



Supreme Court
State of Tennessee

CHIEF JUSTICE
JEFFREY S. BIVINS

JUSTICES
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**HIGHLY SUCCESSFUL DAVIDSON COUNTY BUSINESS
COURT DOCKET PILOT PROJECT ENTERS PHASE 2**

Nashville, Tenn. – Today, the Tennessee Supreme Court announced that it is launching Phase 2 of the Tennessee Business Court Docket Pilot Project, building on the unprecedented success of the initial phase of the program. Requests for transfer to the docket under Phase 2 can be filed beginning May 1, 2017. Since the innovative pilot project started on March 16, 2015, in Davidson County Chancery Court, nearly 90 business cases have been transferred to the docket.

Governor Bill Haslam, praising the success of the program, stated, “Some of the state’s most complex cases of business litigation have been resolved with incredible success through the Tennessee Supreme Court’s business court. I congratulate the Supreme Court and Chancellor Ellen Lyle for their vision and leadership to produce the very best outcomes by removing some of these time-consuming cases from the general docket, and ultimately helping Tennessee in business retention and economic development.”

“We are very excited to announce the start of Phase 2 of the Business Court Docket Pilot Project,” remarked Chief Justice Jeffrey Bivins. “Phase 1 proved to be a great success. I am very confident that Phase 2 will be even more successful. The Business Court Docket is a win-win for businesses and for citizens of Tennessee. In addition to assisting businesses by providing a specialized docket to address complex business disputes, it also helps cases involving citizens of our states by speeding up other dockets.”

Phase 2 of the pilot project will continue to provide expedited resolution of business matters by Chancellor Ellen Hobbs Lyle, an experienced judge who has expertise in handling complex business and commercial disputes. Chancellor Lyle will continue to provide hands-on case management with realistic, meaningful deadlines and procedures adapted to the needs of each case for customized, quality outcomes.

Tennessee is one of 28 states with a specialized court or docket for complex business issues. In Phase 2 of the program, eligible cases to be heard on the business court docket include cases which seek primarily injunctive or declaratory relief or at least \$250,000 in damages, and include claims of breach of fiduciary duty or statutory violations between businesses; antitrust, trade secrets, trademark law or securities-related actions; a commercial class action; actions arising from technology licensing agreements or any agreement involving licensing of any intellectual property right; claims relating to the governance or internal affairs of businesses; or claims that present sufficiently complex commercial issues that would have a significant implication for the larger business community.

In 2015, the Tennessee Supreme Court appointed a group of highly experienced attorneys whose practice includes complex commercial disputes from across the state to a Business Court Docket Advisory Commission. Nashville attorney, Patricia Head Moskal, Chair of the Commission, praised Chancellor Lyle's leadership and the support of the Tennessee Supreme Court. "The Supreme Court's business court docket pilot project has been an overwhelming success and a great benefit to our state's business community."

The commission had two initial tasks. First, it developed an online evaluation survey for business court docket participants to gather information about their experience that would help inform and guide future improvements to the business court docket. The commission was also asked to review the eligibility standards and types of cases being transferred to the business court docket.

"The Business Court Rules Advisory Commission was honored to have the opportunity to make recommendations to the Court designed to ensure the continued success and sustainability of the business court docket," said Moskal. "We are extremely pleased to receive the Court's Order continuing the pilot project and accepting our recommendations for improvements during the next phase. The Advisory Commission looks forward to working with the Supreme Court and Chancellor Ellen Lyle during the next phase of the business court pilot project and its continued success."

Celeste Herbert, commission member and attorney with Herbert, Meadows & Wall in Knoxville, who led the commission's evaluation survey working group, reported that the online survey generated "many positive evaluations from attorneys after their business court docket cases were concluded. They like the business court concept and found that the expedited resolution of their cases saved their clients both time and money."

Memphis attorney, Jef Fiebelman, with Burch, Porter & Johnson, led the study group that reviewed the case eligibility criteria and the types of cases transferred to the docket to determine if changes were needed to the criteria. The working groups' proposed changes were approved by the Commission and the Tennessee Supreme Court. Changes include revised criteria for cases, with an increase in the amount in controversy to \$250,000, and a reduction in the time period to request a designation to the docket to 30 days. In addition, the Chief Justice has discretion to determine whether a case is sufficiently complex to warrant a transfer to the specialized docket.

Tennessee Supreme Court Justice Sharon Lee, who served as Chief Justice when the program first launched, says the new criteria established by the Tennessee Supreme Court will make the caseload more manageable.

"When Tennessee's Business Court docket was launched in 2015, we had high expectations for its success. The business court docket has exceeded all of our expectations," said Justice Lee.

"The overwhelming response by the business community has affirmed the need for the docket. Its track record for the past two years proves that the business court docket is an efficient and effective forum for resolution of business disputes. The recent changes in the business court docket will enable the judiciary, under the outstanding guidance of Chancellor Lyle, to better serve businesses that create and provide jobs for Tennesseans."

Chancellor Lyle looks forward to her continued work with the business court docket, stating, "I am deeply appreciative of the work of the attorneys and the litigants who participated in Phase I of the Davidson County Business Court Docket Pilot Project. Without them, the project would not be where it is today. Their participation and the experience of their cases provided data, information and a track record to the Advisory Commission and the Tennessee Supreme Court to now launch Phase 2 of the Business Docket. Hopefully, this will lead to more business dockets in counties across the state."

State officials, local officials and judges agree-it is a smart step for Tennessee:

"Congratulations to the Tennessee Supreme Court on the great success of the Business Litigation Pilot Project. The business court has made a big impact in a short period of time. The court allows highly complex and involved business matters a place to be resolved in a deliberate and efficient manner. It has saved time, money and made the entire court system more responsive to those it serves. I look forward to the continuation of the court and the project's next phase."
-Lieutenant Governor Randy McNally

"I join Governor Haslam in congratulating the Tennessee Supreme Court for the extraordinary success of its Business Litigation Pilot Project over the past two years. Businesses have seen, and will continue to see, reduced time in court so they can focus more on what they do best: new jobs to Tennessee." -Bob Rolfe, Department of Economic and Community Development Commissioner

"Tennessee businesses have benefited from the business pilot project launched almost two years ago by our Tennessee Supreme Court. Along with 28 other states, we are providing more tools for economic development, streamlining our judiciary, and modernizing the courts to meet the needs of today's complex business litigants. We are glad to see Phase 2 begin so that even more businesses may benefit in the future." - House Speaker, Beth Harwell

"The Chamber applauds the outstanding success of the Business pilot project. Our members--businesses and corporations--are benefiting from the streamlined processes, court efficiencies and now e-filing. Our Middle Tennessee businesses from healthcare to television production to high tech to hospitality have all reaped benefit from the business court pilot project. We applaud the Supreme Court for launching Phase 2 to save our members--not just here in Davidson County but across the entire state-- time and money by streamlining procedures for complex business cases to be resolved so they can get back to business." -Ralph Shultz, President, Nashville Chamber

"We are proud of the fact that the Tennessee Supreme Court selected the Davidson County Chancery Court to initiate the first business litigation pilot project in the history of the state of Tennessee's Judiciary. I appreciate the Davidson County Chancery Court Chancellors and their staffs for their hard work in implementing the pilot program, and my heartiest congratulations to them on its success. All chancellors and judges of the 20th Judicial District stand ready to implement Phase 2 of the business litigation pilot project and are proud of the work which has

been accomplished in streamlining our State's complex business litigation." –Honorable Joe P. Binkley, Presiding Judge of the 20th Judicial District.

To see the Tennessee Supreme Court's Order establishing the Davidson County Business Court Docket Pilot Project- Phase 2, visit TNCourts.gov.

Business Court Docket Advisory Commission Members

Chairperson, Patricia Head Moskal, Bradley Arant Boult Cummings LLP, Nashville
Scott D. Carey, Baker, Donelson, Bearman, Caldwell & Berkowitz PC, Nashville
Jef Feibelman, Burch, Porter & Johnson PLLC, Memphis
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