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SENATE BILL NO. 369

Offered January 14, 2026

A BILL to amend the Code of Virginia by adding in Title 8.01 a chapter numbered 5.2, consisting of sections numbered 8.01-267.10, 8.01-267.11, and 8.01-267.12, relating to specialty civil court dockets; business and complex litigation dockets established; criteria for eligible actions.

Patron—Carroll Foy

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 8.01 a chapter numbered 5.2, consisting of sections numbered 8.01-267.10, 8.01-267.11, and 8.01-267.12, as follows:

CHAPTER 5.2.**BUSINESS AND COMPLEX LITIGATION DOCKET ACT.****§ 8.01-267.10. Business and complex litigation dockets created; purpose; presiding judges.**

A. There is established a business and complex litigation docket, created to assist circuit courts with certain corporate, commercial, business, or transactional actions that involve specialized legal issues, complex contexts, intricate transactions, multiple parties, or other complicating factors. A business and complex litigation docket is a specialized civil court docket within the existing structure of the Commonwealth's circuit court system that enables the judiciary to manage its workload more efficiently.

B. The Chief Justice of the Supreme Court of Virginia may designate no more than four judges of circuit courts that are located, to the extent possible, in different regions of the Commonwealth to preside over any matter transferred to a business and complex litigation docket in accordance with § 8.01-267.12. Any judge so designated by the Chief Justice, as well as the chief judge and other judges sitting in the same judicial circuit, shall be consulted in the process of establishing such docket in such judicial circuit.

§ 8.01-267.11. Eligibility criteria; requirements for transfer; what actions ineligible.

A. An action shall be transferred to a business and complex litigation docket only if such action (i) presents special complexity, including specialized issues or acute litigation management needs, and (ii) falls into one or more of the following categories:

1. Corporate governance disputes;
2. Derivative actions;
3. Merger or acquisition litigation;
4. Intellectual property disputes;
5. Trade secret litigation;
6. Antitrust litigation;
7. Environmental litigation;
8. Franchise actions;
9. Actions arising from the Uniform Commercial Code;
10. Any matter in which a business entity has brought an action against another business entity; or
11. Except as provided in subsection C, any other action that a circuit court judge determines requires specialized management.

B. In addition, any action that is deemed eligible for transfer or assignment to a business and complex litigation docket pursuant to the criteria described in subsection A shall have an amount in controversy of not less than \$100,000. Nothing in this subsection shall be construed to make such amount in controversy of \$100,000 or more the sole basis of eligibility for transfer or assignment to a business and complex litigation docket.

C. Except where a request for transfer demonstrates extraordinary circumstances that warrant specialized docket management, the following categories of cases shall be ineligible for transfer:

1. Medical malpractice;
2. Domestic relations;
3. Personal injury and wrongful death;
4. Premises liability;
5. Negligence;
6. Virginia Freedom of Information Act (§ 2.2-3700 et seq.) actions;
7. Claims brought under the Federal Employers' Liability Act, 45 U.S.C. § 51 et seq.;
8. Legal malpractice;
9. Defamation;
10. Real property actions;

59 11. Virginia Consumer Protection Act (§ 59.1-196 et seq.) claims; or

60 12. Contempt of court.

61 **§ 8.01-267.12. Transfer; request for transfer.**

62 A. In any action that meets the eligibility criteria described in § 8.01-267.11, counsel for any party or the
63 circuit court judge initially assigned to the matter on the regular docket may submit a docket transfer request
64 form to the Office of the Executive Secretary of the Supreme Court of Virginia for referral to the Chief
65 Justice. The Chief Justice shall review such transfer request and may order that the matter be transferred to
66 the specialized docket. Such docket transfer form shall describe the reason for such request and statements
67 from any counsel of any party or the circuit court judge initially assigned who did not initially request such
68 transfer regarding why such transfer may or may not be necessary or beneficial.

69 B. The Office of the Executive Secretary of the Supreme Court of Virginia, in collaboration with the Chief
70 Justice and the Specialty Docket Advisory Committee studying business and complex litigation dockets, shall
71 establish procedures and rules, as necessary, for the transfer of such actions, including criteria for when a
72 request to transfer an eligible case may be granted or denied.

73 **2. That the Office of the Executive Secretary of the Supreme Court of Virginia, in collaboration with**
74 **the Specialty Docket Advisory Committee studying business and complex litigation dockets, shall**
75 **finalize and publish a Business and Complex Litigation Docket Transfer Request form consistent with**
76 **the provisions of this act.**

77 **3. That the Office of the Executive Secretary of the Supreme Court of Virginia shall amend Rule 1:25**
78 **of the Rules of the Supreme Court of Virginia to be consistent with the provisions of this act.**