

THE JOURNAL RECORD

Gavel to Gavel: The future of business courts in Oklahoma

By: [Adam Doverspike](#) // GableGotwals // November 19, 2025



Adam Doverspike

In October, the [Oklahoma Supreme Court](#) invalidated the new [law](#) creating specialized [business courts](#) to handle complex commercial disputes. In a 5–4 decision, the Court held that the legislation violated the Oklahoma Constitution’s requirement that trial judges be elected rather than appointed by the Governor.

The [legislature](#) aimed to create a dedicated docket for business litigation, modeled after business courts in other states such as [Delaware](#), [Texas](#), and Georgia. The law authorized the appointment of new business court judges by the Governor with approval by the Senate, like the federal judicial selection method.

Proponents argued that the measure would promote efficiency, consistency, and expertise in resolving high-stakes commercial cases and help attract businesses to Oklahoma. Opponents challenged the law soon after its enactment, asserting that the appointment process for the new judges conflicted with the Oklahoma Constitution, which mandates that all district judges be elected by voters.

In its opinion, the Court’s majority concluded that because [SB 632](#) created trial-level judges, those positions fell under the constitutional requirement for elections. The Court emphasized that the Legislature may not bypass the electorate by creating judicial positions filled through an appointment process.

The ruling effectively halts the state’s plans to implement the business court system, which had been anticipated to begin operations in 2026. However, the issue may not be settled permanently. Lawmakers have signaled interest in revisiting the proposal during the 2026 legislative session, potentially through a constitutional amendment or revised framework that aligns with the Court’s ruling.

Texas’s new business courts opened in late 2024 and have garnered widespread praise for the expedited decision-making. Business courts in Texas are part of a multi-pronged effort to lure companies to incorporate there instead of Delaware. Recently, Coinbase announced they would join Tesla, SpaceX, and Dropbox in leaving Delaware to reincorporate in Texas. Such business moves will no doubt be noticed by Oklahoma lawmakers seeking to attract and retain business here.

Businesses, attorneys, and policymakers should continue to watch for further developments as Oklahoma evaluates how to best modernize its [judicial system](#) to work closer to the speed of business.

[Adam Doverspike](#) is a shareholder at [GableGotwals](#).

[Gavel to Gavel: The future of business courts in Oklahoma](#)