

# EXHIBIT H



**A Survey of the Structure of Business Courts  
by State or Local Jurisdiction**

Mississippi Secretary of State  
Division of Policy and Research

June 2008

## **Table of Contents**

<b>Executive Summary of Business Courts by State or Local Jurisdiction.....</b>	<b>1</b>
I. Introduction.....	1
II. Types of Business Courts.....	1
A. Separate Business Courts.....	1
B. Business or Commercial Dockets.....	2
C. Complex Civil Litigation Courts or Dockets.....	2
D. Business Court or Docket Pilot Programs.....	3
III. Selection, Criteria and Removal of Judges.....	3
IV. Funding and Filing Fees.....	5
V. Jurisdictions of the Court and Minimum Amounts in Controversy.....	5
VI. Types of Cases Included and Excluded From Business Courts and Dockets.....	6
VII. Other Features of Business Courts.....	7
A. Case Management and Fast Tracking in Business Courts and Dockets.....	7
B. Technology Used by Business Courts.....	7
VIII. Conclusion.....	8
<b>A Survey of the Structure of Business Courts by State.....</b>	<b>9</b>
Cook County (Chicago), Illinois.....	9
Delaware.....	10
Fulton County (Atlanta), Georgia .....	12
Maine .....	14
Nevada .....	16
New York .....	18

North Carolina .....	20
Orlando, Florida .....	23
Philadelphia, Pennsylvania.....	25
South Carolina.....	28
List of other states that have or are in the process of implementing business court or business/complex litigation docket.....	30

## Executive Summary of Business Courts by State or Local Jurisdiction

### I. Introduction

A significant number of states have begun or are in the process of instituting specialized business courts or dockets in their respective jurisdictions. In addition, several counties throughout the United States in which metropolitan cities are located have created business courts or dockets to alleviate the overcrowded dockets of existing courts and help expedite cases involving business and corporate litigation. This summary is a compilation of information concerning existing business and complex litigation courts and dockets. A list of pilot programs is also included. Lastly, this summary discusses other issues surrounding a business or complex civil litigation court or docket including (but not limited to): fast tracking of cases; the selection of judges and the removal process of judges; technology within the courtroom; funding of the courts/dockets; jurisdiction of the courts and minimum amounts in controversy; and types of cases that are generally included and excluded from the court. While the summary section “Types of Business Courts” below does include an exhaustive list of states, counties and cities that have courts and dockets, the remainder of the summary only uses examples from states included in the “Survey of the Structure of Business Courts by State” which follows the Executive Summary.

### II. Types of Business Courts

#### A. Separate Business Courts

Delaware and North Carolina are the only two states that have created a separate court for business related cases. Delaware’s business court, the Court of Chancery, was established in 1792. The Court of Chancery has always been and continues to be a court of equity; therefore, it does not hear monetary damage cases. North Carolina’s business court was established much more recently in 1995 by North Carolina Supreme Court rule. The North Carolina court is a more traditional court structure consisting of three full-time judges and three jurisdictions located in Greensboro, Charlotte, and Raleigh. The court is funded separately by the legislature and requires a \$200 filing fee for transfer of a case to the business court. Written opinions are mandated for all cases upon final disposition in non-jury matters decided by the business court. This requirement has allowed North Carolina to establish a large body of case law in the past twelve years<sup>1</sup>, and, in turn, generates a favorable atmosphere for business by creating predictable legal outcomes in business disputes.<sup>2</sup> Additionally, Forbes Magazine ranked North Carolina as the third best state for businesses in 2007.<sup>3</sup> While the article does not specifically mention North

---

<sup>1</sup> Mack Sperling, *North Carolina Business Litigation Report: History of the North Carolina Business Court*, NORTH CAROLINA BUSINESS COURT BLOG (Feb. 25, 2008), at <http://www.ncbusinesslitigationreport.com/2008/02/articles/about-the-business-court/history-of-the-north-carolina-business-court/> (since its inception, the North Carolina Business Court has issued “nearly 150 ‘published’ opinions . . . and numerous unpublished opinions”).

<sup>2</sup> Carrie A. O’Brien, *The North Carolina Business Court: North Carolina’s Special Superior Court for Complex Business Cases*, 6 N.C. BANKING INST. 367, 374 (2002).

<sup>3</sup> Kurt Badenhausen, *The Best States For Business*, FORBES.COM (July 11, 2007), available at [http://www.forbes.com/2007/07/10/washington-virginia-utah-biz-cz\\_kb\\_0711bizstates.html](http://www.forbes.com/2007/07/10/washington-virginia-utah-biz-cz_kb_0711bizstates.html) and [http://www.forbes.com/2007/07/10/washington-virginia-utah-biz-cz\\_kb\\_0711bizstates-table.html](http://www.forbes.com/2007/07/10/washington-virginia-utah-biz-cz_kb_0711bizstates-table.html); see also Mark

Carolina's Business Court as a reason for the states favorable ranking, one can only assume that a legal system which produces predictable legal decisions for businesses contributed to the states high ranking as one of the best states for business.<sup>4</sup>

## **B. Business or Commercial Dockets**

Other jurisdictions have chosen a different route than Delaware and North Carolina. These other jurisdictions have created a specialized docket within an existing court either for business case designations or for complex litigation cases. The overwhelming majority of jurisdictions have chosen the business cases docket<sup>5</sup> route. These jurisdictions include: Boston, Massachusetts; Cook County (Chicago), Illinois; Fulton County (Atlanta), Georgia; Maine; Maryland; Nevada; New York; Orlando, Florida; Miami, Florida; Tampa, Florida; Oregon (2<sup>nd</sup> Judicial District); and Philadelphia, Pennsylvania.

The majority of these states, counties, and/or cities have created their business courts by implementing separate business dockets within an existing court system. For example, the Second and Eighth Judicial Districts in Nevada created separate business dockets within their respective jurisdictions. Current district court judges were appointed by the district court Chief Judge to hear the cases assigned to the business docket. Another example is the Philadelphia Commerce Case Management Program. This program is a separate business docket instituted in the First Judicial District Court of Common Pleas. The Chief Administrative Judge for the district court appointed three sitting district court judges to hear cases assigned to the Commerce Case Management Program. One of the main differences between these separate dockets (as well as those listed above) and states that have separate courts is that separate courts usually require additional funding from the legislature, while separate dockets only require a reallocation of existing court funds. The separate dockets may still include simple business disputes as well as complex business litigation. The types of cases that may be included on a business docket depend on the jurisdictional limitations placed on the docket by the court rules or statutes under which the court is established.

## **C. Complex Civil Litigation Courts or Dockets**

Several states and one county have opted to establish complex civil litigation courts or dockets as opposed to business courts or dockets. Complex civil litigation court programs

---

Arend & Adam Bruns, *North Carolina Keeps Its Spot Atop Site Selection's U.S. Business Climate Ranking: A Defense Contractor Explains Why He is Not Surprised*, SITE SELECTION (Nov. 2007), available at <http://www.siteselection.com/issues/2007/nov/cover/> (ranking North Carolina as number one in the United States for the best business atmosphere); *CEOs Weigh In On Best, Worst States To Do Business*, CHIEF EXECUTIVE (Jan. 22, 2008), available at <http://www.chiefexecutive.net/ME2/dirmod.asp?sid=&nm=&type=Publishing&mod=Publications%3A%3AArticle&mid=8F3A7027421841978F18BE895F87F791&id=825A023151814D3080CA036D026E6E69&tier=4> (CEOs ranking North Carolina as the third best state for business in 2007).

<sup>4</sup> See O'Brien, *supra* note 2, at 372 (stating the predictability of judicial decisions is one way of attracting businesses to the state).

<sup>5</sup> States use different names for their actual business case designations. For purposes of this summary, the term "docket" includes the use of a separate calendar, session, program and/or division designated only for business cases. States that have created a separate court are listed and discussed separately in, II. A., from those which employ a separate business docket.

generally have “concurrent jurisdiction over complex civil cases.”<sup>6</sup> These cases usually include “many types of business cases and . . . mass torts and class actions.”<sup>7</sup> That is, the cases require “exceptional judicial management [and] may involve such areas as antitrust, securities claims, construction defects, toxic torts, mass torts, and class actions.”<sup>8</sup> States and counties which have chosen the complex litigation route include: Arizona; California; Connecticut (four counties); Broward County, Florida; and Allegheny County (Pittsburgh), Pennsylvania. Unlike business courts which hear simple and complex business disputes, complex civil litigation courts or dockets do not hear simple business disputes. Complex litigation courts hear cases based on whether such cases meet specified definitions of complexity, which definitions may include non-business matters, as well as business and commercial disputes. Either way, simple business disputes would not qualify because, by definition, they are not complex.

#### **D. Business Court or Docket Pilot Programs**

Several states and counties have developed pilot programs in their respective jurisdictions to test the need, usefulness and effectiveness of a business court or docket system. South Carolina and Gwinnet County, Georgia have recently established pilot business court/docket programs. South Carolina’s pilot program is modeled after North Carolina’s business court. The pilot program in South Carolina operates in three counties: Charleston, Greenville, and Richmond. The pilot program in Gwinnet County, Georgia is based on the ongoing program in Fulton County. The Gwinnet County program has one judge that hears business related cases one week of each month to help move those cases to trial or settlement more quickly.

### **III. Selection, Criteria and Removal of Judges**

In the majority of states, business court judges are appointed by the Chief Judge of the circuit or district in which the business court or docket is located. The Chief Judge, who is generally elected<sup>9</sup>, has sole discretionary power in appointing judges from an existing pool of sitting judges in the circuit or district courts to hear cases on the business docket; however, some states (such as New York) directly elect business court judges. Nevada requires approval by the Supreme Court before the Chief Judge can appoint a sitting judge to the business court. In North Carolina, which has a separate business court, the Chief Justice of the Supreme Court is elected to an eight-year term and he/she designates a Superior Court judge<sup>10</sup> to sit on the business court. This designation must be approved by the Governor before the appointment is complete. The Superior Court judges are also elected to eight-year terms and rotate every six months between the districts within their division.

---

<sup>6</sup> Tim Dibble & Geoff Gallus, *Best Practices in U.S. Business Courts* 25, THE COURT MANAGER, vol. 10, no. 2 (2006).

<sup>7</sup> *Id.*

<sup>8</sup> *Complex Civil Litigation Program* (Jan. 2007), available at <http://www.courtinfo.ca.gov/reference/documents/factsheets/complit.pdf>.

<sup>9</sup> Superior Court judges in Fulton County are elected to four year terms; this includes the Chief Judge. The Court of Common Pleas Commerce Program in Philadelphia is supervised by a President Judge who is elected for a five year term by the Judges of the Court of Common Pleas.

<sup>10</sup> A Superior Court judge in North Carolina would be similar to a Circuit Court judge in Mississippi.

The criteria used by individual states in selecting judges for a business court or docket assignment varies. Some states have taken a specific experience approach, such as Nevada which requires that the person must have experience as a judge or practitioner in the subject matters listed in the Nevada Supreme Court Order establishing a business court.<sup>11</sup> Other courts, such as the Philadelphia Court of Common Pleas Commerce Program, have taken a generalized approach to the criteria and qualifications necessary to be a business court judge. The Philadelphia court only requires that attorneys have business-oriented experience, be eager to work in this environment and be able to handle paper-intensive cases. Still others (Orlando and South Carolina) have no specific criteria when considering who should serve as a business court judge. Judge Ben Tennille<sup>12</sup>, the Special Superior Court Judge for the Greensboro, North Carolina Business Court, recently stated that the most important qualification for a business court judge is not business experience, but rather a hardworking mentality and the ability to handle complex and paper intensive cases.<sup>13</sup> He suggested that the business experience can be gained “on the job” through serving on the business court bench, but the other qualities were needed from the beginning in order for the business court judge to be efficient at handling cases.

Like the criteria used by states in selecting business court judges, term length of business court judges also differs from state to state. Most jurisdictions have two to five year term limits for business court judges with the possibility of renewal. Some jurisdictions (Orlando, Florida) have a rotation policy in which judges rotate to different divisions within the court system. The judges appointed to the business court in Orlando have longer term limits than other judges (5 years instead of 3 years).

In most jurisdictions the removal process for business court judges is the same as for regular judges—they can be removed or impeached by the state legislature for certain types of misconduct. However, in certain jurisdictions (Atlanta and Philadelphia) where the business court or docket is a subdivision of a circuit or district court, the business court judges serve at the pleasure of the Chief Administrative Judge.<sup>14</sup> The Chief Judge has the sole discretionary power to remove<sup>15</sup> or transfer a business court judge subject to the needs of the court.

---

<sup>11</sup> The subject matter in the Order includes: anti-trust, complex class action, building and construction, construction defect, commercial instrument, contracts, defamation, employment contract, fraud, guarantee, liens, landlord/tenant, sale contract, specific performance, stockholder suits (the largest number of cases by type), U.C.C., unfair competition, trademark actions, shareholder disputes and business to business litigation.

<sup>12</sup> Judge Ben F. Tennille was appointed the first Special Superior Court Judge for Complex Business Cases in North Carolina and has presided over the growth and development of the North Carolina Business Court, which has served as a model for many other states in the attempt to create a more business friendly judicial system.

<sup>13</sup> See NC Gen. Stat. § 7A-45.3 and 4 N.C. Const. 22 (1971) (stating that a person must be a Special Superior Court judge and must be authorized to practice law in North Carolina).

<sup>14</sup> The Chief Administrative Judge is responsible for the administration and the expeditious disposition of issues of the court. In Philadelphia, the Chief Administrative Judge is appointed by the Supreme Court of Pennsylvania and serves at the pleasure of the Supreme Court. The Chief Judge in Fulton County handles the administrative tasks for that circuit. The Chief Judge is elected like all other Superior Court judges and then chosen to be the Chief Judge by the other elected Superior Court judges. Mississippi does not have an equivalent to a Chief Administrative Judge. The closest position in Mississippi to a Chief Administrative Judge would be the Chief Judge of the Court of Appeals. However, the Court of Appeals in Mississippi is a higher court than Superior Court in Fulton County or the Court of Common Pleas in Philadelphia.

<sup>15</sup> “Remove” in this sense does not mean terminate altogether, but rather reassign to another position in the civil court or remove from the business docket.

#### **IV. Funding and Filing Fees**

The majority of business court and docket programs require no additional funds other than the judiciaries' annual appropriation from state legislatures. Most jurisdictions reallocate existing appropriated funds from their existing court system to the business court. Generally, the creation of a business court consists of two steps: (1) the removal of cases from general dockets to the business court docket and, (2) the appointment of judges to the business court. The addition of business court judges usually requires no extra expense to the state or jurisdiction because such judges are reassigned to the business court from other courts and no new judges are hired. Therefore, no new funds are needed. The exceptions to this general rule are North Carolina, Delaware, and Maine.

Unlike the majority of states that have created business courts with no additional funding, North Carolina required additional funding from the legislature for its business court because it was an entirely new court (new judges, courtroom, etc.). Delaware also has a separate court (Court of Chancery) for business cases; therefore, it requires separate funding. Although Maine does not have a separate business court, the state chose to hire two new judges for the business court. As a result, the state legislature appropriated additional funds for the two new judges and their staffs.

Filing fees for the business courts are generally the same as for regular courts. North Carolina charges a \$200 removal fee for cases to the business court, but that revenue is deposited into the general fund and does not specifically fund the court. No jurisdictions currently use special or increased filing fees for business court cases as a means to fund the business court itself.

#### **V. Jurisdictions of the Court and Minimum Amounts in Controversy**

Business courts usually have concurrent jurisdiction over selected types of business cases—meaning parties can choose to file or remove the case to the business court or they can elect to try the case in a regular civil court (in most jurisdictions civil court judges can also file for transfer of a case that has been assigned to them from civil court to the business court). In Fulton County, Georgia, Maine, Nevada, New York, North Carolina, Orlando, Florida, Philadelphia, and South Carolina, either party can file a motion to have the case transferred to the business court/docket. In North Carolina, Orlando, and Philadelphia, the plaintiff can file an initial designation to have the case placed in the business court/docket at the beginning of proceedings. The Chief Administrative Judge of the district or circuit in which the business court/docket is located usually decides if the case belongs in the business court/docket. However, there are a few exceptions.

In North Carolina and South Carolina, the Chief Justice of the Supreme Court decides which cases are appropriate for the business court. In Fulton County, the Chief Judge of the Superior Court, a member of the Business Court Committee, and a Senior Judge on the Superior Court decide together what cases will be assigned to the business court. Moreover, in Maine, the business court judge who receives the application for transfer makes the sole and final decision of whether the case is appropriate for the business court.

Jurisdiction in each of these courts or dockets is either mandatory, optional, or a combination of both. Orlando, Florida has mandatory jurisdiction requiring certain types of cases to be assigned to the business court by administrative order. Maine has optional jurisdiction allowing any superior court judge, district court judge, party, or attorney to recommend a case for transfer to the business court leaving the ultimate decision to the business court judge. The business court in Philadelphia, Pennsylvania has mandatory jurisdiction over a case if both parties are located in the jurisdiction and the case involves a commercial dispute; otherwise, jurisdiction is optional and at the discretion of the judge.

The minimum amount in controversy requirement, which is generally established by a court rule, varies greatly from one jurisdiction to another. Some jurisdictions including Delaware, Maine, Nevada, and North Carolina do not require a minimum amount in controversy. The highest amount in controversy required by a business court is in Fulton County (Atlanta), Georgia which requires a minimum of \$1,000,000 in controversy before a case will be assigned to its business docket.<sup>16</sup> In New York, the Rules of the Commercial Division of the Supreme Court set the minimum amounts in controversy for each county from \$25,000 to \$125,000, depending on the county in which the case is brought.<sup>17</sup> Cook County (Chicago), Illinois requires a \$30,000 minimum amount in controversy. Some courts have over time adjusted the amount in controversy requirement from the original set amount as a gate-keeping measure to better manage the number of cases assigned to the business court docket and to prevent the overcrowding of the business court dockets.

## **VI. Types of Cases Included and Excluded From Business Courts and Dockets**

The types of cases that can be heard in the various business courts vary. Generally, business courts will hear cases regarding business torts, breach of contract or fiduciary duty, securities, fraud, unfair competition, antitrust, and U.C.C. actions. Some interesting variances are Maine which hears family matters that do not involve children and North Carolina which hears cases involving the internet, electronic commerce, and biotechnology. Cook County, Delaware and Maine also specifically include cases involving disputes concerning real estate. Yet, some courts/dockets specifically exclude certain types of cases. Cook County excludes medical malpractice cases; however, the Orlando business court does not exclude medical malpractice claims. Rather, the Orlando court specifically includes medical malpractice claims. New York excludes cases involving individual cooperative or condominium housing units and actions for rent only. North Carolina does not allow claims based solely on unfair competition. Moreover, Orlando, Florida and Philadelphia, Pennsylvania both specifically exclude cases involving solely personal injury and product liability claims.

---

<sup>16</sup> *Superior Court of Fulton County Business Court: Project Overview*, at [http://sca.fultoncourt.org/superiorcourt/business\\_po.php](http://sca.fultoncourt.org/superiorcourt/business_po.php) (last visited May 29, 2008); See Rule 1004-Amended, available at [http://sca.fultoncourt.org/superiorcourt/pdf/business\\_court.pdf](http://sca.fultoncourt.org/superiorcourt/pdf/business_court.pdf) (last visited May 29, 2008).

<sup>17</sup> See Section 202.70 Rules of the Commercial Division of the Supreme Court, available at <http://www.nycourts.gov/rules/trialcourts/202.shtml#70> (law visited May 29, 2008) (listing the minimum amounts in controversy for each county in New York that has a Commercial Division court); Dibble & Gallus, *supra* note 6, at 35.

Business entity laws, such as the Model Business Code, Uniform Partnership Act, Uniform Limited Partnership Act, Limited Liability Act and shareholder disputes are included in the business court “types of cases” if those respective states have adopted those uniform acts or something similar. The courts in Fulton County, Maine, New York, North Carolina, Orlando, Philadelphia, and South Carolina all specifically include these types of cases. Maine, North Carolina, Orlando, and Philadelphia business courts also specifically include intellectual property disputes. Additionally, New York, Orlando, and Philadelphia business courts specifically include business and commercial insurance disputes.

Individual consumer actions are generally not specifically included in the jurisdictions of the courts but that does not mean that those actions are excluded. Maine includes actions by consumers whereas Orlando and Philadelphia Business Courts specifically include class actions by consumers as long as the class action does not involve personal injury or products liability claims. The consumer actions will usually depend on the discretionary reasoning of the judges in those states which allow the judges to make that decision regarding whether a borderline case does or does not fall within the court’s jurisdiction.<sup>18</sup>

Debt collection cases such as Uniform Commercial Code actions are included in the jurisdictions of business courts and dockets in Cook County, Maine, Nevada, New York, Orlando, and South Carolina. North Carolina does not specifically include debt collection or U.C.C. actions under its jurisdictions, but it does not exclude such actions either. Likewise, Philadelphia’s Commerce Program jurisdiction does not specifically include or exclude debt collection cases.

## **VII. Other Features of Business Courts**

### **A. Case Management and Fast Tracking in Business Courts and Dockets**

Many business courts have mechanisms in place to fast-track their cases. These mechanisms usually consist of a case management conference at the beginning of each case to decide the time-line of events such as discovery. An interesting anomaly is Maine which has procedural rules that limit the number of interrogatories, production of documents, requests for admissions, and notices of deposition that each party can serve upon other parties. New York has a court rule that stipulates expediency and attention to the court calendar in regards to the length of briefs, notice to the court when counsel must miss a trial, and scheduling of witnesses. Also, Philadelphia’s Commerce Program has three case-tracking assignments: expedited (13 months), standard (18 months), and complex (24 months).

### **B. Technology Used by Business Courts**

One of the features of most business courts is their use of cutting edge technology in and out of the courtroom.<sup>19</sup> Several states have advanced technological courtrooms that are used by

---

<sup>18</sup> See Jurisdictions of the Court and Minimum Amounts in Controversy, *supra* at 5.

<sup>19</sup> Some states have used their business courts as testing grounds for different technologies before the technologies are implemented in courtrooms throughout the state. See *History of the Commercial Division*,

the business courts. North Carolina, for example, probably has the most advanced courtroom for business cases. The court offers e-filing for all parties and the courtroom has touch-screen computers at the judge's bench and attorney rostrums which can display exhibits and other documents for everyone in the courtroom. Teleconferencing and videoconferencing are also available if needed for remote witnesses.

The Orlando Business Court has also utilized technology in the courtroom. The court has electronic filing and advanced courtrooms allowing for presentation of evidence through a laptop, document camera, VHS tape or DVD. It also allows for real-time annotation of electronically-presented evidence through the use of touch screens on plasma monitors and a complete surround sound system. Additionally, the courtroom has video-conferencing capabilities for remote witnesses.

### **VIII. Conclusion**

While the specifics of business courts vary from jurisdiction to jurisdiction, several themes are common amongst the various business courts. These common themes include: a specialized forum to handle business-related cases; the assignment of judges (usually from within an existing court system) to hear only business court cases; no special or additional filing fees to enter business court; and various mechanisms to fast-track cases. Another common theme not discussed in-length above is the use of written opinions by business courts. Written opinions lead to well established bodies of case law in respective jurisdictions and provide predictability in the law for practitioners and, more importantly, for businesses. Delaware and, more recently, North Carolina have utilized the importance of written opinions to bolster their respective judicial reputations for providing predictable judicial services in their business court systems.

While business courts or dockets have not yet become the norm throughout the United States, they are quickly becoming important judicial fixtures in many states or counties across the country.<sup>20</sup> At least eighteen states or counties have implemented some type of business court or docket program within their respective jurisdictions and the reaction to these courts and dockets has been overwhelmingly positive.

---

<http://www.nycourts.gov/courts/comdiv/history.shtml> (last visited May 29, 2008) (discussing how the New York commercial division was the first in the state to use case management software and electronic filing).

<sup>20</sup> For a look at how Delaware's Court of Chancery has influenced other countries in their endeavor to create a specialized court for business litigation, see Maarten J. Kroeze, *The Dutch Companies and Business Court as a Specialized Court* (Aug. 1, 2006), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=976277](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=976277).

## A Survey of the Structure of Business Courts by State

**Cook County (Chicago), Illinois-** <http://www.cookcountycourt.org/divisions/index.html>

<b>Structure ↓</b>	
Date & How Established	Established in 1992 as a pilot program
Rule(s) and/or Statute Governing Court	<ul style="list-style-type: none"> <li>• Rules of the Circuit Court of Cook County- <a href="http://www.cookcountycourt.org/rules/index.html">http://www.cookcountycourt.org/rules/index.html</a></li> <li>• Rule 2.1 (General Order establishing Law Division in which Commercial Calendar is located)- <a href="http://www.cookcountycourt.org/divisions/index.html">http://www.cookcountycourt.org/divisions/index.html</a></li> </ul>
Separate Court or docket	A docket called the “Commercial Calendar” in the Circuit Court of Cook County.
Jury Trial	Available
Mediation or ADR	Mediation is available. Under Major Case Court-annexed Civil Mediation, a judge can order parties in civil cases to submit to mediation. If no settlement is reached, the case returns to court.
Is discovery fast-tracked?	There is scheduling priority for disposition of commercial disputes. One judge hears the case from start to finish.
Technology	The court use a computerized case management system that records court decisions and events; handles fines, bail bonds and other transactions; and provides the court system with support services such as record storage, microfilming and automation. No information about technological advances inside the courtroom is available.
New or transferred cases	New, docket assignment.
Appeals Expedited?	There are no expedited appeals. The appealed case remains in the Law division or Chancery division for the appeal.
<b>Judges ↓</b>	
Method of Selection	The Circuit Judges of the Circuit Court of Cook County appoint associate judges pursuant to Article VI, Sections 8 and 10, <i>Constitution of Illinois</i> , 1970, and Rule 39, <i>Rules of the Supreme Court</i> , as amended. Business Court/Commercial Calendar judges come from this existing pool of judges and are appointed by the Chief Judge of the Circuit Court of Cook County.
Number of judges and full-time or part-time	There are eight judges, but information regarding whether each judge only hears commercial cases is not available.
Criteria	Must have been a lawyer for six years; must reside in Cook County; must be licensed to practice law in Illinois and be in good standing.
Length of terms	Chancery Law rules apply to these judges.
Removal Process	<ul style="list-style-type: none"> <li>• The <a href="#">judicial inquiry board</a> files complaints with the <a href="#">courts commission</a>. After notice and hearing, the commission may reprimand, censure, suspend, retire, or remove a judge.</li> <li>• Judges may be impeached by a majority vote of the House of</li> </ul>

	Representatives and removed by a two-thirds vote of the Senate.
<b>Jurisdiction ↓</b>	
Types of cases	Breach of contract, including sale of goods (UCC), purchase of services, warranties and service contracts, sale of business, franchise, employment, indemnification, sale of real estate, commercial leases, construction, professional services; business torts and other tort claims including professional negligence ( <u>except medical malpractice</u> ), fraud and misrepresentation, Consumer Fraud Act, tortious interference, breach of fiduciary duty/oppression, retaliatory discharge, miscellaneous statutory, securities, corporate and business law, not for profit; and collections, including notes, guaranties, and other collections. <i>See Mitchell L. Back &amp; Lee Applebaum, A History of the Creation and Jurisdiction of Business Courts in the Last Decade</i> , 60 BUS. LAW 147, 164, 239 (2004); <a href="http://198.173.15.31/Forms/pdf_files/CCL0520.pdf">http://198.173.15.31/Forms/pdf_files/CCL0520.pdf</a> .
Mechanism to decide if it fits within jurisdiction	In law or chancery divisions, the type of case governs (limited jurisdiction). In the law division, a civil action cover sheet with choices selected by the parties completing the cover sheet is used to initially sort out commercial cases from other cases. In chancery, business cases are mixed with other equitable matters.
How is this decided?	The assigned judge decides based on the type of case.
Is jurisdiction (1) mandatory/exclusive; (2) optional by one or both parties; or, (3) discretionary by judge	Mandatory, in that it is a docket assignment within the existing court. There is a presumption that assignment to the commercial calendar is correct at the time of filing. The judge may transfer a case without standing out of the Division. <i>See also</i> , “Mechanism to decide if it fits within jurisdiction” above.
Threshold amount in Controversy	Amount must exceed \$30,000.
<b>Venue ↓</b>	
Same place or travel	Judges do not travel to a different venue.
<b>Costs, Funding &amp; Fees</b>	The court is a separate docket within the existing court system, so there is no need for additional funds – it is funded through existing legislative appropriations to Circuit Court. Filing fees are the same as the general court. The local bar assists in facilitating the docket, but does not assist monetarily.

**Delaware-** <http://courts.delaware.gov/Courts/Court%20of%20Chancery/>

<b>Structure ↓</b>	
Date & How Established	Established in 1792 by Constitutional mandate.
Rule(s) and/or Statute Governing Court	<ul style="list-style-type: none"> <li>• Title 10, Ch. 3, is the general statute governing Delaware’s Court of Chancery.</li> <li>• 10 Del.C. § 341 (general jurisdiction statute): “The Court of Chancery shall have jurisdiction to hear and determine all matters</li> </ul>

	<p>and causes in equity.”</p> <ul style="list-style-type: none"> <li>• Court of Chancery Rules- <a href="http://courts.delaware.gov/Rules/?chanceryrules.pdf">http://courts.delaware.gov/Rules/?chanceryrules.pdf</a></li> </ul>
Separate Court or docket	Separate Court of Chancery (“COC”)
Jury Trial	No jury trials available
Mediation or ADR	A “mediation only” docket is available which allows mediation in front of a judge instead of litigation—complex commercial and corporate disputes as well as technology disputes qualify for mediation if there is an amount in controversy of \$1 million and both parties consent to mediation. There is also a voluntary mediation program.
Is discovery fast-tracked?	Yes. There is a fast-track process available to expedite proceedings.
Technology	The COC courtroom has computers for the Chancellor and Vice Chancellors, their law clerks, and the Register in Chancery representative; laptop hookups for the attorneys; projection screens; document readers; microphones; video cameras; and e-filing. In addition, proceedings in the Court are often broadcast via streaming live web-feed through the “Courtroom Connect” system.
New or transferred cases	New cases
Appeals Expedited?	The Delaware Supreme Court hears direct appeals from the COC and appeals may be expedited.
<b>Judges ↓</b>	
Method of Selection	Judges are nominated by the Governor and are confirmed by the Senate—there is no requirement that the nominated persons be judges prior to sitting on the COC.
Number of judges and full-time or part-time	Five full-time chancellors (one chancellor and four vice chancellors).
Criteria	Must be Delaware citizens and “learned in the law.”
Length of terms	Two-year rotations among three counties statewide
Removal Process	<ul style="list-style-type: none"> <li>• Judges may be impeached by a majority of the House of Representatives and convicted by two-thirds of the Senate.</li> <li>• Judges may be removed, retired, or disciplined by a two-thirds vote of the court on the judiciary.</li> </ul>
<b>Jurisdiction ↓</b>	
Types of cases	Broad jurisdiction over disputes involving the internal affairs of Delaware business entities; disputes arising in corporate matters, trusts, estates, and other fiduciary matters, disputes involving the purchase and sale of land, questions of title to real estate, and commercial and contractual matters in general; technology disputes arising out of agreements involving at least one Delaware business entity. <a href="http://courts.delaware.gov/Courts/Court%20of%20Chancery/?jurisdiction.htm">http://courts.delaware.gov/Courts/Court%20of%20Chancery/?jurisdiction.htm</a> .

Mechanism to decide if it fits within jurisdiction	What cases will be heard in the COC is defined by statute – Title 10 of the Delaware Code dictates the jurisdiction of the COC. Section 341 provides the COC with jurisdiction to hear and determine all matters and causes in equity. The General Assembly may confer upon the COC additional statutory jurisdiction.
How is this decided?	There is a presumption that the case belongs in COC at time of filing; however, the Chancellor/Vice Chancellor has discretionary authority to transfer the case to Superior Court. Whether or not equitable jurisdiction exists is determined by an examination of the allegations of the complaint and a determination of what relief the plaintiff seeks by bringing his or her cause of action.
Is jurisdiction (1) mandatory/exclusive; (2) optional by one or both parties; or, (3) discretionary by judge	A case must fall within the equitable jurisdiction of the Court to be heard in the Court, though the Court may decide to exercise discretionary jurisdiction over claims for which there is an adequate remedy at law and then decide the legal claims in the course of resolving the equitable claims. Otherwise, the COC may transfer those legal claims to the appropriate law court.
Threshold amount in Controversy	No dollar minimum.
<b>Venue</b> ↓	
Same place or travel	Judges do not travel to a different venue.
<b>Costs, Funding &amp; Fees</b>	The COC is appropriated funds from the legislature. In 2007, the COC was appropriated \$2,888,800, 3.46% of the general fund. Civil action filing fees begin at \$250; more info is found at <a href="http://courts.delaware.gov/how%20to/fees/">http://courts.delaware.gov/how%20to/fees/</a> .

***Fulton County (Atlanta), Georgia-*** [http://sca.fultoncourt.org/superiorcourt/business\\_po.php](http://sca.fultoncourt.org/superiorcourt/business_po.php)

<b>Structure</b> ↓	
Date & How Established	Established on June 3, 2005, through Atlanta Judicial Circuit Rule 1004 and approved by the Supreme Court of Georgia
Rule(s) and/or Statute(s) Governing Court	<ul style="list-style-type: none"> <li>• Rule 1004-Amended (Business Case Division)- <a href="http://sca.fultoncourt.org/superiorcourt/pdf/business_court.pdf">http://sca.fultoncourt.org/superiorcourt/pdf/business_court.pdf</a></li> </ul>
Separate Court or docket	Division within the Superior Court
Jury Trial	Available
Mediation or ADR	Both are available and may be ordered by the judge.
Is discovery fast-tracked?	The division judges, in consultation with all parties and pursuant to applicable law, have the ability to modify the schedule for the administration of business cases, including the schedule for conducting discovery, filing dispositive motions, conducting pre-trial procedures, and conducting jury and non-jury trials. The parties must submit a proposed case management order to the division judge for consideration.

Technology	E-filing available; Nomad evidence presentation system with a document camera, laptop and projector; teleconferencing capabilities; and, a wireless courtroom; The division encourages the parties to use electronic presentations and technologically generated demonstrative evidence.
New or transferred cases	Transferred cases
Appeals Expedited?	No expedited appeals process.
<b>Judges ↓</b>	
Method of Selection	Chief Judge/District Administrative Judge of the Superior Court selects or re-selects all division judges from senior judges already elected to the Superior Court.
Number of judges and full-time or part-time	The rules allow for three judges; however, currently there are only two part-time judges that only hear business cases.
Criteria	Experience, training, and other relevant factors are considered in the selection process; judges must also volunteer for the position. To qualify as a superior court judge, a candidate must be at least 30 years old, be a citizen of Georgia for at least three years, and have practiced law for at least seven years.
Length of terms	Two years on the Business Court—Superior Court judges are elected for four-year general terms.
Removal process	<ul style="list-style-type: none"> <li>• Chief Judge can reassign judges at any time in the best interests of the court and the division.</li> <li>• The <a href="#">judicial qualifications commission</a> may discipline, retire, or remove a judge. Removal and retirement decisions must be reviewed by the Supreme Court.</li> <li>• Judges may be impeached by the House of Representatives and convicted by a two-thirds vote of the Senate.</li> </ul>
<b>Jurisdiction ↓</b>	
Types of cases	Cases involving Georgia Securities Act of 1973; Uniform Commercial Code; Georgia Business Corporation Code; Uniform Partnership Act; Uniform Limited Partnership Act; Georgia Revised Uniform Limited Partnership Act; Georgia Limited Liability Company Act; a catch-all provision for large contractual and business tort cases as well as other complex commercial litigation. <a href="http://sca.fultoncourt.org/superiorcourt/pdf/business_court.pdf">http://sca.fultoncourt.org/superiorcourt/pdf/business_court.pdf</a> .
Mechanism to decide if it fits within jurisdiction	Cases may be transferred to the Business Court upon the request of the assigned judge, upon the motion of one party, or upon a joint request of both parties.
How is this decided?	The Chief Judge, a member of the Business Court Committee, and a senior judge to whom the case may be assigned decide on all potential transfer cases whether or not the case qualifies for the Business Court to ensure that each case satisfies the requirements of Atlanta Judicial Circuit Rule 1004. If the case is denied, it remains with the original assigned Superior Court judge. If the case is accepted as a Business Court case,

	Court case, the original assigned Superior Court judge will sign an order transferring the case.
Is jurisdiction (1) mandatory/exclusive; (2) optional by one or both parties; or, (3) discretionary by judge	Jurisdiction is discretionary depending on the decision of the Chief Judge, the member of the Business Court Committee, and the senior judge who determines whether or not that the case belongs in the Business Court. If they decide that it belongs in the Business Court, it shall be reassigned to the court. <i>See also</i> “Mechanism to decide if it fits within jurisdiction” above.
Threshold amount in Controversy	In excess of \$1 million
<b>Venue ↓</b>	
Same place or travel	Judges do not travel to a different venue.
<b>Costs, Funding &amp; Fees</b>	During the court’s first two years, it received \$100,000 grants to fund a staff attorney/director and for basic training and equipment costs. The senior judges are paid through the Council of Superior Court Judges (a statewide agency) that is funded through the legislature. There is no special earmark or budget item for Business Court under the general budget of senior judge time. The building space, secretary, and now staff attorney/director are funded through Fulton County (Fulton County Superior Court). Funding is currently in jeopardy due to underfunding of the Council of Superior Court Judges and thus the court is re-examining its funding sources for the future.

**Maine-** [http://www.courts.state.me.us/maine\\_courts/specialized/business/index.shtml](http://www.courts.state.me.us/maine_courts/specialized/business/index.shtml);  
[http://www.courts.state.me.us/court\\_info/opinions/adminorders/JB-07-1%20BCD.htm](http://www.courts.state.me.us/court_info/opinions/adminorders/JB-07-1%20BCD.htm)

<b>Structure ↓</b>	
Date & How Established	A pilot program was established June 1, 2007, by Supreme Judicial Court Administrative Order. The Order also created the Maine Rules of Business and Consumer Docket Procedure (M.R. BCD P.) or BCD Procedural Rules.
Rule(s) and/or Statute(s) Governing Court	<ul style="list-style-type: none"> <li>Administrative Order JB-07-1 (establishing court)-  <a href="http://www.courts.state.me.us/court_info/opinions/adminorders/JB-07-1%20BCD.htm">http://www.courts.state.me.us/court_info/opinions/adminorders/JB-07-1%20BCD.htm</a></li> </ul>
Separate Court or docket	Statewide business/consumer docket in both the District and Superior Courts
Jury Trial	Available
Mediation or ADR	ADR, which may include mediation, arbitration or Judicially Assisted Settlement Conferences.
Is discovery fast-tracked?	Unless otherwise authorized by the provisions of the BCD scheduling order, each party may serve upon any other party no more than <ul style="list-style-type: none"> <li>(a) one set of interrogatories, consisting of no more than 30 interrogatories, including all subparts;</li> <li>(b) one request for production of documents, consisting of no more than 30 requests, including all subparts;</li> </ul>

	(c) one request for admissions, consisting of no more than 20 requests, including subparts; and (d) no more than five notices of deposition or subpoenas for deposition for persons other than experts.
Technology	No special technological advances; in the process of implemented electronic filing.
New or transferred cases	Transferred cases
Appeals Expedited?	Decisions are final, no appeals.
<b>Judges ↓</b>	
Method of Selection	In general, judges are nominated by the Governor to serve seven-year terms and are confirmed by the legislature. The Chief Justice of the Supreme Judicial Court appoints sitting judges of either the District Court or the Superior Court to sit on the Business Court.
Number of judges and full-time or part-time	Two full-time judges
Criteria	Must be a member of the state bar, be “learned in the law” and “of sobriety of manners.”
Length of terms	Seven years
Removal process	<ul style="list-style-type: none"> <li>• Judges may be impeached by the House of Representatives and convicted by a two-thirds vote of the Senate.</li> <li>• Judges may be removed upon the address by the governor of both houses of the legislature.</li> </ul>
<b>Jurisdiction ↓</b>	
Types of cases	Pending and new jury and nonjury civil actions and family matters that do not involve children, in which (a) the principal claim or claims involve matters of significance to the transactions, operations or governance of a business entity and/or the rights of a consumer arising out of transactions or other dealings with a business entity, and (b) the case requires specialized and differentiated judicial management. This includes breach of contract, breach of warranty, breach of fiduciary duty, class action, Rule 80B appeals involving a business entity, Rule 80C appeals involving a business entity, internal governance of a business entity, securities transactions, shareholder derivative actions, trade secrets, intellectual property, financial transactions, U.C.C. transactions, unfair trade practices, antitrust or other trade regulations, and commercial real estate. <i>See</i> <a href="http://www.courts.state.me.us/rules_forms_fees/pdf_forms/BCD_001_application.pdf">http://www.courts.state.me.us/rules_forms_fees/pdf_forms/BCD_001_application.pdf</a> & <a href="http://www.courts.state.me.us/maine_courts/specialized/business/faq.shtml">http://www.courts.state.me.us/maine_courts/specialized/business/faq.shtml</a> .
Mechanism to decide if it fits within jurisdiction	Any Superior Court justice or District Court judge may recommend that a case be assigned to the Business and Consumer Court . In addition, any party or attorney may apply for transfer to the Business and Consumer Court. Applications (and judicial recommendations) for transfer are filed with the court where the case is currently pending or to be filed. As with

	any other motion, the application must be served on all other parties. Until a transfer order has been signed and the case is assigned a BCD docket number, all filings must be made with the clerk of the court where the case is pending or to be filed. The Business and Consumer Court does not accept cases for filing in the first instance.
How is this decided?	The decision to accept or reject a case for transfer to the BCD shall be within the sole discretion of the BCD judge reviewing the transfer application or recommendation. The decision shall be made summarily, without hearing, and shall not be subject to review or appeal.
Is jurisdiction (1) mandatory/exclusive; (2) optional by one or both parties; or, (3) discretionary by judge	Jurisdiction of the court is within the sole discretion of the BCD judge who receives the transfer request by one of the parties. The judge's decision to accept or decline jurisdiction of the case is final: there are no appeals. He bases his decision on the types of cases recognized as business cases in Administrative Order JB-07-1. <i>See also</i> , "Mechanism to decide if it fits within jurisdiction" above.
Threshold amount in Controversy	No dollar minimum.
<b>Venue</b> ↓	
Same place or travel	Judges travel to different venues. It is the policy of the Business and Consumer Court to hold the trial of each case in the court in which it is filed unless the court approves another location based upon the agreement of the parties, or the court determines that unusual circumstances, including scheduling requirements, warrant conducting the trial at another location.
<b>Costs, Funding &amp; Fees</b>	There is a \$150 filing fee for a general civil or real estate action or filing third-party complaint. Other actions have different filing fees. The Maine legislature passed appropriated additional funds for the hiring of two new full-time judges to sit on the business docket.

### *Nevada's Second & Eighth Judicial District's Business Courts*

<b>Structure</b> ↓	
Date & How Established	2 <sup>nd</sup> District (Reno): November 2000 8 <sup>th</sup> District (Las Vegas): January 2001 The State legislature mandated the creation of a business docket in 1999, and the Nevada Supreme Court subsequently approved amendments to local court rules establishing the new business dockets.
Rule(s) and/or Statute(s) Governing Court	<ul style="list-style-type: none"> <li>Supreme Court Order amending Rule 2.1 of 2<sup>nd</sup> District Court and Rule 1.33 of 8<sup>th</sup> District Court regarding business court cases- <a href="http://www.nvsupremecourt.us/documents/orders/ADKT398_Business_Court.order.pdf">http://www.nvsupremecourt.us/documents/orders/ADKT398_Business_Court.order.pdf</a></li> </ul>
Separate Court or docket	Docket within the District Court(s).
Jury Trial	Available
Mediation or ADR	Both available depending on the circumstances

Is discovery fast-tracked?	Through case management, the court specifies scheduling orders, time limits on discovery, and pretrial and trial matters. Business Court judges handle the discovery process in each case. In normal civil litigation, a discovery commissioner handles the discovery process.
Technology	Electronic filing
New or transferred cases	Both
Appeals Expedited?	No expedited appeals process.
<b>Judges ↓</b>	
Method of Selection	The District Court Chief Judge (with approval from the State Supreme Court) in which the business docket is located, appoints already-elected District Court judge(s) to hear the cases chosen for the business docket.
Number of judges and full-time or part-time	There are three part-time Business Court judges. All three hear Business Court cases as well as other civil or criminal cases.
Criteria	Must have experience as a judge or practitioner in the subject matters listed below in the “types of cases” category.
Length of terms	Two years with possibility of renewal
Removal process	<ul style="list-style-type: none"> <li>• The <a href="#">commission on judicial discipline</a> may discipline, censure, retire, or remove a judge. Commission decisions may be appealed to the Supreme Court.</li> <li>• Judges may be impeached by a majority vote of the assembly and convicted by a two-thirds vote of the Senate.</li> <li>• Judges may be removed by legislative resolution, passed by two thirds of the members of both houses.</li> <li>• Judges are subject to recall election.</li> <li>• There is no special removal procedure for the Business Court judges.</li> </ul>
<b>Jurisdiction ↓</b>	
Types of cases	Antitrust, complex class action, building and construction, construction defect, commercial instrument, contracts, defamation, employment contract, fraud, guarantee, liens, landlord/tenant, sale contract, specific performance, stockholder suits (the largest number of cases by type), U.C.C., unfair competition, trademark actions, shareholder disputes, and business-to-business litigation. <a href="http://www.nvsupremecourt.us/documents/orders/ADKT398_Business_Court.order.pdf">http://www.nvsupremecourt.us/documents/orders/ADKT398_Business_Court.order.pdf</a> .
Mechanism to decide if it fits within jurisdiction	A plaintiff’s request for a hearing is automatically assigned to a Business Court judge, and a defendant’s suggestion that the case should be in the Business Court results in the random assignment to a Business Court judge to make that determination.
How is this decided?	The assigned Business Court judge makes the final determination.
Is jurisdiction (1) mandatory/exclusive; (2) optional by	Jurisdiction of the court is within the sole discretion of the Business Court judge who receives the transfer request by one of the parties. The judge’s decision to accept or decline jurisdiction of the case is final: there are no

one or both parties; or, (3) discretionary by judge	appeals. <i>See also</i> , “Mechanism to decide if it fits within jurisdiction” above.
Threshold amount in Controversy	\$10,000 minimum.
<b>Venue</b> ↓	
Same place or travel	Judges do not travel to a different venue.
<b>Costs, Funding &amp; Fees</b>	The funding for District Courts is split between the state and counties. District Court judges’ salaries are paid by the state while the county pays for support staff and court facilities. There is no additional funding provided for the business courts.

**New York** - <http://www.nycourts.gov/courts/comdiv/>

<b>Structure</b> ↓	
Date & How Established	Started as a pilot program in New York County in 1993 by the Supreme Court Civil Branch. Later, the Commercial Division of the Supreme Court was created.
Rule(s) and/or Statute(s) Governing Court	<ul style="list-style-type: none"> <li>Section 202.70 Rules of the Commercial Division of the Supreme Court- <a href="http://www.nycourts.gov/rules/trialcourts/202.shtml#70">http://www.nycourts.gov/rules/trialcourts/202.shtml#70</a></li> </ul>
Separate Court or docket	Docket as part of the Supreme Court of New York (the Supreme Court in New York is roughly equivalent to Mississippi’s Circuit Court).
Jury Trial	Available
Mediation or ADR	The Commercial Division has its own ADR program.
Is discovery fast-tracked?	There is an option for limited-issue discovery. The court decides this in a preliminary conference and issues it in a preliminary conference order. The court rules stipulate expediency and attention to the court calendar in regards to many issues such as the length of briefs, notice to the court when counsel needs to miss a trial, and scheduling of witnesses.
Technology	Has electronic filing. Filing by electronic means in New York County decreases the amount in controversy and expands the types of cases the Division can hear.
New or transferred cases	Both
Appeals Expedited?	Expedition of appeals from the Commercial Division is handled like expedition of appeals from other trial courts –by permission of the appellate court.
<b>Judges</b> ↓	
Method of Selection	Election to Supreme Court Justice position. Their SC is roughly the equivalent to our Circuit Court.
Number of judges and full-time or part-	There are 23 Commercial Division judges in ten counties.

time	
Criteria	Must have been an attorney for ten years.
Length of terms	Fourteen-year terms; there is no fixed term for service in the Commercial Division.
Removal Process	<ul style="list-style-type: none"> <li>• Judges in the commercial division serve at the pleasure of the Administrative judges.</li> <li>• Judges may be admonished, censured, retired, or removed from office by the <a href="#">commission on judicial conduct</a>. The commission's disciplinary actions are subject to review by the Court of Appeals.</li> <li>• Judges of the Court of Appeals and justices of the Supreme Court may be removed by a two-thirds vote of both houses of the legislature. Other judges may be removed by a two-thirds vote of the Senate on the recommendation of the governor.</li> <li>• Judges may be impeached by a majority vote of the assembly and removed by a two-thirds vote of the court for the trial of impeachments. The court consists of the president of the Senate, the senators, and the judges of the Court of Appeals.</li> </ul>
<b>Jurisdiction ↓</b>	
Types of cases	<p>Breach of contract or fiduciary duty, fraud, misrepresentation, business tort (e.g., unfair competition), or statutory and/or common law violation where the breach or violation is alleged to arise out of business dealings (e.g., sales of assets or securities; corporate restructuring; partnership, shareholder, joint venture, and other business agreements; trade secrets; restrictive covenants; and employment agreements not including claims that principally involve alleged discriminatory practices); transactions governed by the Uniform Commercial Code (<u>exclusive of those concerning individual cooperative or condominium units</u>); transactions involving commercial real property, including Yellowstone injunctions and <u>excluding actions for the payment of rent only</u>; shareholder derivative actions – without consideration of the monetary threshold; commercial class actions – without consideration of the monetary threshold; business transactions involving or arising out of dealings with commercial banks and other financial institutions; internal affairs of business organizations; malpractice by accountants or actuaries, and legal malpractice arising out of representation in commercial matters; environmental insurance coverage; commercial insurance coverage (e.g., directors and officers, errors and omissions, and business interruption coverage); dissolution of corporations, partnerships limited liability companies, limited liability partnerships and joint ventures – without consideration of the monetary threshold; applications to stay or compel arbitration and affirm or disaffirm arbitration awards and related injunctive relief pursuant to CPLR Article 75 involving any of the foregoing enumerated commercial issues – without consideration of the monetary threshold.</p> <p><a href="http://www.nycourts.gov/rules/trialcourts/202.shtml#70">http://www.nycourts.gov/rules/trialcourts/202.shtml#70</a>.</p>
Mechanism to decide	A party seeking assignment of a case to the Commercial Division shall

if it fits within jurisdiction	indicate on the Request for Judicial Intervention (RJI) that the case is "commercial." A party seeking a designation of a special proceeding as a commercial case shall check the "other commercial" box on the RJI, not the "special proceedings" box. The party shall submit with the RJI a brief signed statement justifying the Commercial Division designation, together with a copy of the proceedings. <i>See</i> , Section 202.70 Rules of the Commercial Division of the Supreme Court, at <a href="http://www.nycourts.gov/rules/trialcourts/202.shtml#70">http://www.nycourts.gov/rules/trialcourts/202.shtml#70</a> .
How is this decided?	A party submits a brief signed statement justifying the Commercial Division designation with a copy of the proceedings. The Administrative Judge makes the final determination of whether the case belongs in the commercial division.
Is jurisdiction (1) mandatory/exclusive; (2) optional by one or both parties; or, (3) discretionary by judge	Either party may make a request for judicial intervention (RJI) to have the case heard in a commercial division court. The party shall submit with the RJI a brief signed statement justifying the Commercial Division designation, together with a copy of the proceedings. The assigned judge has the <b>discretion</b> to transfer a case from the Commercial Division if he/she determines that it does not belong in the court. Any party aggrieved by a transfer of a case to a non-commercial part may seek review by letter application (with a copy to all parties) to the Administrative Judge within ten days of receipt of the designation of the case to a non-commercial part. The determination of the Administrative Judge shall be final and subject to no further administrative review or appeal. <i>See also</i> , "Mechanism to decide if it fits within jurisdiction" above.
Threshold amount in Controversy	\$25,000 - \$100,000 depending on county.
<b>Venue</b> ↓	
Same place or travel	Judges do not travel to a different venue.
<b>Costs, Funding &amp; Fees</b>	There is no additional funding for the Commercial Division courts. Funds are reallocated as needed.

**North Carolina** – [www.ncbusinesscourt.net](http://www.ncbusinesscourt.net)

<b>Structure</b> ↓	
Date & How Established	Established by the N.C. Supreme Court as a pilot program in 1995 with one judge traveling to hear cases in venues across the state.
Rule(s) and/or Statute(s) Governing Court	<ul style="list-style-type: none"> <li>• <a href="http://www.ncbusinesscourt.net/New/localrules/">Amended Local Rules of the North Carolina Business Court (2006)</a>- <a href="http://www.ncbusinesscourt.net/New/localrules/">http://www.ncbusinesscourt.net/New/localrules/</a></li> </ul>
Separate Court or docket	Separate court
Jury Trial	Available
Mediation or ADR	Mediation
Is discovery fast – tracked?	There is a case management conference at the outset which sets the discovery schedule on a case-by-case basis.

Technology	Video conferencing, touch-screen computers at judge's bench and attorney rostrums that can display exhibits and other documents for everyone in the courtroom, e-file capability, and technology training sessions free to the public.
New or transferred cases	Both
Appeals Expedited?	No. The appellate courts have resisted efforts to fast-track appeals. A suggestion that there be appeals court judges with special training on business issues was rejected.
<b>Judges ↓</b>	
Method of Selection	Each of the judges currently serving are Special Superior Court Judges appointed by the Governor. The Chief Justice may designate any sitting Superior Court judge as a Business Court judge. It takes approval of both the Governor and the Chief Justice to fill the position.
Number of judges and full-time or part-time	Three full-time judges.
Criteria	Must be a Special Superior Court judge. NC Gen. Stat. § 7A-45.3. Must be authorized to practice law in N. Carolina. 4 N.C. Const. 22 (1971).
Length of terms	Five years
Removal Process	<ul style="list-style-type: none"> <li>• Judges may be impeached by the House of Representatives and convicted by a two-thirds vote of the Senate.</li> <li>• Judges may be removed for mental or physical incapacity by joint resolution of two thirds of the members of each house of the general assembly.</li> <li>• On the recommendation of the <a href="#">judicial standards commission</a>, the Supreme Court may censure or remove a judge.</li> </ul>
<b>Jurisdiction ↓</b>	
Types of cases	<p>Mandatory Complex Business Cases:</p> <p>1) The law governing corporations, <u>except charitable and religious organizations qualified under G.S. 55A-1-40(4) on the grounds of religious purpose [i.e. – those that qualify for IRS 501(c)(3) exemption]</u>, partnerships, limited liability companies, and limited liability partnerships, including issues concerning governance, involuntary dissolution of a corporation, mergers and acquisitions, breach of duty of directors, election or removal of directors, enforcement or interpretation of shareholder agreements, and derivative actions.</p> <p>(2) Securities law, including proxy disputes and tender offer disputes.</p> <p>(3) Antitrust law, <u>except claims based solely on unfair competition under G.S. 75-1.1.</u></p> <p>(4) State trademark or unfair competition law, <u>except claims based solely</u></p>

	<p><u>on unfair competition under G.S. 75-1.1.</u></p> <p>(5) Intellectual property law, including software licensing disputes.</p> <p>(6) The Internet, electronic commerce, and biotechnology.</p> <p>(7) Tax law, when the dispute has been the subject of a contested tax case for which judicial review is requested under G.S. 105-241.16 or the dispute is a civil action under G.S. 105-241.17.</p> <p>Pursuant to General Rule of Practice 2.1, the Chief Justice can designate a case as either an Exceptional Case or a Discretionary Complex Business Case, usually on the recommendation of a senior resident superior court judge, a chief district court judge, or a presiding superior court judge. These judges may make their recommendation at the request of a party. There are no criteria for these cases to meet, but the Chief Justice considers a variety of factors including: the interests of the parties, the amount and nature of pre-trial discovery and motions, whether the parties voluntarily agree to waive venue for hearing pretrial motions, the complexity of the evidentiary matters and legal issues involved in the case, and whether designation as a discretionary complex business case or an exceptional case will promote the efficient administration of justice. Exceptional cases may be heard by any special superior court judge but on a business court judge can hear a discretionary complex business case.  <i>See N.C. Gen. Stat. § 7A-45.4(a).</i></p>
Mechanism to decide if it fits within jurisdiction	A designation is filed by the party seeking to try the case in Business Court. The designation is served on the opposing counsel, the Senior Business Court Judge, and the Chief Justice of the NC Supreme Court. A party may challenge the other party's designation to the court.
How is this decided?	The Chief Justice makes the final decision as to which cases are designated to the Business Court.
Is jurisdiction (1) mandatory/exclusive; (2) optional by one or both parties; or, (3) discretionary by judge	Any party filing the Notice of Designation may explain why and how the action falls within one of the specific categories set forth in N.C. Gen. Stat. § 7A-45.4(a) and that party may supply any additional information that may be helpful in determining whether the court should retain the action. If the court determines that the action falls within the jurisdiction of the Business Court, the Business Court has <b>mandatory</b> jurisdiction. <i>See also</i> , "Mechanism to decide if it fits within jurisdiction" above.
Threshold amount in Controversy	No dollar minimum.
<b>Venue ↓</b>	
Same place or travel	Judges do not travel to a different venue. However, they are allowed to travel and hear cases in other courts at the request of the parties.
<b>Costs, Funding &amp;</b>	All current funding is from the state. There is a removal fee of \$200 to

<b>Fees</b>	remove a case to the Business Court, but those monies go into the General Fund and are not earmarked in any way for the Business Court. When the court first began, money was raised from private foundations for technology and to develop an e-filing system. There are no ongoing grants or outside support.
-------------	---

**Orlando, Florida-** <http://www.ninja9.org/Courts/Business/Index-BC.htm>

<b>Structure ↓</b>	
Date & How Established	On January 4, 2004, the Chief Judge of the Ninth Judicial Circuit signed an Order establishing the Business Court subdivision.
Rule(s) and/or Statute(s) Governing Court	Rules Governing Business Court Procedures- <a href="http://ninja9.org/courts/business/index-BC.htm">http://ninja9.org/courts/business/index-BC.htm</a>
Separate Court or docket	A subdivision of the Civil Division of the Circuit Court of the Ninth Judicial District of Florida
Jury Trial	Available
Mediation or ADR	Both are available
Is discovery fast-tracked?	There is a Case Management Order entered by the court at the start of the case that governs all discovery including e-discovery.
Technology	The court has electronic filing and advanced courtrooms allowing for presentation of evidence through a laptop, document camera, VHS tape or DVD; also allows for real-time annotation of electronically presented evidence through the use of touch screens on plasma monitors and complete surround sound system. Additionally, the courtroom has video-conferencing capabilities for remote witnesses.
New or transferred cases	Both
Appeals Expedited?	No.
<b>Judges ↓</b>	
Method of Selection	The judges are elected to the Circuit Court and then the Chief Judge of the Circuit Court chooses which judges to appoint to the Business Court.
Number of judges and full-time or part-time	Two full-time judges.
Criteria	No specific criteria.
Length of terms	Circuit judges in Florida run for election every six years. The Circuit also has a rotation policy for all judges so that they switch divisions between civil, criminal, juvenile, family etc every three to five years (the “Business Court” judges are within the Civil Division and have an extended rotation of five years).
Removal process	<ul style="list-style-type: none"> <li>On the recommendation of the <a href="#">judicial qualifications commission</a>, the Supreme Court may discipline, retire, or remove a judge.</li> </ul>

	<ul style="list-style-type: none"> <li>Judges may be impeached by a two-thirds vote of the House of Representatives and convicted by a two-thirds vote of the Senate.</li> </ul>
<b>Jurisdiction ↓</b>	
Types of cases	<p>A. Actions relating to the internal affairs or governance, dissolution or liquidation rights or obligations between or among owners (shareholders, partners, members), or liability or indemnity of managers (officers, directors, managers, trustees, or members or partners functioning as managers) of corporations, partnerships, limited partnerships, limited liability companies or partnerships, professional associations, business trusts, joint ventures or other business enterprises;</p> <p>B. Disputes between or among two or more business enterprises relating to transactions, business relationships or contracts between or among the business enterprises, including the following examples:</p> <ol style="list-style-type: none"> <li>1. Uniform Commercial Code transactions;</li> <li>2. Purchases or sales of businesses or the assets of businesses;</li> <li>3. Sales of goods or services by or to business enterprises;</li> <li>4. Non-consumer bank or brokerage accounts, including loan, deposit, cash management and investment accounts;</li> <li>5. Surety bonds;</li> <li>6. Purchases or sales or leases of, or security interests in, commercial, real or personal property; and</li> <li>7. Franchisor/franchisee relationships;</li> </ol> <p>C. Actions relating to trade secret or non-compete agreements;</p> <p>D. "Business torts," such as claims of unfair competition, or interference with contractual relations or prospective contractual relations;</p> <p>E. Actions relating to intellectual property disputes;</p> <p>F. Actions relating to securities, or relating to or arising under the state securities laws or antitrust;</p> <p>G. Shareholder derivative actions and class actions based on claims otherwise falling within these types, and consumer class actions <u>other than personal injury and products liability claims</u>;</p> <p>H. Actions relating to corporate trust affairs;</p> <p>I. Malpractice claims involving business enterprises and attorneys, accountants, actuaries, architects, or other professionals in connection with the rendering of professional services to the business enterprise;</p> <p>J. Declaratory judgment actions brought by insurers, and coverage disputes and bad faith claims brought by insureds, where the dispute arises from a business or commercial insurance policy, such as a commercial general liability policy;</p> <p>K. Third-party indemnification claims against insurance companies where the subject insurance policy is a business or commercial policy and where the underlying dispute would otherwise be assigned to the Business Court, <u>not including claims where the underlying dispute is principally a personal injury claim</u>; and</p> <p>L. Such other cases where the primary issue(s) are commercial in nature.  <a href="http://ninja9.org/courts/business/index-BC.htm">http://ninja9.org/courts/business/index-BC.htm</a>.</p>
Mechanism to decide if it fits within	<p>Either party can designate the suit as a Complex Business Litigation suit.  The party or the party's attorney shall sign the "Civil Cover Sheet"</p>

jurisdiction	which is to be filed with the initial pleading and also indicate on the Addendum the applicable type or types of action that qualify the case for assignment to the Complex Business Litigation Court. A copy of the Civil Cover Sheet and Addendum shall be served on all parties. Judges may also submit a request to the Administrative Judge of the Circuit Civil Division to assign/transfer a pending case that meets the required criteria to the Complex Business Litigation Court.
How is this decided?	The Administrative Judge of the Circuit Civil Division decides if the case is appropriate for the Complex Business Litigation Court.
Is jurisdiction (1) mandatory/exclusive; (2) optional by one or both parties; or, (3) discretionary by judge	Cases that come under one of the descriptions listed above in the “Types of Cases” sections shall be assigned to the Business Court pursuant to Administrative Order No.: 2003-17-1. The Administrative judge assigned to the case makes the determination. <i>See also</i> , “Mechanism to decide if it fits within jurisdiction” above.
Threshold amount in Controversy	In excess of \$75,000; however, there are other claims that have no threshold amount.
<b>Venue</b> ↓	
Same place or travel	Judges do not travel to a different venue.
<b>Costs, Funding &amp; Fees</b>	No extra costs to the state; the court is funded from existing court resources because it is just a reallocation of existing resources to handle the new division’s docket. No special filing fees.

**Philadelphia, Pennsylvania-** <http://courts.phila.gov/common-pleas/trial/civil/commerce-program.html>

<b>Structure</b> ↓	
Date & How Established	Established in 2000 by Order of Administrative Judge.
Rule(s) and/or Statute(s) Governing Court	<ul style="list-style-type: none"> <li>• Guidelines for cases assigned to the commerce program- <a href="http://fjd.phila.gov/common-pleas/trial/civil/commerce-program.html">http://fjd.phila.gov/common-pleas/trial/civil/commerce-program.html</a></li> <li>• Criteria for assignment of cases to the commerce program- <a href="http://fjd.phila.gov/pdf/cpcvcomprg/criteria.pdf">http://fjd.phila.gov/pdf/cpcvcomprg/criteria.pdf</a></li> <li>• Philadelphia Civil Court Rules- <a href="http://fjd.phila.gov/pdf/rules/civil-rules-amended-5-20-04.pdf">http://fjd.phila.gov/pdf/rules/civil-rules-amended-5-20-04.pdf</a></li> </ul>
Separate Court or docket	Docket – the “Commerce Case Management Program,” which falls within the existing Philadelphia Court of Common Pleas.
Jury Trial	Available
Mediation or ADR	Both mediation and ADR are available.
Is discovery fast-tracked?	There are three “case-tracking assignments” – expedited (13 months), standard (18 months), and complex (24 months). Each case is assigned to one of these assignments on an individual basis.
Technology	One courtroom provides a video evidence presentation system with distributed monitors, interactive plasma display, and touch-screen annotation at the podium and witness positions that allow witnesses to

	digitally point out evidence. There are document cameras at the podium and witness stands, as well as a video player at the podium which provides the ability to display video tapes and DVDs. Additionally, a teleconference system and videoconference system for remote witnesses and digital audio recording equipment and foreign language translation equipment are available. Not all cases are heard in the technologically advanced courtroom, however.
New or transferred cases	Both. Cases are either in or out of the program based on a specific list of criteria ( <i>see</i> “Types of cases” below). A case not originally filed as a Commerce Program case may only be moved from the general docket into the Commerce Program if (i) it falls within the criteria and (ii) a timely request is filed. Likewise, if a case is filed as a Commerce Case, a party can request that it be moved out of the Commerce Program if it does not meet the criteria, or Commerce Program administrators/clerks will identify such cases and indicate to parties that the case will be transferred out absent some further explanation to the Court as to why the case falls within the Commerce Program.
Appeals Expedited?	No
<b>Judges</b> ↓	
Method of Selection	Judges are initially commissioned to serve on the Court of Common Pleas and then appointed to the Commerce Case Management Program by the Chief Administrative Judge of the Philadelphia Court of Common Pleas with input from the Philadelphia Supreme Court.
Number of judges and full-time or part-time	Three judges are assigned by the Administrative Judge to the Commerce Program. The number of Commerce Program Judges may thereafter be adjusted by the Administrative Judge consistent with the caseload of the Program.
Criteria	Attorneys with business-oriented experience who are eager to work in this environment and can handle paper-intensive cases.
Length of terms	No specific term limits.
Removal process	<ul style="list-style-type: none"> <li>• Judges can be reassigned at anytime based on jurisdictional needs.</li> <li>• The <a href="#">judicial conduct board</a> investigates complaints regarding judicial conduct filed by individuals or initiated by the board. The board determines whether probable cause exists to file formal charges, and presents its case to the <a href="#">court of judicial discipline</a>. The court has the authority to impose sanctions, ranging from a reprimand to removal from office, if the formal charges are sustained.</li> <li>• Judges may be impeached by the House of Representatives and convicted by two-thirds of the Senate.</li> </ul>
<b>Jurisdiction</b> ↓	
Types of cases	Internal affairs or governance, dissolution or liquidation, rights or obligations between or among owners (shareholders, partners, members), or liability or indemnity of managers (officers, directors, managers, trustees, or members or partners functioning as managers) of business

	<p>corporations, partnerships, limited partnerships, limited liability companies or partnerships, professional associations, business trusts, joint ventures or other business enterprises, including but not limited to any actions involving interpretation of the rights or obligations under the organic law (e.g., Pa. Business Corporation Law), articles of incorporation, by-laws, or agreements governing such enterprises; disputes between or among two or more business enterprises relating to transactions, business relationships or contracts between or among the business enterprises; trade secret or non-compete agreements; business torts such as claims of unfair competition, or interference with contractual relations or prospective contractual relations; intellectual property disputes; actions relating to securities, or relating to or arising under the Pennsylvania Securities Act; derivative actions and class actions based on claims otherwise falling within these ten types, and consumer class actions <u>other than personal injury and products liability claims</u>; corporate trust affairs; declaratory judgment actions brought by insurers, and coverage disputes and bad faith claims brought by insureds, where the dispute arises from a business or commercial insurance policy, such as a Commercial General Liability policy, and; third-party indemnification claims against insurance companies where the subject insurance policy is a business or commercial policy and where the underlying dispute would otherwise be assigned to the Commerce Program, <u>not including claims where the underlying dispute is principally a personal injury claim.</u></p> <p><a href="http://fjd.phila.gov/pdf/cpcvcomprg/criteria.pdf">http://fjd.phila.gov/pdf/cpcvcomprg/criteria.pdf</a>.</p>
Mechanism to decide if it fits within jurisdiction	Either party can designate the suit as a Commerce Program suit. The party or the party’s attorney shall sign the “Civil Cover Sheet” which is to be filed with the initial pleading and also indicate on the Addendum the applicable type or types of action that qualify the case for assignment to the Commerce Program. A copy of the Civil Cover Sheet and Addendum shall be served on all parties.
How is this decided?	The Administrative Judge or the designee of the case decides which cases are assigned to the Commerce Program. If the Civil Case Manager conducting a case management conference or any party objects as to the Commerce Program assignment, the Case Manager will forward the dispute to the Administrative Judge hearing the case and he/she will make the final decision.
Is jurisdiction (1) mandatory/exclusive; (2) optional by one or both parties; or, (3) discretionary by judge	The court has mandatory jurisdiction if both parties are located in the jurisdiction and the case involved is a commercial dispute; otherwise, jurisdiction is optional and a judge will remove the case from the commercial program if it does not meet the necessary criteria. <i>See also</i> , “Mechanism to decide if it fits within jurisdiction” above.
Threshold amount in Controversy	In excess of \$50,000.
<b>Venue</b> ↓	

Same place or travel	The judges do not travel to different venues. The program is only located in Philadelphia.
<b>Costs, Funding &amp; Fees</b>	No extra cost or funding. The Commerce Program does have four case manager/law clerks assigned to it, rather than to an individual judge, and an administrator. This is part of the overall court budget and not paid for by a special assessment.

**South Carolina-** <http://www.judicial.state.sc.us/busCourt/>

<b>Structure ↓</b>	
Date & How Established	Established on September 7, 2007, as a two-year pilot program by order of the Chief Justice of the S.C. Supreme Court.
Rule(s) and/or Statute(s) Governing Court	<ul style="list-style-type: none"> <li>Administrative Order Establishing a Business Court 2007-09-07-01- <a href="http://www.sccourts.org/whatsnew/displaywhatsnew.cfm?indexID=408">http://www.sccourts.org/whatsnew/displaywhatsnew.cfm?indexID=408</a></li> </ul>
Separate Court or docket	Separate docket; it is a program within the existing state circuit court system in three different jurisdictions.
Jury Trial	Available
Mediation or ADR	Mediation and ADR are available.
Is discovery fast – tracked?	No
Technology	E-filing; telephonic and videoconferencing technology; electronic presentations and technology-oriented demonstrative evidence, such as video-recorded deposition testimony, is available.
New or transferred cases	Transferred cases
Appeals Expedited?	No expedited appeals—appeals are treated as regular civil appeals.
<b>Judges ↓</b>	
Method of Selection	Judges are appointed to serve as Business Court judges by the Chief Justice of the S.C. Supreme Court. The judges are first elected by the General Assembly to serve staggered six-year terms before their appointment to the Business Court.
Number of judges and full-time or part-time	Three judges are assigned to the program on a part-time basis. The judges hear other types of cases besides business litigation.
Criteria	No special criteria – all judges were considered for the court.
Length of terms	No special term length for business court judges. All judges in South Carolina are elected to six-year terms.
Removal Process	<ul style="list-style-type: none"> <li>The <a href="#">commission on judicial conduct</a> is authorized to investigate complaints of judicial misconduct and incapacity. Disciplinary counsel appointed by the Supreme Court evaluates each complaint and either dismisses the complaint or conducts a preliminary investigation. If evidence supports the complaint, a full investigation is authorized. If the investigation supports the filing of formal charges, a hearing is conducted, after which a</li> </ul>

	<p>recommendation is made to the Supreme Court for sanctions, dismissal, or transfer to inactive status, retirement, or removal.</p> <ul style="list-style-type: none"> <li>• Judges may be impeached by a two-thirds vote of the House of Representatives and convicted by a two-thirds vote of the Senate.</li> <li>• Judges may be removed by the governor upon the address of two-thirds of each house of the general assembly.</li> <li>• There is no special removal process for business court judges.</li> </ul>
<b>Jurisdiction ↓</b>	
Types of cases	<p>The court's jurisdiction is limited to types of cases falling under:</p> <ol style="list-style-type: none"> <li>Title 33—South Carolina Business Corporation Act of 1988;</li> <li>Title 35—South Carolina Uniform Securities Act of 2005;</li> <li>Title 36, Chapter 8—South Carolina Uniform Commercial Code: Investment Securities;</li> <li>Title 39, Chapter 3—Trade and Commerce: Trusts, Monopolies, and Restraints of Trade;</li> <li>Title 39, Chapter 8—Trade and Commerce: The South Carolina Trade Secrets Act;</li> <li>Title 39, Chapter 15—Trade and Commerce: Labels and Trademarks;</li> </ol> <p>or,</p> <ol style="list-style-type: none"> <li>for such other cases as the Chief Justice may determine.</li> </ol> <p><a href="http://www.sccourts.org/whatsnew/displaywhatsnew.cfm?indexID=408">http://www.sccourts.org/whatsnew/displaywhatsnew.cfm?indexID=408</a>.</p>
Mechanism to decide if it fits within jurisdiction	<p>A party must request assignment of a case to the business court no later than 180 days after the action commences. The moving party submits the form motion to the Circuit Court judge, and the judge then issues a recommendation on the form to the Chief Justice. If the Chief Justice approves the request, the exclusive jurisdiction of the case is assigned to the Business Court. After that, the S.C. Rules of Civil Procedure govern. Additionally, assignment of cases to the Business Court may be made by the Chief Justice <i>sua sponte</i>.</p>
How is this decided?	<p>The Chief Justice determines whether business court jurisdiction is appropriate.</p>
Is jurisdiction (1) mandatory/exclusive; (2) optional by one or both parties; or, (3) discretionary by judge	<p>Either party may request that a case be heard in the Business Court. Once a party makes the request, it is sent to the Chief Justice who determines if it shall be heard in the Business Court. If the Chief Justice assigns the case to the Business Court, the Business Court shall have <b>exclusive jurisdiction</b> over the case. <i>See also</i>, “Mechanism to decide if it fits within jurisdiction” above.</p>
Threshold amount in Controversy	<p>No dollar minimum.</p>
<b>Venue ↓</b>	
Same place or travel	<p>Judges do not travel to different venues. Business Courts are located in three separate jurisdictions including Charleston, County; Greenville, County; and, Richland County.</p>
<b>Costs, Funding and Fees</b>	<p>No additional funding is provided.</p>

***Other States and counties that have or are in the process of implementing business court/dockets or complex commercial litigation courts/dockets:***

1. Arizona- <http://www.supreme.state.az.us/courtserv/ComplexLit/default.htm>
2. California- <http://www.courtinfo.ca.gov/programs/innovations/courtadmin-4.htm>
3. Colorado- <http://www.state.co.us/cjrtf/report/report.htm>
4. Connecticut-  
<http://www.jud.state.ct.us/external/super/spsess.htm#ComplexLitigationDocket>
5. Florida-
  - a. Miami, Eleventh Judicial Circuit-  
[http://www.jud11.flcourts.org/programs\\_and\\_services/complex\\_business\\_litigation.htm](http://www.jud11.flcourts.org/programs_and_services/complex_business_litigation.htm)
  - b. Tampa, Thirteenth Judicial Circuit- <http://www.fljud13.org/CBLD.htm>
  - c. Broward County-  
<http://www.law.com/jsp/law/sfb/lawArticleSFB.jsp?id=1199786728841>
6. Georgia-
  - a. Gwinnet County-  
<http://www.gwinnetcounty.com/cgibin/gwincity/egov/ep/gcNavView.do?path=Departments|Courts|Hidden|Business+Court>
7. Maryland- <http://www.courts.state.md.us/businessstech/about.html>
8. Massachusetts-  
[http://www.mass.gov/courts/courtsandjudges/courts/superiorcourt/03\\_01.pdf](http://www.mass.gov/courts/courtsandjudges/courts/superiorcourt/03_01.pdf)
9. Michigan (proposed Cyber Court but not implemented)-  
<http://www.michbar.org/journal/pdf/pdf4article535.pdf>
10. New Jersey- <http://www.judiciary.state.nj.us/notices/n040624a.htm>
11. Ohio- <http://www.sconet.state.oh.us/boards/commDockets/default.asp>
12. Oregon- <http://www.ojd.state.or.us/lan/Commercial%20Court/Comm%20Court.htm>
13. Pennsylvania-
  - a. Pittsburgh- [http://www.alleghenycourts.us/civil/commerce\\_complex\\_litigation.asp](http://www.alleghenycourts.us/civil/commerce_complex_litigation.asp)
14. Rhode Island-  
[http://www.law.umaryland.edu/academics/writing/journals/jbtl/documents/RI%20Administrative%20Order%20\(00057671\)%5B1%5D.pdf](http://www.law.umaryland.edu/academics/writing/journals/jbtl/documents/RI%20Administrative%20Order%20(00057671)%5B1%5D.pdf)