



Counting the Days...

Happy Holidays! That said, as you prepare for holiday office closures, it is important not to forget upcoming contract deadlines (cue the “Debbie Downer” theme music).

The Texas Rules of Civil Procedure provide that deadlines in civil litigation are automatically moved forward to the next business day if they fall on a weekend or non-business day. In the realm of commercial contracts, this rule does not apply. If the contract is silent regarding deadlines that fall on non-business days, the safe practice is to calendar the deadline on the preceding business day.

Most commercial contracts do include a boilerplate provision stating that any deadline falling on a day that is not a business day is extended to the next business day. The provision should also define what days are “business days.” Definitions of business days generally include all Saturdays and all Sundays, but contracts vary in how they cover holidays.

Some definitions of business days refer to state or federal holidays, which may differ. Under the Texas Government Code, the term “legal holiday” includes the day after Thanksgiving as a day that state public offices may be closed. The day after Thanksgiving is not, however, a federal holiday. In contrast, Texas state public offices are required to remain open on Columbus Day, but Columbus Day is a holiday for the United States Postal Service and the Federal Reserve.

Many contracts define non-business days (other than weekends) by specific reference to bank holidays or USPS holidays. Of note, if a definition referencing bank holidays is broad enough to include banks outside of the Federal Reserve system, then “bank holidays” may not be synonymous with USPS holidays. Before you close up shop for the holidays, it is important to read and understand how your active contracts define business days, as there is not a universally applicable definition.

With both Christmas Day and New Year’s Day falling on Saturdays this year, there will not be weekday USPS or national bank closures. To give employees a weekday holiday, many businesses will close on the Friday before or Monday after the Saturday holidays. Unless the contract specifically includes these holiday-adjacent weekdays, then time frames will press forward while offices are closed. But still, Happy Holidays!

For more information, please contact [Susan George](#).