

Hon. Andrea K. Bouressa, First Business Court Division
Hon. Bill Whitehill, First Business Court Division
Hon. Melissa Andrews, Third Business Court Division
Hon. Patrick K. Sweeten, Third Business Court Division
Hon. Marialyn Barnard, Fourth Business Court Division



Hon. Stacy Sharp, Fourth Business Court Division
Hon. Jerry D. Bullard, Eighth Business Court Division
Hon. Brian Stagner, Eighth Business Court Division
Hon. Sofia Adrogué, Eleventh Business Court Division
Hon. Grant Dorfman, Eleventh Business Court Division

LOCAL RULES OF THE TEXAS BUSINESS COURT

Rule 1: Purpose and Scope

The Texas Business Court is dedicated to the fair, efficient, and timely resolution of business disputes. These rules supplement and clarify the application of the Texas Rules of Civil Procedure (TRCP) in the Business Court. Citations to these rules must follow the citation format BCLR [Number], such as BCLR 3.

The Local Rules will be uniformly applied in the Texas Business Court. However, parties must familiarize themselves with the Court's website ([TJB | About Texas Courts | Business Court \(txcourts.gov\)](https://www.tjb.org/about-texas-courts-business-court)) and the information available there, including any judge- or division-specific practices, standing orders, the fee schedule, and various forms provided for the parties' convenience and use.

These Local Rules are effective from the date of adoption through February 28, 2025, unless earlier revised by the Court.

Rule 2: Exchange of Benches, Jurisdiction, and Consolidation

Under Texas Government Code § 25A.009, to promote the orderly and efficient administration of justice, the Business Court judges may exchange benches and sit and act for each other in any matter pending before the Court.

A party is deemed to agree to this Court's supplemental jurisdiction of any claim, including a counterclaim, cross-claim, or third-party claim, unless that party moves to sever or otherwise objects within 30 days after the later of (1) the moving party's appearance in this Court; or (2) the filing of the first pleading or removal notice containing fair notice of the claim.

A motion to consolidate cases must be filed in the first-filed case.

Rule 3: Case Information Sheet

A Business Court Case Information Sheet must be filed concurrently with any filing that initiates a new Business Court case.

Rule 4: Case Management and Discovery

- (a) **Scheduling Orders.** Every case will be governed by a scheduling order. Parties must confer on and jointly file a proposed scheduling order using the form provided on the Business Court’s website for the assigned judge (i) within 30 days from the first appearance of any defendant, or (ii) if the action was removed or transferred to the Business Court, within 30 days from the filing of the notice of removal or the order of transfer.
- (b) **Corporate Disclosure Obligations.** The proposed scheduling order must be accompanied by each party’s corporate-disclosure statement, identifying all persons, associations of persons, firms, partnerships, corporations, guarantors, insurers, affiliates, parent corporations, or other legal entities who or which are financially interested in the outcome of the litigation. If a large group of persons or firms can be specified by a generic description, individual listing is not necessary. Later-joined parties must file corporate-disclosure statements within 14 days after their first appearance. Each corporate-disclosure statement must also list the names of opposing law firms and/or counsel in the case. **Governmental entities need not file a corporate-disclosure statement.**
- (c) **Discovery Disputes.** Motions under TRCP 190 through 215, or otherwise related to discovery disputes, are governed by the procedures below, and any judge- or division-specific rules. This rule does not preclude parties from seeking an immediate ruling by telephone on any dispute that arises during a deposition that justifies such a conference with the Court.
- (d) **Discovery-Motion Prerequisite.**
1. *Summary of Dispute.* Before filing a discovery-related motion, a party must engage in a thorough, good-faith attempt to resolve or narrow the dispute. If the dispute remains unresolved, then the party seeking relief must file a letter summarizing the dispute. Each such letter must contain a certification that, before filing the letter, the party engaged in personal consultation with the other parties and diligent attempts to resolve or further narrow the dispute. The certificate must specify the date(s) of such conference, which parties participated, the specific results achieved, and whether the parties discussed cost-shifting, proportionality, or alternative discovery methods that might resolve or narrow the dispute. **Except by leave of Court, the summary must not exceed 700 words, excluding the certificate; the certificate must not exceed 300 words.**
 2. *Response.* Within 7 days after a letter summarizing a discovery dispute, any other party may file a response letter, which may include a certification responding to the certification in the summary letter. **Except by leave of Court, the response**

must not exceed 700 words, excluding the certificate; the certificate must not exceed 300 words.

3. *Replies.* No replies or further written arguments are permitted absent leave of Court.
 4. *Further Action.* After the summary and any response is submitted, the Court may schedule a telephone conference with counsel, order a motion and briefing on the dispute, provide further instruction, or issue an order if the Court, in its discretion, determines no further briefing is necessary. If the parties' discovery dispute is not resolved after satisfying this discovery-motion prerequisite, a party may file a discovery motion.
- (e) **Cost Shifting.** If a party requests cost shifting, the party's motion or response must state the amount of costs that should be shifted, how that amount was determined, and the basis for the requested cost shifting.

Rule 5: Motions

- (a) **Word Limits.** Except upon leave of Court, the following word limits apply:
- Discovery motions and responses: 3000 words
 - Discovery replies: 1250 words
 - All other motions and responses: 7500 words
 - All other replies: 3000 words.

These word limits include footnotes and endnotes but do not include the case caption, any index, table of contents or table of authorities, signature blocks, attached evidence, or any required certificates. Each such document must provide a certificate of compliance following the signature block(s). Leave of Court is required for any further briefing.

- (b) **Form.** Motions and responses must be in writing and must include all supporting arguments and authorities. A proposed order is required and must be filed as a separate instrument concurrently with the motion or response.
- (c) **Citations.** Provide pinpoint citation for all legal authority. Do the same for evidence. For instance, cite to page and line for depositions, to page and paragraph number for affidavits and pleadings, and to page and section number for contracts and similar documents.
- (d) **Appendices.** Unless otherwise specified, the Court prefers that parties:

- Combine the main document and any appendices into a single PDF to file as few separate PDF attachments as possible. If more than one PDF must be filed, separate the PDFs by complete documents. That is, do not split a single document across two PDFs.
 - Number every page in the filing, including the main document and any appendices, with continuous page numbers, such that the document page number matches the PDF page number.
 - Provide a table of contents that enumerates each document in the appendix.
 - Bookmark each appendix document.
 - Scale images that exceed 8.5 x 11 to fit an 8.5 x 11 page.
- (e) **Submission.** Parties must notify the Court within the motion or response whether oral hearing or written submission is requested. The Court may in its discretion require oral hearing.
- (f) **Unopposed Motions.** Unopposed motions must be labeled “Unopposed” in the caption. These will be considered and ruled upon as soon as practicable.
- (g) **Extension of Certificates of Conference.** Certificates of conference are required for all requests for relief except dispositive motions unless otherwise provided herein. The conference must be a meaningful, good-faith effort to resolve or narrow the dispute without the necessity of Court intervention. For written discovery disputes, the parties must confer on each individual request at issue.

Rule 6: Settlement

Counsel must notify the Court immediately of settlements that obviate court settings or rulings on pending motions.

Rule 7: Emergency Relief

Prior to or upon filing an application for a temporary restraining order or other *ex parte* relief, the applicant must notify the Clerk of the Business Court immediately. Absent detailed and specific grounds supporting a request for *ex parte* relief, the applicant must also, at least two hours before presenting the application to the Court, notify all other parties, or their counsel if known, and provide them copies of the application and the proposed order.

The application must be accompanied by a certificate signed by the filing attorney or party either (a) setting forth the date, time, and manner of notice to opposing parties or (b) stating that *ex parte* relief is requested.

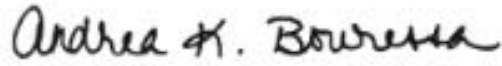
Rule 8: Removal and Remand

Removal does not alter any deadline imposed by the Texas Rules of Civil Procedure. Deadlines under an existing scheduling order remain in place until a new scheduling order is entered by the Business Court. All court settings are vitiated upon removal; however, the removing party must apprise the Business Court of any existing court settings in the removal notice filed under TRCP 355.

Rule 9: Miscellaneous

- (a) **Pro Hac Vice Applications by Nonresident Attorneys.** A nonresident licensed attorney who wishes to appear in a case in the Court but is not licensed in Texas must comply with Rule 19 of the Rules Governing Admission to the Bar of Texas and Texas Government Code § 82.0361. See <https://ble.texas.gov/non-resident-attorney-fee-info>.
- (b) **Vacation Letters.** An attorney or self-represented litigant may file, in each case where the litigant or attorney is appearing, a vacation letter reserving a reasonable number of days, not to exceed four weeks within a calendar year, during which no hearings, depositions, or trials are requested to be set. A vacation letter does not vitiate any existing setting. If a matter is set in conflict with a previously filed vacation letter, the affected person should bring the issue to the Court's attention.
- (c) **Artificial Intelligence.** Use of artificial intelligence is not prohibited, but the filing attorney or party is independently responsible for the accuracy of all filings and must comply with all legal and ethical duties, including TRCP 13 and Texas Civil Practice and Remedies Code Chapters 9–10.

APPROVED:



Andrea K. Bouressa, First Division



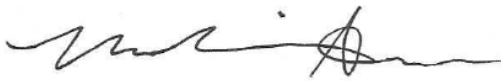
Stacy Sharp, Fourth Division



Bill Whitehill, First Division



Jerry D. Bullard, Eighth Division



Melissa Andrews, Third Division



Brian Stagner, Eighth Division



Patrick K. Sweeten, Third Division



Sofia Adrogué, Eleventh Division



Marialyn Barnard, Fourth Division



Grant Dorfman, Eleventh Division &
Administrative Presiding Judge