

BUSINESS COURTS

STATUTES, REGULATIONS and COURT RULES

DELAWARE ADMINISTRATIVE DIRECTIVE NO. 117.

(1) Over four years ago Governor Thomas R. Carper established a Commission on Major Commercial Litigation Reform (the “Commission”) for the purpose of formulating a summary procedure for resolving business disputes.

(2) In 1993 the Commission recommended a procedure for expediting resolution of business disputes.

(3) In 1994, the Delaware General Assembly and the Governor endorsed the recommendation of the Commission as an important public policy initiative by adopting Senate Joint Resolution No. 28 (the “Joint Resolution”);

(4) Article IV, § 13, of the Constitution of the State of Delaware provides that the Chief Justice, with the approval of the majority of the Justices of the Supreme Court, shall have the power to adopt rules for the administration of justice and the conduct of the business of the courts of this State.

(5) Subject to the supervisory responsibility of the Chief Justice and the Supreme Court, the Superior Court and the Court of Chancery are empowered to adopt rules of pleading, practice, and procedure in those Courts;

(6) The Judiciary has supported the Governor’s initiative and the Joint Resolution implementing the same by Administrative Directive No. 96 dated February 28, 1994 and Interim Superior Court Rules Governing Summary Proceedings for Commercial Disputes (“Summary Proceedings”) effective April 1, 1994.

(7) The Judiciary’s experience in the past four years since the adoption of the Summary Proceedings has shown that:

(a) The Superior Court has had significant increased filings (both in numbers and complexity) in many areas lending to the need for two new judgeships in that Court.

(b) The Court of Chancery has had significant increased filings (both in numbers and complexity) in many areas of its traditional corporate and other equitable jurisdiction, including business disputes where equitable relief is involved.

(c) It is understood that any action filed in Superior Court under the Summary Procedures Rules necessarily would implicate relief that traditionally could be filed only in the law courts and not courts of equity.

(d) The Superior Court, the Court of Chancery and the Supreme Court have demonstrated the flexibility and the skill necessary to handle matters within their respective jurisdictions on an expedited basis.

(e) There has been almost no use of the Summary Proceedings under the Interim Rules, suggesting in part that those Rules need to be made permanent and modified.

(f) The Summary Proceedings Rules continue to be a viable option for expeditious handling of commercial disputes at law, and the rules should be modified and made permanent.

(g) Mediation has become increasingly important in both the Court of Chancery (as a matter of practice) and Superior Court (under its Rule 16.2) in handling commercial disputes and other cases, and the use of mediation procedures should be intensified in both courts.

NOW THEREFORE IT IS DIRECTED, with the unanimous approval of the Justices of the Supreme Court (Del. Const., art. IV, § 13), that:

(A) The Judiciary further implements the Joint Resolution by adopting Administrative Directive No. 117 (which supersedes Administrative Directive No. 96) and new Rules of the Superior Court and the Court of Chancery.

...

(E) It is recognized that the President Judge may at any time add to or modify this designation and that the Chief Justice, pursuant to Del. Const., art. IV, § 13, may designate the Chancellor or a Vice Chancellor to a particular case or to the Superior Court Summary Proceedings panel if necessary to provide sufficient judicial personnel to handle any unexpected workload problems.

...

(H) All final judgments resulting from proceedings under the Summary Procedure Rules and expedited commercial disputes within the jurisdiction of the Court of Chancery which shall have been properly appealed to the Supreme Court may be expedited in the Supreme Court in accordance with the existing rules and practice of the Supreme Court in expedited matters

DELAWARE; X. Superior Court; RULE 77 Prothonotaries, Records and Exhibits, Fees.

(h) Fees.

B. The filing fee shall cover the first forty (40) filings of an action. An additional fee of \$200.00 shall be paid after each increment of fifty (50) filings is recorded.

NOTE: Amended to \$225.00 (January 10, 2002).

C. A request for a trial date shall be accompanied by a nonrefundable fee of \$100.00 paid by the requesting party.

...

F. The fees of Superior Court for the services specified shall be as follows:

...

COMPLAINTS SUBJECT TO SUMMARY PROCEEDINGS FOR COMMERCIAL DISPUTES

The filing fee for complaints subject to Summary Proceedings for Commercial Disputes shall be 0.005 times the amount in controversy, but not less than \$150.00 nor more than \$5,000.

G. All other fees for services not provided for in this Rule shall be approved by the Presiding Judge of Superior Court.

H. Any funds on deposit for a civil case pending on June 30, 1988 will be considered to be the amount of court costs to be charged for any court services performed beginning on July 1, 1988 and continuing until final disposition of that case, subject to the provision for an additional assessment if the number of filings exceeds 40 filings. Any party requesting a refund for a disposed case which was filed prior to July 1, 1988 may do so by filing a petition with the Court within 10 days of the date of final disposition. In those cases where a refund is requested, costs will be assessed, including those costs incurred after July 1, 1988 based on the fee schedule in effect on June 30, 1988.

DELAWARE; XV. Rules Governing Actions Subject to Summary Proceedings For Commercial Disputes; RULE 124. Scope Of Rules.

- (a). These rules shall govern the procedure in the Superior Court (hereinafter the “Court”) of the State of Delaware in actions subject to Summary Proceedings for Commercial Disputes, herein referred to as “Summary Proceedings.”
- (b). Any matter within the subject jurisdiction of the Superior Court, excluding claims asserting personal, physical or mental injury, wherein the amount in controversy exceeds one hundred thousand dollars as to at least one party, exclusive of interest and costs shall be subject to expedited proceedings under these Rules when the parties (at least one of which is a Delaware citizen, corporation or other business entity) have consented, by written agreement or stipulation. Neither punitive damages nor a jury trial shall be available under these Rules.
- (c). The Court may, at its discretion, to the extent judicial resources are available, entertain actions under these Rules wherein the amount in controversy does not exceed one hundred thousand dollars. Application to proceed under these Rules in such actions shall be made by written motion to the Presiding Judge of the Superior Court or his designee.
- (d). To the extent they are not inconsistent with Rules 124 through 131, the remaining Superior Court civil rules shall apply to Summary Proceedings.

General Rules of Practice and Procedure for the North Carolina Business Court.
www.ncbusinesscourt.net/final%20rules.htm

Illinois Superior Court Civil Rules.

New Jersey Superior Court Civil Rules.

Rules of Practice for the Eighth Judicial District Court of the State of Nevada, Rule 1.61,
Assignment of Business Matters.

Rules of Practice for the Second Judicial District Court of the State of Nevada, Rule 2.1,
Business Court Docket.

Wisconsin Superior Court Civil Rules.

TREATISES

Balotti, R. Franklin and Roland E. Brandel. *Business Courts in the United States*. American Bar Association Task Force on Business Courts of the Business Law Section, 1994.

Business Courts: The Advantage of Specialized Adjudication and Dispute Resolution in Commercial Litigation. American Bar Association, 2001.

Crowley, Thomas E. *Settle It Out of Court: How to Resolve Business and Personal Disputes Using Mediation, Arbitration and Negotiation*. J.W. Wiley, 1994.

Haig, Robert L. *Business and Commercial Litigation in Federal Courts*. American Bar Association Section of Litigation, 1998.

Increasing Cost-Effective Justice: Are Business Courts the Answer? American Bar Association Section of Business Law, 1994.

The U.S. has a number of specialized courts at the Federal level, but at the state level the trend has been to specialize by divisions or departments rather than by specialized jurisdictions. Though the scope of the business court should be developed by specific states it is the recommendation of this paper that “[T]he more complex the legal doctrine dealing with the social and economic activity, the stronger the case for the identification of specialized jurists to hear and act on those matters.” Arguments in favor of business courts include (1) judges that consistently hear particular types of cases develop and expertise that enables them to perform their jobs better; (2) efficiency (rapid response to issues within expertise), (3) consistent decision-making. The efficiencies in the conduct of business cases can also help to reduce all court expenses “Four specialized judges assigned as members of a business court division, for example, who can handle the work of five non-specialized judges hearing similar cases, have for all practical purposes added the equivalent of a new full-time judge to an otherwise beleaguered court.” State Trial Lawyers Associations are the biggest opponents of the creation of business courts. The opposition believes that establishing a business court would be equivalent to creating a court that denies equal access and justice. Another opposing view point is that “[S]pecial courts for business litigants strip scarce resources from other civil filings.” “The argument with respect to equal justice, if taken seriously, is a bit more difficult. By definition a specialized court should dispense a better brand of justice than is being dispensed by the current non-specialized courts.” The solution to that inequity is to evaluate where in the court further specialization would be necessary and attempt to meet the resource needs required to fulfill that goal. The judiciary objects to specialized courts on the grounds that “broad-ranging experience is valuable and, further, the life of the jurist may be more interesting as a result of the ability to hear different categories of litigation.” The opposite side to this argument is that law is so complex, and inexperience is so rampant, that in most cases it is the public that has forced attorneys and judges to specialize so that the justice is adequately pursued. The adoption of a business court would lead to “little, if any, loss of flexibility in a well administered court that assigns judges to a specialized department.” Specialization does not mean that a judge is any less capable of

handling cases not in their expertise. The final objection to specialized courts comes from the business sector. “Increasingly, disputants seek resolution of disputes outside of the judiciary,” because they are highly dissatisfied with the judicial system as a whole. Delaware has the oldest (200 years) and most respected judiciary dealing with corporate and security matters. This is the result of a disproportionately high number of U.S. companies incorporated in Delaware. “In addition, as recently as April, 1994, the Delaware judiciary put into place a specialized business litigation panel.” This panel is intended to “provide summary proceedings to expedite and make more efficient its functions” by hearing cases where the amount in controversy is over \$1 million. New Jersey has one Chancery judge in each county to hear complex corporate law matters. Cook County in Illinois has judges specifically designated to commercial matters, in addition to Chancery courts that operate as divisions of the general courts in each county. New York County has commercial parts that “hear complex commercial and business cases in Manhattan.” Bills for a Chancery court in Pennsylvania are currently pending. The California Bar Association has been campaigning for specialized business courts since 1991.

Specialized Courts in the Federal System. New York University School of Law, 1987.

ARTICLES

Ambro, Thomas L. “How Delaware does business courts.” 4 *Business Law Today* 25 (January/February 1995).

“Delaware courts have established by rule and judicial directive a set of summary procedures for commercial litigation that reduces the time spent from years to months and of course significantly reduces the costs of litigation in the bargain.” In 1993, the governor of Delaware established a commission that sent a survey to corporate counsel throughout the United States to figure out ways to improve commercial litigation. The survey revealed a number of deficiencies in the system including long litigation delays, inexperienced judges, and high costs of commercial cases. “All of these factors have created the perception of a system that impedes American business interests...” The Delaware solution was to “provide experienced jurists for significantly quicker resolution of business disputes.” Parties consent to having a summary proceeding to decide a dispute (not personal injury and usually exceeding \$1 million in controversy). The issue is handled by the Superior Court, but there are four judges that are specifically designated to do so. The filing fee is usually \$5,000 but it can be proportionally reduced if the amount in controversy is less than \$1 million. The discovery phase is limited i.e. they are only allowed four depositions and must be completed in 180 days. “No motions for summary judgment may be made. No jury trials are available. No punitive damages are available.” Trial is scheduled 30 to 60 days after the close of discovery, and limited to five days. “Within 10 days after the close of trial, each party shall file a post-trial brief, which shall include proposed findings of fact and conclusions of law. Neither brief may exceed 50 pages.” The judgment is usually rendered 30 days after the post-trial brief, and there are limited rights to appeal. In addition, the parties may modify most of the rule governing summary proceedings, if the judge agrees, to make the process more expeditious.

Balotti, R. Franklin and Roland E. Brandel. "Business bench: Are special courts the future?" 4 *Business Law Today* 25 (January/February 1995).

Specialization means judicial expertise that infers predictable decision-making. The pros to having a business court are: 1. Business cases are frequently complex. 2. "The impact of court decisions in the business area affects not a single individual but employees, shareholders, creditors, suppliers or customers of the companies involved." Therefore it is important that these cases are "handled expeditiously, efficiently and correctly." The cons are: 1. Unequal justice. 2. "Striping scarce resources from other civil filings." The debate against the cons is that the expeditious use of time and resources by expert judges in the business courts will "free up judicial resources for other litigants." Business in general is dissatisfied with the justice system, and are turning to alternative means of settling disputes. "The American Arbitration Association, for instance, reported more than 63,000 cases filed with it in 1993, an increase of more than 100 percent from 1982."

Bennett, Nancy J. "Mini-Trials and Summary Jury Trials" 4 *BBB Solutions* 3 (1995). Available at <www.bbb.org/complaints/jury.asp> (5 July 2002).

"In traditional civil or court litigation, 90% of all lawsuits are settled before trial." Settlements usually come after a lengthy and expensive discovery process. "Faced with the current economic climate, slashed budgets and the generally high cost of litigation, all sizes and types of businesses are pressuring their corporate counsel to find ways to cut litigation costs while still arriving at a satisfactory or positive resolution of their case." Two alternative dispute resolution techniques that have emerged are the mini-trial and the summary jury trial. Mini-trials consist of "summary presentations by the lawyers and experts for each part to the dispute of the parties' best cases, followed by a rebuttal and questions concerning the presentations." It is held in front of representatives for each party with full settlement authority and presided over by a jointly selected moderator. The moderator does not render a decision, but they do offer advise on what the strengths and weaknesses of the respective cases are. The information revealed during these mini-trials often encourages settlement of the dispute. Professor Eric Green of Boston University School of Law indicated that "best results are obtained in mini-trials of cases involving complex questions of mixed law and fact (for example, patent, products liability, antitrust, unfair competition) just the kinds of cases in which litigation is often intractable and costly." "The first summary jury trial was conducted on March 5, 1980, in the courtroom of Federal District Judge Thomas Lambros, Northern District of Ohio, Eastern Division, who created the procedure." It is a half-day proceeding where the attorney's summarize their cases before a six-member jury. The judge issues a verdict that is purely meant to advise the parties unless they agree to be bound by the verdict. The intention is that the verdict "becomes the starting point for settlement negotiations between the parties. If no settlement is reached, the case normally proceeds to a regular trial." These too are usually used in cases involving complex matters.

"Business Courts: Towards a More Efficient Judiciary." 52 *Business Lawyer* 947 (May 1997).

The ABA recommends that jurisdictions that deal with a lot of commercial disputes should develop separate court divisions. The recommendation comes after an extensive study that

revealed that the specialization that comes with the establishment of a business court would greatly improve the quality of decision-making and efficiency in decision business cases. North Carolina created a business court in 1995. They designated a superior court judge as “Special Superior Court Judge for Complex Business Cases.” Cases are assigned to the court by the chief justice. Wisconsin added a business court to hear complex business and commercial cases as of April 1996. A pilot project was implemented in which two judges were designated to the “Special Business Courts in Milwaukee County.” Virginia refers some types of business cases to the Virginia State Corporation Commission.

Dreyfuss, Rochelle C. “The Federal Circuit: A Case Study in Specialized Courts.” 64 *New York University Law Review* 1 (1989).

Specialized judicial administration is propounded by many who believe that having judges that are knowledgeable in technologically complex areas helps to create a system that is efficient and “would provide better guidance for primary behavior, produce horizontal equity, and reduce opportunistic litigation strategies such as forum shopping.” The Supreme Court cannot hear enough cases to bring this sort of stability to all types of practice. Other advocates of specialization point out that “burgeoning caseloads can no longer be managed by enlarging existing courts or adding new ones.” Horizontal growth of the courts just leads to more judges handing down more inconsistent opinions. Opponents to specialization claim that it will lead to “tunnel-vision” that would make judges susceptible to lobbyists. The repetitive nature of specialization would also be a deterrent to talented jurists. In 1982, Congress passed the Federal Court Improvements Act (FCIA) that established the Court of Appeals for the Federal Circuit (CAFC). The CAFC has “adjudicatory authority in such diverse areas as trademark, tariff and customs law, technology transfer regulations, and government contract and labor disputes.” This article attempts “to measure the extent to which expertise and monopolization benefit the evolution of the law.” In the first section the author looks at four intentions of specialization in the patent courts; precision, accuracy (sensitivity to issues and the policies that govern the issues), synthesis, and efficiency and administration. (a) “Precision, as used here, means the extent to which the law produces horizontal equity.” The CAFC formulates legal principles that create a standard for patent disputes that can be applied uniformly and can be used to predict the outcome of similar cases. (b) Insight into the nature of the issues leads to decisions that accurately reflect the needs of the community being served in specialized courts. (c) “One generally unforeseen consequence of establishing a specialized patent court is that the conceptual strands of patent law have been integrated into a coherent whole.” (d) Statistics that looked at efficiency and administration of patent law failed to substantiate the projections that rates of filings at the district court level would decrease or that relitigation of patents previously upheld would decrease. This may be the result of the fact that issues that are currently arising are new to the judges on the bench and resolutions continue to require a lot of time. It may also be that the court is too effective and parties that would usually be using alternative forms of resolving patent cases are now using the CAFC for judicial resolution. Overall, “the CAFC’s jurisprudence reveals that the court has begun to make patent law more accurate, precise, and coherent. Its ability to accomplish this task derives largely from the high volume of patent appeals that it hears, which gives the court an overview of the full range of issues and forces it to construct an integrated picture of the law as a whole.” Specialization appears to be most

successful when there is a mixture of issues that the court is dealing with versus the expertise of the judges that are deciding those cases. The biggest concern with specialization is that it will deprive cases of “the collective wisdom of the circuit courts. Losing the tension produced by the percolation of ideas within the judiciary would, in addition, reduce the court’s incentive to reason clearly or to write persuasively.” In the second section the article looks at two disadvantages of specialization; bias, procedural confusion (jurisdictional and issues not related to the specialized courts, and supervising the District Courts). (a) CAFC in general is a good court for patentees, but this may not be a reflection of bias in as much as the overall patent climate has reflected an “increased appreciation of the role of high technology in the nations economy.” The sensitivity to national trends could be an indication that the CAFC is not isolated by its special jurisdiction. In regards to bias, that article points out that “[I]n the case of courts that entertain actions between well-matched adversaries, there is little reason to suspect that the court will favor any particular group’s interests.” CAFC is a “fairly-balanced court.” (b) There is no coherent set of rules for the jurisdiction of CAFC. They review all the issues in a case, not just those submitted for review. This is done “to prevent forum shopping and avoid the costs entailed in bifurcating appeals...” Until the jurisdiction of the CAFC is clearly defined, “litigants will continue to be burdened with the ordeal of shuffling back and forth between the Federal Circuit and the circuit of origin. Another problem when dealing with specialized federal courts is the fact that many issues are complex and contain both substantive and procedural issues. In order to make judicial decisions on such complex issues, it often requires an interpretation or the enforcement of either federal or district court law. This returns the issue back to that of jurisdiction and giving the federal courts the power to supervise the lower courts. “Nowhere in legislative history is there a hint that Congress meant for the CAFC to have less power than the other appellate courts.” The issue becomes more complex in relationship to Rule 52(a) that “prevents the appellate court from substituting its own judgment for that of the trial court,” in matters related to documentary evidence. In cases where the appellate and trial courts are composed of generalists, this case is true, but in the situation in which there are specialized courts, and there are “complex factual issues being tried, the assumption breaks down, for the appellate court is at least as well situated to find the facts as the trial court.” The technicality of an issue implies the need for specialized knowledge on review that a general trial court judge may not initially have possessed. The court has not adopted a consistent approach to this issue, and therefore there is not uniformity in the patent law being established by the CAFC. In the fourth section, the author gives the warning that “[A]lthough the CAFC has, for the most part, accomplished its goals, further resort to specialization may be less productive than this study might otherwise suggest.” The positive results generated by the CAFC may be the result of factors other than specialization. “Not every body of law suffers from a lack of guidance. In particular, areas subject to administrative control have the advantage of an authority capable of using its expertise to develop law that is responsive to its consumers and attuned to the will of Congress.”

Dreyfuss, Rochelle C. “Forums of the Future: The Role of Specialized Courts in Resolving Business Disputes.” 61 *Brooklyn Law Review* 1 (1995).

Targeting procedural reform through the establishment of corporate and business law forums for dispute. “Specialized courts usually are defined as forums of highly limited jurisdiction

to which all of the cases of a particular type are channeled.” The Delaware Chancery Court was not originally designated for this purpose, but corporate cases does “take up a significant portion of the court’s time.” Therefore the “bench has developed the expertise in corporate matters that is the hallmark of a specialized judiciary.” Chancery Court in Delaware developed as an equity court, and because business and corporate interests “generally raise the kinds of questions with which equity deals: the duty of disclosure, the duty of good faith, and the like,” the court developed a specialty, not particularly a specialized court. “High-quality jurists continue to sit on Chancery’s bench and have continued, in the Killen tradition, to move between the court of law and equity.” There are three criteria that should be used to predict the success of a specialized court: quality of decision-making, efficiency and the appearance of due process. (a) The quality of decision-making is determined by the accuracy (integration of the “needs and circumstances of the litigants with accepted public norms and social policy” i.e. the legislature), precision (reaching the same result in similar cases) and coherence (how a particular decision fits into a body of law). (b) Efficiency is measured by the amount of time spent on a case (with less being preferable), the number of judges required to handle the docket (once again, less being preferable), and the “number of cases and issues that the structure of the judicial system itself generates” (to the avoidance of bifurcation and forum shopping). (c) The perception of due process is important to uphold in a court of special jurisdiction. The Court must ensure that fairness is systemic “and trans-substantivity provides some assurance that the court hears and considers all viewpoints.” An ulterior motive for creating specialized business courts is to attract some of the resources gained by the Delaware Chancery Court, i.e. increased incorporation fees and franchise taxes. Delaware has an advantage that no other courts enjoy, and that is its history. Corporate laws never had to be removed from the mainstream of cases, therefore, “there was never a time when the specialized rules that Chancery uses came under scrutiny.” They have also never used juries in cases regarding equity. The transition to a specialized court and to not using juries could be a difficult one in states where there is a tradition of these practices. “Chancery’s noncorporate jurisdiction cuts down on the court’s isolation and facilitates cross pollination.” One way to avoid the isolationism that could accompany specialized courts would be to give litigants a choice to solve their case in a court of general jurisdiction. This could mean that the court is required to carry additional costs because it is maintaining two courts that are allowed to make similar decisions. Another disadvantage of having two courts is “if the two do not perceive the law in the same way, the inconsistencies that develop may undermine the quality objectives of specialization.” The ability to opt out of the special court, while not maintaining a second option for a court of general jurisdiction, “undermines the goal of attracting more adjudication to the Commonwealth.” Delaware also has the advantage of being small, homogenous, and has a responsive legislature. This means that they have relatively small revenues, and they do not spend a lot of resources making decisions. “Delaware does not have as many interest groups concerned with the substantive content of its corporate law as other states have.” A third problem for other states is the diversion of resources from courts of general jurisdiction to the newly established specialized courts.

Eckenbrecht, Margaret M. “A Commercial Venture: Supporters portray business courts as white knights rescuing overburdened justice system.” 82 *ABA Journal* 35 (January 1996). Available from Lexis-Nexis, 2002.

In October of 1996, and experimental state business court was expanded in Manhattan and another established in Rochester. When this article was written (1996), no case had been filed under summary procedures even though it had been created in February of 1994. The explanation was that the process was so new. One of the stipulations for a summary proceedings was that “contracts must be written in which the parties agree to the procedure.” Without those contracts, the procedure could not be used.

France, Mike. “Order In The Business Court: But will these special tribunals be impartial?” 3505 Business Week (9 December 1996). Available at <www.businessweek.com/@@ZdJOvoYQT5WOFg0A/archives/1996/b3505096.arc.htm> (8 July 2002).

“For years, companies have complained that inexperienced judges take too long to make decisions, misinterpret the law, and impose unrealistic penalties.” “Advocates say the establishment of a national network of business courts would be an important step toward reducing the costliness and unpredictability that plague corporate litigants.” Opponents claim that the establishment of business courts will overburden the courts, that the courts will give special treatment to the litigants, and that they are “likely to favor hometown companies.” There is also a danger that as repeat players in the state’s business courts, corporations could monetarily influence judges and politicians. “Since the establishment of New York’s business court, the number of commercial cases settled before trial has increased by 85%.”

Garrou, John L. W. “North Carolina – Establishment of a Business Court” (November 1996) *available at* www.hg.org.wreports/1444.html

Gonzi, Audrienne S. “Arbitration as a Dispute Resolution Mechanism” The Malta Financial and Business Times (13 March 2002). <www.businesstimes.com.mt/2002/03/13/120.html> (5 July 2002).

Arbitration as an alternative to litigation.

Haig, Robert L. “Can New York’s New Commercial Division Resolve Business Disputes as Well as Anyone?” 13 *Touro Law Review* 191 (Fall 1996).

Haig, Robert L. “New York Creates Business Courts; If They Can Make it There, Can They Make it Anywhere?” 6 *Business Law Today* 33 (September/October 1996).

Haig, Robert L. “New York State Creates a Commercial Division.” 64 *Defense Counsel Journal* 17 (January 1997).

Haig, Robert L. “New York’s New Business Court.” 26 *Colorado Lawyer* 65 (May 1997).

- Hannaford, Paula, David Rottman and Roxana Gonzalez. "Focus on Business and Complex Litigation Courts." 1 *Civil Action: A Briefing on Civil Justice Reform Initiatives* 1 (August 2000).
- Lewis, Bill. "State Bar May Ask Lawmakers to Create Specialized Tax Courts." *Nashville Business Journal* 7 (October 9, 1995).
- Millard, Pete. "Reworking the Business Court" (March 28, 1997) available at <http://milwaukee.bizjournals.com/milwaukee/stories/1997/03/31/newscolumn1.html>.
- Newman, Pauline. "Commentary on the Paper by Professor Dreyfuss." 61 *Brooklyn Law Review* 53 (Spring 1995).
- "OSBA Drafts Plan to Create Business Court" (December 6, 1996) available at centralohio.thesource.net/Files3/9612064.html
- "Online Resolution Settles E-Commerce, Business, and Insurance Disputes Without Going to Court" (November 8, 2000) available at www.onlineresolution.com/press6.cfm
- Pilchen, Ira. "New York Tries Commercial Cases Separately." 76 *Judicature* 266 (February-March 1993).
- Pfeiffer, Sacha. "To End Delay, Court Devotes All its Time to Business Cases." *Boston Globe* (19 October 2000): A1.
- A Proposal for Adjudication of Complex Commercial Cases* (March 20, 2002) available at www.bostonbar.org/gr/comcthd.htm.
- Reichgott Junge, Judge Ember. "Business Courts: Efficient Justice of Two-Tiered Elitism?" 24 *William Mitchell Law Review* 315 (1998).
- Ritter, Nancy. "Separate business court: Good idea or pointless?" *New Jersey Lawyer* (27 July 1998): 3.
- Rottman, David B. "Does Effective Therapeutic Jurisprudence Require Specialized Courts (and Do Specialized Courts Imply Specialist Judges)?" *Court Review* 22 (Spring 2000).
- "State Business Courts Here to Stay; Concept Gets Entrenched Despite Setbacks." 10 *Commercial Lending Litigation News* 8 (5 September 1997).
- Stempel, Jeffrey W. "Two Cheers for Specialization." 61 *Brooklyn Law Review* 67 (1995).
- Tanick, Marshall H. "Creation of 'Business Court' Is Long Overdue in Minnesota: Specialization Could Let System Use Expertise to Provide Fair, Faster Decisions." *Star-Tribune* 3D (February 3, 1997).

Terry, Rob. "Tech Court on Trial" (July 10, 2000) *available at*
www.washtech.com/washtechway/1_13/techcap/2595-1.html

Ward, Kimberly A. "Getting Down to Business - Pennsylvania Must Create a Business Court, or Face the Consequences." 18 *Journal of Law and Commerce* 415 (Spring 1999).

Wheeler, Timothy B. "Maryland to Consider Tech Courts; Growth of Electronic Commerce Creates Need, Taylor Says; Could Be a First in U.S., Lieutenant Governor Among Those Who Aim for Economic Boost." *Baltimore Sun* 1D (January 30, 2000).

Widner, Jennifer. "Are Specialized Courts the Right Approach to Effective Adjudication of Commercial Disputes in Developing Countries?" (March 27, 2001) *available at*
www.dse.de/ef/instn/widner.htm

Williams, David. "Technology Boom Prompts Calls for Specialized Courts." CNN.com, October 2, 2000. <http://www.cnn.com/2000/LAW/law.and.technology/10/01/tech.court>

REPORTS, CONFERENCE MATERIALS and SPEECHES

Business Courts: The Advantage of Specialized Adjudication and Dispute Resolution in Commercial Litigation. American Bar Association, 2001. Presented at the Section of Business Law Spring Meeting Philadelphia, PA

Dunworth, Terence and Joel Rogers. *Corporations in Court: Big Business Litigation in U.S. Federal Courts, 1971-91.* Institute for Legal Studies Conference Report, 1993.

George, Chief Justice Ronald M. *Remarks at the Orange County Superior Court Complex Litigation Center* (August 6, 2001). www.courtinfo.ca.gov/speech0801.htm

Maryland Business and Technology Case Management Program Implementation Committee Final Report. www.montyahalt.com/articles/misc_art/bt-report.htm

RECORDINGS

Jacobs, Jack B., William Clark and Rochelle Cooper Dreyfuss. *The Advantages of Specialized Corporate and Commercial Courts* (VHS Tape) (1994).

WEB RESOURCES

Business Courts. American Corporate Counsel Association, June 13, 1996.
<http://www.acca.com/gcadvocate/cjr/buscourts.html>

History of the North Carolina Business Court
www.ncbusinesscourt.net/history.htm

North Carolina Business Court
<http://www.ncbusinesscourt.net/>

Report on Activities of the North Carolina Business Court 2000 to 2001
www.ncbusiness.net/ref/w001%20General%20Assembly.htm

Use of Arbitration in International Business Disputes
www.lectlaw.com/files/adr14.htm