



ACC's Evolving Commercial Courts Leadership

Commercial and Contracts



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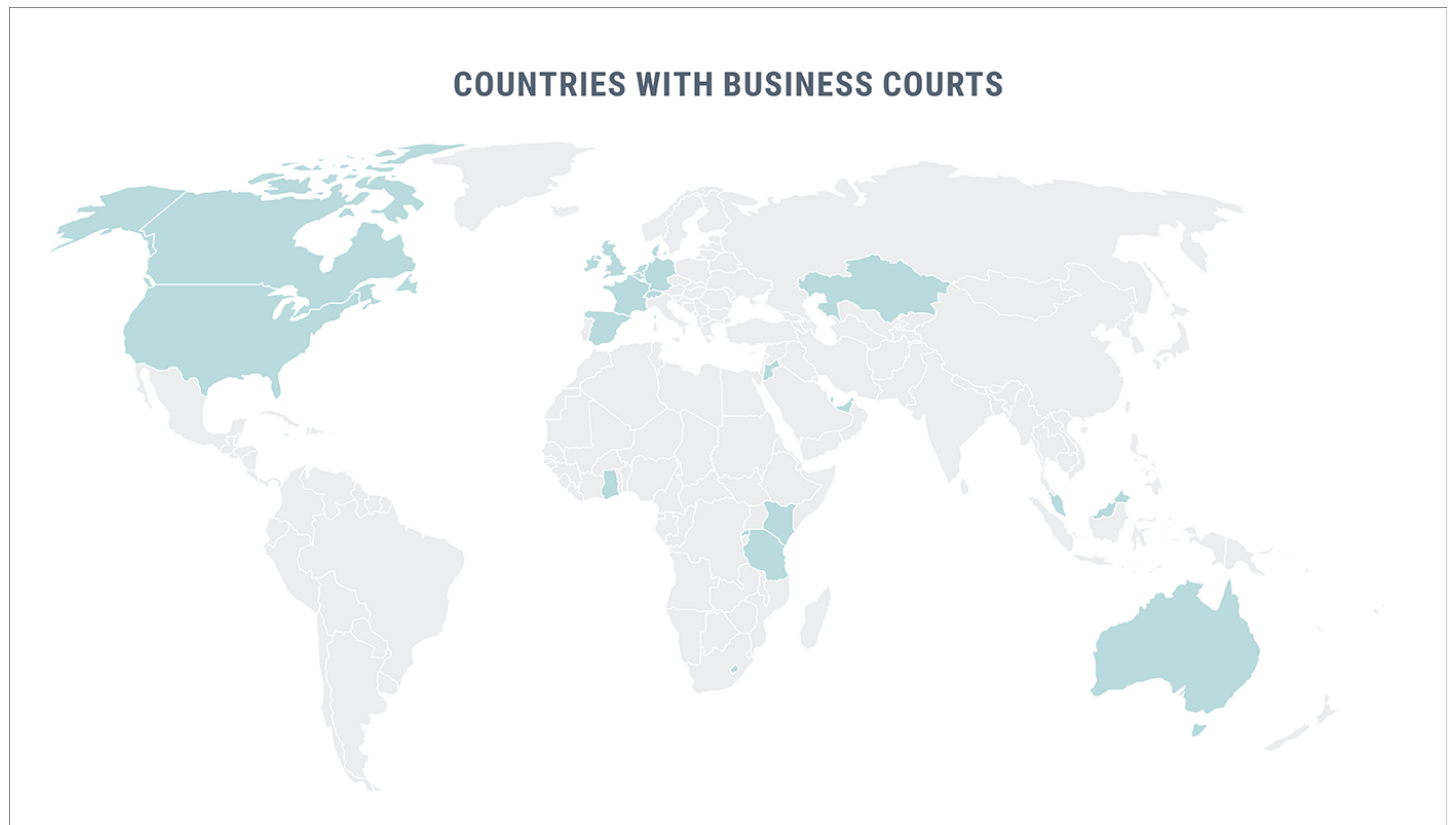
ACC's board of directors delivered a vital advocacy tool to the global membership when it endorsed the revision of ACC's longstanding Business Courts policy resolution on October 16, 2023. This action is the most recent chapter in ACC's 28 year history of supporting the creation and implementation of business courts and provides guidance to ACC chapters and members seeking to advocate for the development of business courts in their jurisdiction. ACC gratefully acknowledges the substantial contributions of Robert L. Haig to ACC's advocacy for business courts beginning in 1996 and continuing until the present time.

The purpose of the policy

The intent of ACC policy resolutions is to provide chapters, members, and the general public with an understanding of the advocacy issues ACC cares about. For chapters and members, resolutions also provide a valuable resource to use when advocating for an issue in their jurisdiction. The Commercial Courts resolution is designed to be just that type of resource: something they can use to advocate for business and commercial courts in their jurisdiction.

ACC begins its Commercial Courts resolution by "urg[ing] national judiciaries to consider wherever appropriate the advantages of specialized procedures for resolution of business disputes" and noting "that an effective way to realize such advantages is for all national judiciaries to create commercial

courts or specialized court divisions dedicated to business litigation.” In its policy statement, ACC explains why “[c]ountries should have public state court systems that can resolve commercial disputes efficiently” and discusses the benefits and advantages of business courts.



For example, ACC notes that “[c]ommercial courts result in more cost-effective and timely case processing and an improvement in the quality of dispositions.” ACC acknowledges that “[t]he legal issues in commercial litigation are often complex” and that “[e]fficient resolution of these disputes requires the expertise of judges experienced in these areas and skilled at handling these cases.” ACC’s policy statement concludes that commercial courts “therefore foster a more favorable environment for creating and maintaining businesses, and as a result enhance the economic well-being of their nation.”



Commercial courts resolutions are resourceful for members advocating specific issues within their jurisdiction. Day Of Victory Studio / Shutterstock.com

Historical advocacy for business courts

ACC's 28-year history with business courts began in 1996 when ACC's board of directors endorsed a policy statement supporting the creation of business courts in the United States. ACC's 1996 policy statement relied on analysis and reasoning similar to its 2023 statement for its conclusion that "[t]he United States should have public state court systems that can resolve commercial disputes efficiently."

On October 18, 2009, ACC's board of directors adopted a second policy statement re-affirming its support for the creation of business courts in the United States and reflecting developments during the 13 years since adoption of its 1996 policy statement.

In its 2009 statement, ACC's board noted that "[t]he business community in the United States and its legal counsel have had numerous opportunities during the past 13 years to observe and evaluate the operations of business courts and the contributions they have made to state courts." ACC's board concluded its 2009 policy statement by declaring that "[t]he experience of the states which have created business courts has been positive and presents a strong argument for expanding the use of such courts." These two policy statements have been widely distributed over the past 28 years to numerous members of the executive, legislative, and judicial branches of state governments throughout the United States, and ACC's advocacy has played an important role in the development of business courts in those states.



ACC's advocacy efforts have contributed significantly to the evolution and expansion of business courts in various states over the years. Amerigo_images / Shutterstock.com

Finally, in its 2023 statement, ACC notes that “[b]usiness courts now exist in more than half of the United States” and that “[s]imilarly, a number of countries outside the United States have created commercial courts which are providing substantial benefits to their business communities and to their nations generally.” ACC concludes its 2023 statement by stating that “ACC has contributed to the creation and development of business courts for many years and ACC welcomes opportunities to share its knowledge and experience in support of such courts.”

US STATES WITH BUSINESS COURTS

A map of the United States where states with business courts are highlighted in teal and states without are in light gray. The teal states include Nevada, Arizona, Texas, Wyoming, Colorado, Utah, New Mexico, Florida, Georgia, South Carolina, North Carolina, Tennessee, Kentucky, Indiana, Michigan, Wisconsin, Illinois, Ohio, Pennsylvania, New York, Connecticut, Massachusetts, Vermont, New Hampshire, and Maine. The light gray states include Washington, Oregon, California, Idaho, Montana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Missouri, Arkansas, Louisiana, Mississippi, Alabama, West Virginia, Maryland, Delaware, New Jersey, and Alaska.

Members of ACC have been proactive in employing the Commercial Courts resolution to advocate for the establishment of business courts in their jurisdictions. ACC leaders and staff have spoken in support of the concept at public hearings and worked to gain more widespread support among judges and legislators by touting the many positives that business courts offer. I will spotlight as an example the many strides that have been achieved in the State of New York in developing one of the United States' first business courts.



Through countless advocacy endeavors, the entire ACC organization has made an impactful change to the ACC Business Courts policy resolution. *vastGorodenkoff / Shutterstock.com*

ACC and its New York Chapter have advocated for and supported the Commercial Division of the New York State Supreme Court since its inception in 1995. For example, as early as 1997, at an event at the New York State Supreme Court in New York County to celebrate an anniversary of the Commercial Division, Richard E. Mulroy, Jr., then chair of ACC's board of directors and the general counsel at Mutual Life Insurance Company of New York (MONY), spoke on behalf of ACC and in support of the Commercial Division.

ACC President and Chief Executive Officer Veta T. Richardson spoke on behalf of ACC at a virtual program entitled "The Benefits of the Commercial Division to the State of New York" which The Business Council of New York State presented on June 7, 2022 to its members and to the executive and legislative Branches of the New York State government, the business and legal communities, and the press. At every phase of the development of the Commercial Division, ACC is proud to have been at the forefront to advocate for and celebrate its impact.

The success of commercial and business courts

ACC is delighted that commercial and business courts have achieved such extraordinary success over the past 28 years. The resulting benefits and advantages for the businesses that litigate in these courts and for entire judicial systems have exceeded expectations. It's also clear that these benefits are not limited to the litigants and others who appear before the courts. As ACC's board concluded as early as 1996, business courts will "foster a more favorable environment for creating and maintaining businesses and will as a result enhance the economic well-being of the nation."

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[Brian Campbell](#)



Chief Legal Officer

Trajectory

Brian P. Campbell is the chief legal officer of Trajectory, which he joined in March 2024. Prior to joining Trajectory, Campbell served as chief legal officer and corporate secretary of DHI Group, Inc. (NYSE: DHX). Campbell joined DHI as its first general counsel in January 2000 and served as chief legal officer/general counsel and corporate secretary of DHI Group until September 2023. Prior to joining DHI Group, Inc., Campbell served as vice president, general counsel, and corporate secretary at CMP Media (NASDAQ: CMPX), where he worked since 1995. From 1988 to 1995, Campbell worked as a corporate associate in the New York office of the global law firm of Mudge, Rose, Guthrie, Alexander and Ferdon.

Campbell serves on the global Board of Directors of the Association of Corporate Counsel (the "ACC"), where he is a member of the Advocacy Committee and the Cybersecurity and Risk Committee, as well as Chair of the Technology Advisory Committee of the Board. He is a past chair of the Small Law Department Network of the ACC and is a past president of the New York City Chapter of the ACC, where he served on the Board of Directors for six years and has

been a member for over twenty-five years. Campbell is also a Charter Member of TechGC, a peer community of general counsels of technology companies.

As a recognized leader in the in-house legal community with over 23 years of chief legal officer/general counsel experience, Campbell regularly addresses critical in-house topics as a frequent author, speaker, and panelist for publications and events.