of Austin, Bell, Blanco, Bosque, Burnet, Caldwell, Colorado, Comal, Comanche, Coryell, Falls, Fayette, Gonzales, Guadalupe, Hamilton, Hays, Hill, Lampasas, Lavaca, Llano, McLennan, Milam, Navarro, Robertson, San Saba, Travis, and Williamson. On June 11, 2024, Governor Abbott [announced](#) the following appointments to the court:

**Melissa Andrews** of Austin is an equity partner at Holland & Knight. Previously, she served as an attorney for Texas Supreme Court Justice Jeff Boyd and First Court of Appeals Justice Harvey Brown and was a law clerk for Judge Don R. Willett while he served on the Texas Supreme Court. She is board certified in Civil Appellate

Law by the Texas Board of Legal Specialization (TBLS). She is a member of the State Bar of Texas, TBLS Civil Appellate Advisory Commission, and Lawyers for Civil Justice Expert Evidence Committee and the Civil Appellate Section Chair of the Austin Bar Association. She is a volunteer for the Third Court of Appeals Pro Bono Program and an annual volunteer for Adoption Day Austin, Salvation Army Austin, and the Cystic Fibrosis Foundation. Andrews received a Bachelor of Science in Political Science and Business from Texas A&M University and a Juris Doctor from The University of Texas School of Law.

**Patrick K. Sweeten** of Austin is the Principal Deputy General Counsel for the Office of the Governor. He is a seasoned trial lawyer with over 25 years of experience litigating in federal and state court, both plaintiff and defense side, including as lead counsel in pharmaceutical, securities, multi-district litigation, and deceptive trade practices and common law fraud actions. Previously, he served as the Deputy Attorney General for Special Litigation for the Office of the Texas Attorney General. In that role, he built a new division from the ground up, oversaw more than a dozen large trial teams managing complex litigation impacting the State of Texas, and secured well over a quarter of a billion dollars in settlements and recoveries. He also served as the state's lead counsel in defense of the 2014, 2017, and 2022 rounds of redistricting litigation, and in 2018 successfully defended the state against challenges to its century-old method of electing Supreme Court and Court of Criminal Appeals judges statewide. Prior to his service with the Texas Attorney General, he was an associate and shareholder for close to a decade at Delano Law Offices, L.L.C. in Springfield, Illinois. Sweeten received a Bachelor of Arts from UT Austin and a Juris Doctor from St. Mary's University School of Law.

#### **Fourth Business Court Division – San Antonio, Texas**

The Fourth Business Court Division will be located in San Antonio, Texas, and will serve the counties of Aransas, Atascosa, Bee, Bexar, Calhoun, DeWitt, Dimmit, Frio, Goliad, Jackson, Karnes, LaSalle, Live Oak, Maverick, McMullen, Refugio, San Patricio, Victoria, Webb, Wilson, Zapata, and Zavala. On June 13, 2024, Governor Abbott [announced](#) the following appointments to the court:

**Marialyn Barnard** of San Antonio is Judge of the 73rd Judicial District Court in Bexar County. Previously, she served as the Bexar County Commissioner for Precinct 3 and as a Justice on the Fourth Court of Appeals for 10 years. She is a member of the State Bar of Texas, American Law Institute, and San Antonio Bar Association and former Chair of its Litigation Section. Additionally, she is a former member of the State Bar of Texas Grievance Committee, Federal Bar Association (FBA), American Bar Association, and the Bexar County Women's Bar Association. She is a member, former president, and former board member of the Rotary Club of San Antonio, former volunteer for San Antonio Metropolitan Ministries, and a former board member of Child Advocates San Antonio, Big Brothers Big Sisters, and Firstmark Credit Union. Barnard received a Bachelor of Science in Political Science and English from Texas A&M University – Commerce and a Juris Doctor from St. Mary's University School of Law.

**Stacy Sharp** of San Antonio is an attorney and owner of Sharp Appellate PLLC and an adjunct professor at The University of Texas at Austin. She is a member of the State Bar of Texas and is admitted to the U.S. District Court for the Western District of Texas and to the Fifth Circuit Court of Appeals. She is a member of the FBA,

San Antonio and the former President of the FBA, Austin. Additionally, she serves in various volunteer capacities, including as President of the Alamo Heights Independent School District School Board of Trustees and member of Redeemer Presbyterian Church, National Charity League, and the Young Men's Service League. Sharp received a Bachelor of Science in Math, Spanish, and Education from Vanderbilt University and a Juris Doctor from UT Austin School of Law.

### **Eighth Business Court Division – Fort Worth, Texas**

The Eighth Business Court Division will be located in Fort Worth, Texas, and will serve the counties of Archer, Clay, Cooke, Denton, Eastland, Erath, Hood, Jack, Johnson, Montague, Palo Pinto, Parker, Somervell, Stephens, Tarrant, Wichita, Wise, and Young. On June 12, 2024, Governor Abbott [announced](#) the following appointments to the court:

**Jerry Bullard** of Colleyville is a shareholder and attorney with Adams, Lynch & Loftin, P.C. and has over 30 years of experience in state and federal court litigation, including both trial and appellate law. He is board certified in civil appellate law by the Texas Board of Legal Specialization; a member of the Texas Supreme Court Advisory Committee, State Bar of Texas and its Appellate, Litigation, and Legislative/Campaign Law Sections; and a gubernatorial appointee on the Texas Juvenile Justice Board. Additionally, he is a member of the Tarrant County Bar Association and Chair of its Appellate Section Pro Bono Committee, fellow of the Texas Bar Foundation and the Tarrant Bar Foundation, and volunteer for 6 Stones Mission Network (Night of Hope) and Cross Creek Student Ministry. Bullard received a Bachelor of Arts in Telecommunications from Baylor University and a Juris Doctor from The University of Texas at Austin School of Law.

**Brian Stagner** of Fort Worth is of counsel and a former partner at Kelly Hart & Hallman LLP and an adjunct professor at Texas Christian University teaching business law. He is a member of the State Bar of Texas and its Litigation Section and Appellate Section, a fellow of the Texas Bar Foundation, and a sustaining life fellow of the Tarrant County Bar Foundation. Additionally, he is a former member of the Texas Association of Defense Counsel and former barrister for the American Inns of Court. He is a former board member of the Court Appointed Special Advocates of Parker County and Lena Pope Home Charity Golf Committee and a former volunteer for Habitat for Humanity and Big Brothers/Big Sisters of Texas. Stagner received a Bachelor of Business Administration in Management from Angelo State University and a Juris Doctor from Texas Tech University School of Law.

### **Eleventh Business Court Division – Houston, Texas**

The Eleventh Business Court Division will be located in Houston, Texas, and will serve the counties of Brazoria, Fort Bend, Galveston, Harris, Matagorda, and Wharton. On June 14, 2024, Governor Abbott [announced](#) the following appointments to the court:

**Sofia Adrogué** of Houston is a partner with Diamond McCarthy LLP. She is Founder and Editor of the Texas Business Litigation Treatise (ALM 5th Edition). At the outset of her career, she clerked at the Fifth Circuit Court

of Appeals. Having served on over 15 boards, she is currently a member of the Houston First Board of Directors and the City of Houston Mayor's Hispanic Advisory Board and fellow of the American Bar Foundation, Texas Bar Foundation, and Houston Bar Foundation (HBF). Her previous service includes serving as president and member of Houston Law Review (HLR) Alumni Association Board of Directors and member of the Hispanic Bar Association of Houston, Mexican-American Bar Association of Houston, Texas Women Lawyers, and the Texas Supreme Court Advisory Committee. She has received over 40 awards and has been recognized for her public service by the City of Houston with proclamations of "Sofia Adrogué Day." Adrogué received a Bachelor of Arts in English and Legal Studies from Rice University, magna cum laude, Phi Beta Kappa, and a Juris Doctor from the University of Houston Law Center, magna cum laude, both on full academic scholarships. Additionally, she is a graduate and alumna of the Harvard Business School Owner President Management Program, where she served as a U.S. keynote speaker and class representative.

**Grant Dorfman** of Bellaire is a Visiting Judge and former Deputy First Assistant Attorney General for the Office of the Texas Attorney General. Previously, he served as Judge of the 334th Judicial District and the 129th Judicial District both in Harris County, as a Visiting Judge for the State of Texas, as counsel for Sheehy, Ware, Pappas & Grubbs, P.C., and as Senior In-House Counsel to Nabors Industries. He is a member of the State Bar of Texas, The Federalist Society, Houston Bar Association (HBA), and the American Law Institute. He is a sustaining life fellow of the Texas Bar Foundation, an HBF life fellow, and a member of the HLR Board of Directors. Additionally, he is treasurer of the Texas Association of Retired, Senior and Former Judges, a member of the HSPVA Friends Board of Directors, former co-chair of the HBA Communities in Schools Committee, former member of the HBA Professionalism Committee, and former faculty member of the National Judicial College. Dorfman received an Artium Baccalaureus in Honors History from Brown University, a Master of Studies in History and Political Philosophy from Oxford University, and a Juris Doctor from Yale Law School.

As noted in our previous article, the other six business court divisions, which will serve more rural parts of the state, were deferred to the 2025 legislature for approval and funding.

## Related People

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