

# Business and Chancery Court of Utah

A solid red circle containing the text "Chancery Court" in white.

**Chancery  
Court**

A solid yellow circle containing the text "Current Trend" in black.

**Current  
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A solid blue circle containing the text "Business & Chancery Court" in white.

**Business &  
Chancery  
Court**

What is a  
Chancery  
Court?

## *Elon Musk Seems to Answer to No One. Except for a Judge in Delaware.*

So is it a  
big deal?

Kathaleen St. J. McCormick, the chief judge of Delaware's Chancery Court, gave Mr. Musk until Friday to acquire Twitter. She is also judging at least one other case involving the billionaire.

Working  
Group

# The Preeminent Court of Equity

The Delaware Court of Chancery is widely recognized as the nation's preeminent forum for the determination of disputes involving the internal affairs of Delaware corporations and other business entities through which a vast amount of the world's commercial affairs is conducted.





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# Delaware

Utah Population = 3.3 Million  
Utah Incorporations = 300,000  
Per capita = .09 per person

Delaware Population = 1 Million  
Delaware Incorporations = 1.5 Million  
Per capita = 1.5 (15x Utah's per capita)

50% of all publicly traded companies  
63% of fortune 500  
25% of DE State Budget

## Driving Forces

Tax system  
Privacy  
Simplicity  
Chancery Court

**Additional  
Benefits**

# General Benefits

- Experienced Judges
- Efficient Resolution
- Published Opinions
- Increased Predictability
- Increased Efficiency and Flexibility

States with Chancery Court (or similar):

- Delaware
- Arizona
- South Carolina
- New York

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Ken Black - Foley Lardner  
Brady Brammer - Brammer Ranck (Utah House)  
Wade Budge - Snell Wilmer  
Erik Christiansen - Parsons Behle (Utah Bar President-elect)  
Kirk Cullimore - Cullimore Law (Utah Senate)  
Michael Drechel - UT Courts  
Deno Himonas - Wilson Sonsini (Fmr Justice of Utah Supreme Court)  
Rick Hoffman - Lone Peak Valuation  
Alex Leeman - Parsons Behle  
Eric Maxfield - Holland & Hart  
Frank Pignanelli - Foxley & Pignanelli  
Judge Todd Shaughnessy - UT Courts  
Gordon Smith - BYU Law Dean  
Steven Styler - Foxley & Pignanelli  
Melanie Vartabedian - Ballard Sparr  
Gregory Watts - Wilson Sonsini



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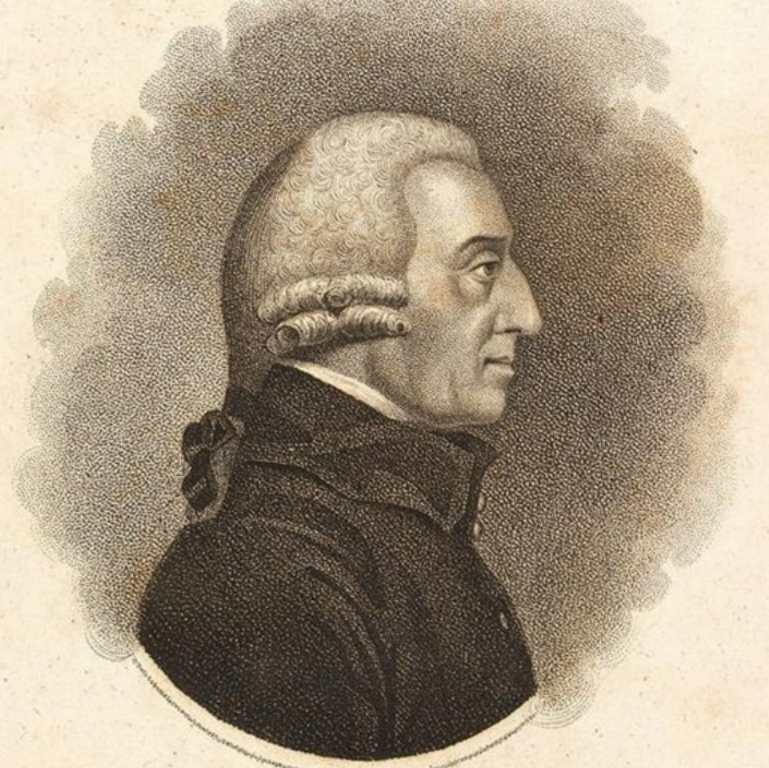
**Business &  
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# Specialization

- Tax Judges  
Judicial Council Code of  
Judicial Administration 6-103
- Water Judges  
Judicial Council Code of  
Judicial Administration 6-103
- Justice Courts of Record
- Future Magistrate Courts

## THE WEALTH OF NATIONS



ADAM SMITH

Utah Constitution: Article VIII, Section 5.

The district court shall have original jurisdiction in all matters except as limited by this constitution or by statute, and power to issue all extraordinary writs. The district court shall have appellate jurisdiction as provided by statute. **The jurisdiction of all other courts, both original and appellate, shall be provided by statute.**

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# Business and Chancery Court of Utah





# Business & Chancery Court: A New Option

- Generally involving (1) equitable corporate matters or (2) certain civil litigation matters in excess of \$300,000
- No juries
- Limited purview of claims
- Not a division of the district court
- Statewide venue

**Key  
Features**

**In & Out**

1. Published Orders, Rulings, Opinions
2. Tentative Rulings 48 Hours in Advance
3. Additional Clerks
4. Statewide Jurisdiction
5. Standardized Ex Parte/Emergency Procedures
6. Built for Complex Disputes (special masters, receivers, crypto, preliminary injunctions)

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## Eligible Cases:

- (1) Qualifying cases seeking in excess of \$300,000, or
- (2) seeking only equitable relief, and
- (3) arising from:
  - Governance, dissolution, receivership, liquidation of entity
  - Shareholder duties to one another
  - Derivative actions
  - Commercial Real Estate
  - Franchisor/franchisee
  - Securities/Antitrust
  - Business contracts & UCC
  - Professional Malpractice (not medical)
  - Business torts
  - Trade secrets
  - Commercial insurance coverage disputes
  - Crypto/DAO



**Not  
ELEGIBLE**

## Not Eligible:

- Seeks monetary relief in an amount less than \$300,000
- Evictions
- Eminent domain
- Civil rights
- Personal injury & motor vehicle torts
- Domestic relations and related protective orders
- Criminal proceedings (other than criminal contempt arising within a case)
- Wrongful termination and statutory employment claims

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