

A Review of Specialized Business Courts

BY COLIN E. MORIARTY AND MATT KMASTER



This article examines models of specialized business courts and their success in other states and considers how Colorado could create a court to handle complex business cases.

Though Colorado has traditionally been among the best states for economic growth,¹ it appears to be losing some steam in recent years. In April 2026, the Colorado Department of Labor and Employment reported a decrease in Colorado’s labor force of 5,200.² According to the Colorado Chamber Foundation, at least 98 companies have relocated out of the state since 2019.³ New business filings as of the beginning of 2025 were up slightly from 2024, but still much lower than they were in 2023.⁴ Still, Colorado continues to experience GDP growth.⁵

Some of Colorado’s economic condition is, of course, related to headwinds beyond the state’s control. But it may be that some of the circumstances causing companies to leave or scale back are within the control of the legislature and judiciary. At least according to the Chamber Foundation, many of the businesses that left identified the burdens imposed by Colorado law.⁶ Some of these burdens involve Colorado’s statutory or regulatory environment. Addressing those concerns may be difficult or controversial. Perhaps there is another way that the state can become more business-friendly without compromising on some of its legislative priorities.

One way Colorado could help streamline burdens for businesses, or at least signal its willingness to do so, is to consider adopting a specialized business court. A recent *Colorado Lawyer* article asked if it was time to consider specialized business courts.⁷ This article expands on that question by examining Colorado’s past efforts to address complex business litigation and considering the experience of other states. Drawing on the perspective of a business litigator, it aims to provide a foundation for further discussion within Colorado’s legal community.

Why Are Some Business Cases So Complex?

Complexity is not unique to business disputes. Motivated counsel can make any case complex. But business cases wear their complexity on their sleeve. They tend to involve lengthy contracts like purchase agreements or corporate governing documents. Because a company is made up of many people and engages in more economic activity than an individual, business cases can involve more parties and witnesses, including companies, subsidiaries, and members or shareholders of each. For the same reason, entities tend to generate more documents than a single human litigant would, so the cases can involve extensive communications, numerous email accounts from different employees, and complicated accounting records. All of these factors increase the number of things to fight about in discovery and document dumps to deal with.

Business disputes also typically involve large dollar amounts and well-funded counsel on both sides. This tends toward robust litigation that, while professionally satisfying, is time-consuming. Indeed, the added complexity born of JD ingenuity begins long before reaching the courthouse steps. Complicated business contracts and transaction documents are the product of sophisticated legal teams trying to predict and counter-predict the outcome of the deal. From contract drafting through trial and the development of new case law, business disputes are often tailor-made to increase complexity. Courts recognize that business cases thus “draw upon a body of law developed in response to the unique nature of commercial disputes.”⁸ A complex business case has an inherent, probable risk of requiring more effort and time for the judiciary to resolve than most other kinds of cases.

Yet, in Colorado, business cases are generally placed on the same civil docket as any other case. To its credit, Colorado has adopted specific rules requiring early consideration of proportionality and the specific needs of each case.⁹ This only goes so far, however, when a judge is inundated with cases of many different kinds and must become generally familiar with many areas of law instead of sinking deeply into jurisprudence in a single area.

Limitations of the Data on the Scope of the Problem

Business law practitioners likely all have personal anecdotes about clients frustrated by delays in resolving complex business disputes or by unpredictable outcomes.¹⁰ Colorado courts deal with a large number of cases each year, but data on how many complex business cases exist and how much delay they are causing is hard to find.¹¹

In 2025, there were 76,271 civil case filings in Colorado.¹² Of these, 21,311 occurred in the Denver District Court alone.¹³ These figures are not unusual in recent years. The total number of district court civil filings since 2020 were:¹⁴

YEAR	CIVIL CASE FILINGS
2024	93,083
2023	60,577
2022	84,146
2021	81,781
2020	104,632

The Colorado Judicial Branch’s Annual Statistical Reports do not include a category for

“complex business” disputes, making it hard to determine exactly how many cases involve such disputes. However, in 2025, there were 8,091 filings for cases coded in ways that might suggest a complex business case, including breach of contract, fraud, goods sold and delivered, injunctive relief, money, replevin, and specific performance.¹⁵ Of these, 1,232 were filed in Denver alone.¹⁶

The filing of a few thousand complex business cases a year could have a substantial effect on a civil docket. In the context of discovery and motions practice, presenting a civil judge and their staff with hundreds of pages of briefing, contracts, email communications, and accounting records will necessarily require significant time to review.¹⁷ The law surrounding complex business issues can be specialized or rely on out-of-state authority, requiring additional time to research. This time has to be fit into the existing caseload and pulls time from other cases. This is made more difficult by the fact that Colorado has needed “additional judges at every level” since at least 2024.¹⁸

Prior Attempts to Address Complex Business Cases in Colorado

Colorado has dabbled with applying special rules to streamline commercial disputes several times in recent years, with mixed results.

The 2000 Governor’s Task Force

Around 2000, Colorado established a Governor’s Task Force on Civil Justice Reform to “explore the potential benefits and disadvantages of a business court system devoted exclusively to the resolution of commercial disputes.”¹⁹ The task force considered business cases to include those involving (1) the rights, duties, or liabilities of equity owners, managers, or agents of any form of business entity; (2) the formation, sale or purchase, or merger or conversion of entities; (3) conduct invoking antitrust or unfair competition laws or agreements with entities involving competition or interference; (4) commercial transactions not involving a consumer; and (5) intellectual property.²⁰

The task force recommended a specialized court for these kinds of cases, pointing to complaints from businesses about cases taking too

long to resolve and resulting in unpredictable outcomes.²¹ It also noted that a specialized business court would develop its own substantive jurisprudence, which would theoretically help guide future disputes.²² It bemoaned the use of private arbitration²³ because it deprived future litigants the information and guidance available from published decisions.²⁴

This report was followed by some important changes. The task force recommended creating a simplified procedure for cases involving less than \$100,000, and in 2003 Colorado did exactly this in adopting CRCP 16.1.²⁵ But, as for the adoption of a business court, Chief Justice Mullarkey rejected the idea because there were not enough cases to justify it.²⁶ At the time, she reported only 230 “business cases” pending in the Denver County District Court.²⁷ Depending on what fraction of the civil cases today would be called “business cases,” today’s figure could be 1,000 or more.

The 2010 Civil Access Pilot Project

Leading up to 2010, Judge Ann Frick (then a practicing lawyer) and Gordon Netzrog led a task force²⁸ that resulted in the adoption of the Civil Access Pilot Project (CAPP).²⁹ That project, which lasted from 2010 to 2014, set up a streamlined procedure for certain cases, including “business actions.”³⁰ CAPP did recommend different procedures, but not a different court, for business disputes. While active, CAPP required plaintiffs to make disclosures ahead of the answer deadline,³¹ required the case to have a single judge for its entire lifespan,³² imposed limitations on discovery and expert testimony,³³ and required active case management.³⁴

Some of the ideas in CAPP were retained and incorporated into the civil rules, such as the case management conference requirements in the modern Rule 16.³⁵ But the idea of creating a separate set of procedures for “business actions” was not preserved. This may have been because the definition used by CAPP was much broader than the one used by the 2000 task force and did not neatly align with the archetype of a complex business dispute that predictably requires more judicial resources. CAPP expansively defined “business actions” as disputes between businesses or between

business and individuals, legal or equitable, that involved

- breach of contract,
- business torts such as unfair competition or fraud,
- the Uniform Commercial Code,
- commercial real property,
- owner/investor derivative actions,
- commercial class actions,
- business transactions with banks,
- disputes involving internal affairs of businesses,
- commercial insurance,
- entity dissolution,
- securities,
- antitrust, or
- intellectual property.³⁶

The Institute for Advancement of the American Legal System, in its report on the effects of CAPP, noted that this definition was “unrelated to any existing category of cases and is subject to differing interpretations.”³⁷ Among other things, the fact that “contract” actions were included meant that the definition swept in cases not really intended to be involved, such as construction defect, employment, or professional malpractice.³⁸

Development of Specialized Business Courts in Other States

Most other states have adopted specialized business courts in some fashion. Delaware led the way back in 1792 with its Court of Chancery.³⁹ This court was not originally designed to be a forum for complex business disputes. It began, rather, as a specialized court to handle cases at equity rather than at law, unique among the early states.⁴⁰ When corporations arose, this was a natural forum for resolving internal corporate disputes, which are often equitable in nature.⁴¹ Recognizing that these same benefits could flow to sophisticated commercial disputes in courts of law, the president judge of the Delaware Superior Court issued an administrative directive in 2010 creating the Complex Commercial Litigation Division of the Superior Court, which hears disputes for monetary awards in business and commercial matters.⁴²

Despite the Court of Chancery’s two-century-long notoriety, it was not until the early

1990s that serious interest began to develop in creating courts that specialize in business-related disputes.⁴³ Multiple factors explain why this movement began to take shape when it did. First, as the economy became more globalized and interconnected, business became more sophisticated and wide-ranging.⁴⁴ What's more, commercial litigants became frustrated with how state courts were processing these types of cases, as they often involved multiple judges participating in a single case who were not particularly informed of the substantive law and procedural complexities surrounding business and commercial litigation.⁴⁵ As a consequence, many felt a pressing need to develop courts that were well-equipped to deal with the challenges stemming from complex business and commercial disputes.

New York and Illinois took the lead in this moment of innovation. In 1993, the Supreme Court of New York in New York County created a pilot commercial program "in an effort to identify ways to shore up confidence in the ability of the state courts of New York to effectively and efficiently address complex commercial disputes."⁴⁶ The pilot program was a success, and in 1995 the chief judge created the Commercial Division of the Supreme Court of New York, which originally operated in New York and Monroe Counties but soon expanded to other counties.⁴⁷ Meanwhile, in Illinois, the Presiding Judge of the Cook County Circuit Court's Law Division issued an administrative directive in 1992 that created a pilot program for a specific Commercial Calendar whereby "individual judges would handle the entire proceedings for individual cases assigned to them."⁴⁸ This program also was a success, and the number of judges in the Commercial Calendar Section has steadily increased throughout the years.⁴⁹

New York's Commercial Division was heralded as a paragon for the development of specialized business courts, and many states sought to replicate the model in their own jurisdictions.⁵⁰ As of 2025, 27 states have a business court of some kind operating within their borders, whether at the county, city, regional, or statewide level.⁵¹ In addition, four states have programs dedicated to complex

litigation more generally, which oftentimes encompasses business and commercial cases.⁵² The appendix to this article lists the states that have adopted some form of specialized commercial court.⁵³

Types of Business Courts in Other States

States have experimented with different models of specialized courts. A business court can be a specialized docket, track, or program within the civil trial court system; a separate division of the civil court system; or an entirely separate court within an overarching legal system.⁵⁴ Accordingly, the term business "court" is somewhat of a misnomer because it doesn't always mean a court separate and apart from the general civil legal system, but a special program or division within it.⁵⁵ The different approaches share some commonalities. They usually require a single judge with some specialized experience or training in this area to preside over the entire case from start to finish.⁵⁶

Commentators recognize four basic models of specialized business courts used in the various states. Some states define a list of the types of cases the court can adjudicate along with a minimum amount in controversy.⁵⁷ Examples of cases that typically fall on these lists include intra-corporate disputes, corporate sales and purchases, securities transactions, shareholder derivative actions, corporate officer and director liability actions, and sales of goods or services between businesses.⁵⁸ This uses a definition similar to that used by the 2000 task force in Colorado.

Other states only allow a case to proceed to the business court if it is "complex."⁵⁹ This model requires judicial gatekeepers to assess the overall complexity of the case by considering factors such as the nature and number of issues, the amount in controversy, the volume of evidence, and the number of witnesses.⁶⁰ This approach is more subjective than the first because the designated gatekeeper looks at the totality of the circumstances as opposed to a predefined list of criteria in deciding whether a particular case should be heard by the business court.⁶¹ This model somewhat resembles CAPP, which emphasized active case management and

judgment by the judicial officer on what kind of procedure to permit.

Other states incorporate aspects of the first two models.⁶² Known as "hybrid business courts," these systems prescribe a set of cases that must be heard by the business court but also allow discretion for cases that do not fall under the list.⁶³ North Carolina's business court system is an example of a hybrid model, requiring certain types of cases to be heard by the business court while also providing courts discretion to hear cases that are not explicitly included in the list if they are deemed "complex."⁶⁴

Finally, some states have implemented so-called complex litigation courts.⁶⁵ The jurisdiction of these courts is not necessarily based on the subject matter of the dispute, but on indicia of the case's procedural complexity, such as the number of issues, documents, and witnesses involved, as well as the intricacies of the legal issues themselves.⁶⁶

The Experience of Other States

Where data exists on the results of specialized business courts in other states, it has largely been positive. In Pennsylvania, a survey from 2000 found that 90% of respondents were "very satisfied" with the Philadelphia Commerce Court.⁶⁷ In Massachusetts, a 2003 study found that 88% were extremely or very satisfied, and the court had generated 300 written decisions in the first three years.⁶⁸ In Iowa, about 87.5% agreed that the specialized court improved the quality of business litigation.⁶⁹

Data concerning the efficiency of specialized business courts also tends to be positive. According to one cross-jurisdictional study in 2012, specialized business courts resolved complex contract claims an average of 1,138 days faster than nonspecialized courts, and resolved complex tort claims 718 days faster.⁷⁰ The New York Commercial Division saw a 35% case disposition increase from 1992 to 1993 and a 44% increase from 2000 to 2002.⁷¹ Arizona saw a moderate improvement in time to resolve cases of 373 days in its specialized court versus 415 days as a baseline.⁷² In Indiana, motions to dismiss or for summary judgment received rulings in less than 30 days.⁷³

There is also some research suggesting that specialized business courts provide economic benefits to states that adopt them. A 2017 study found that businesses were 5% to 7% more likely to invest in a state that had adopted a specialized business court.⁷⁴

Next Steps in Colorado

If the legislature or judiciary in Colorado is interested in reviving the idea of a specialized business court, there are several possible next steps. One step that may have broader benefits than for the establishment of a business court is creating greater transparency into the state's trial court dockets. The statistical data currently available makes it difficult to ascertain exactly which kinds of cases are causing docket con-

gestion. Policymakers and practitioners might benefit from information beyond their anecdotal experiences. As the state also grapples with the coming wave of legal services being provided by nonlawyers,⁷⁵ including AI systems,⁷⁶ greater access to court information may give rise to more innovation and greater access to justice. This information may also help guide Colorado into targeted solutions to improving court efficiency.

If the data is already compelling enough without more access to court information, then policymakers could consider the available information collected by its prior experiments with specialized business dockets and the options available from other states. The wheel need not be reinvented; successful models are already in place across the country. 



Colin E. Moriarty practices with Moriarty Underhill LLC in Greenwood Village. Focusing on business and commercial litigation and arbitration, he has litigated business disputes, construction and fabrication defect claims, employment discrimination lawsuits, subcontractor litigation, state RICO fraud lawsuits, civil theft disputes, insurance appraisal and adjustment disputes, and other lawsuits involving complex commercial and construction matters—colin@underhilllaw.com. **Matt Knaster** is an associate at Moriarty Underhill LLC. He focuses his practice on civil litigation, including mechanic's liens, contract disputes, arbitrations, business owner disputes, and some larger business litigation—matt@underhilllaw.com.

Coordinating Editors: David P. Steigerwald, dps@sparkswillson.com; Rachel Burkhart, burkhart.rachel@dorsey.com

NOTES

1. Reporting suggests Colorado has consistently been in the top 10 states for growth in GDP, employment, personal income, and home price over 15 years. Chaung, "Colorado Lost Jobs and Saw Its Labor Force Decline Last Year," *Colo. Sun* (Apr. 9, 2026), <https://coloradosun.com/2026/04/09/colorado-lost-jobs-and-saw-its-labor-force-decline-last-year>.

2. Colorado Department of Labor and Employment, "Press Release: Colorado Employment Situation—January 2026," <https://cdle.colorado.gov/press-releases/press-release-colorado-employment-situation-january-2026>.

3. Colorado Chamber Foundation, *2025 Relocation Tracker: Colorado's Lost Corporate Opportunities & Competitiveness Assessment*, <https://cochamber.com/wp-content/uploads/2025-Relocations-Tracker.pdf>.

4. Colorado Secretary of State, *Quarterly Business & Economic Indicators* 2, 4 (First Quarter 2025), <https://www.sos.state.co.us/pubs/business/quarterlyReports/2025/2025Q1EconomicIndicatorsReport.pdf#:~:text=New%20entity%20filings%20in%20Q1%202025%20increased,0.1%25%20in%20March%2C%20adding%20%2C300%20jobs%20year%2Dover%2Dyear>.

5. Federal Reserve Bank of St. Louis, Federal Reserve Economic Data, "Gross Domestic Product: All Industry Total in Colorado," <https://fred.stlouisfed.org/series/CONGSP>.

6. Colorado Chamber Foundation, *supra* note 3.

7. Glasser and Walker, "Fostering a Business-Friendly Climate: Is It Time for Colorado to Consider Specialized Courts of Chancery," 55 *Colo. Law.* 12 (Jan./Feb. 2026), <https://cl.cobar.org/departments/fostering-a-business-friendly-climate>.

8. Mantese Honigman, PC, *Report of the Committee on Business Courts*, Business Courts Blog at 13 (2000), <https://www.businesscourtsblog.com/wp-content/uploads/2019/04/2000-report-01583491xB05D9.pdf>.

9. CRCP 16.

10. Anecdotally, the author has experienced months of delays for emergency injunctive relief and

years of delays on final resolution in complex business cases.

11. The Colorado legislature did appoint a specific task force to consider information transparency related to Colorado courts, but it was focused on inter-court transparency, not public information. See CRS § 13-3-119 (2023). The task force expired in early 2024 without, it appears, the legislature making any material change to the availability of data on court dockets. See Colorado Judicial Branch, "Court Data-Sharing Task Force," <https://www.coloradojudicial.gov/court-data-sharing-task-force>.

12. Colorado Judicial Branch, "Trial Court Annual Statistics," at 2 (2025), <https://www.coloradojudicial.gov/annual-statistical-reports>. This includes only cases coded as "District Civil" and excludes, among other things, domestic relations cases.

13. *Id.*

14. *Colorado Judicial Branch Annual Statistical Report Fiscal Year 2024* at 20, <https://www.coloradojudicial.gov/sites/default/files/2025-06/FY2024-Annual-Statistical-Report.pdf>; *Colorado Judicial Branch Annual Statistical Report Fiscal Year 2022* at 20, https://www.coloradojudicial.gov/sites/default/files/2023-07/FY2022_Annual-Report.pdf.

15. "Trial Court Annual Statistics," *supra* note 12 at 2.

16. *Id.* at 2.

17. Anecdotally, the author has observed in complex shareholder disputes that Colorado district courts have taken almost a year to issue final judgment after a bench trial and about three months to rule on an emergency motion for preliminary injunction.

18. Colorado Courts, *Annual Report: Fiscal Year 2024* at 5, <https://www.coloradojudicial.gov/sites/default/files/2025-03/2024%20Judicial%20Annual%20Report%20%2823%29.pdf>.

19. *Report of the Committee on Business Courts*, *supra* note 8 at 11.

20. *Id.* at 13.

21. *Id.*

22. *Id.* See also Moorhead, "Business Courts: Their Advantages, Implementation Strategies, and Indiana's Pursuit of Its Own," 50 *Ind. L. Rev.* 397, 402 (2016).

23. This is not a popular position in modern Colorado law, which heavily favors alternative dispute resolution.

24. *Report of the Committee on Business Courts*, *supra* note 8 at 14.

25. See also Holme, "Back to the Future—New Rule 16.1: Simplified Procedure for Civil Cases Up to \$100,000," 33 *Colo. Law.* 11 (May 2004).

26. Mullarkey, *State of the Judiciary* 11 (Jan. 12, 2001), <https://spl.cde.state.co.us/artemis/scserials/sc11internet/sc112001internet.pdf>.

27. *Id.*

28. Colorado Judicial Branch, *A History and Overview of the Colorado Civil Access Pilot Project Task Force Applicable to Business Actions in District Court 2*, <https://>

- www.coloradojudicial.gov/sites/default/files/2023-07/CAPP%20Overview%20R8%2014%2028FINAL%29.pdf.
29. CJD 11-02, *Adopting Pilot Rules for Certain District Court Civil Cases* (reenacted and amended Nov. 20, 2015), https://www.coloradojudicial.gov/sites/default/files/2023-08/11-02_Reenacted%20%26%20Amended%202015%20Nov%20%20Web.pdf.
30. *Id.*
31. *Id.* at Rule 3.1.
32. *Id.* at Rule 5.1.
33. *Id.* at Rules 9, 10.
34. *Id.* at Rule 7.
35. Rule Change 2015(05), Colorado Rules of Civil Procedure, https://www.coloradojudicial.gov/sites/default/files/2023-06/Rule_Change_2015-05.pdf.
36. CJD 11-02, *supra* note 29 at Amended Appendix A.
37. Gerety and Cornett, *Momentum for Change: The Impact of the Colorado Civil Access Pilot Project 7*, Institute for Advancement of the American Legal System (2014), https://iaals.du.edu/sites/default/files/documents/publications/momentum_for_change_capp_final_report.pdf.
38. *Id.* at 10.
39. Del. Const. art. IV, § 1:10; 10 Del. C. §§ 341 et seq.; Applebaum et al., “Through the Decades: The Development of Business Courts in the United States of America,” 75 *Bus. Law.* 2053, 2057 (Summer 2020).
40. Quillen and Hanrahan, *A Short History of the Court of Chancery* (1993), reprinted at <https://courts.delaware.gov/chancery/history.aspx>.
41. *Id.* (citing cases at n.40).
42. See Applebaum, *supra* note 39 at 2058; Coyle, “Business Courts and Interstate Competition,” 53 *Wm. & Mary L. Rev.* 1915, 1926 (May 2012).
43. See Applebaum, *supra* note 39 at 2057. See also Coyle, *supra* note 42 at 1922 (noting that, until recently, business courts “were quite rare in the United States”).
44. See Moorhead, *supra* note 22 at 399. See also Bach and Applebaum, “A History of the Creation and Jurisdiction of Business Courts in the Last Decade,” 60 *Bus. Law.* 147, 202 n.457 (Nov. 2004) (noting that a “global nature of conditions” have impelled other countries to develop commercial courts). Relatedly, as business itself became more complex, business cases became costlier and timelier to deal with. See “Rise of Specialized Business Courts: A Growing Trend in Corporate Litigation,” *Borderless Counsel* (June 23, 2025), <https://www.borderlesscounsel.com/blog-news-and-updates/2025/6/23/rise-of-specialized-business-courts-a-growing-trend-in-corporate-litigation>.
45. See Applebaum, “The ‘New’ Business Courts,” 17(4) *Bus. L. Today* (Mar./Apr. 2008), <https://www.americanbar.org/content/dam/aba/publications/blt/2008/03/full-issue-200803.pdf>.
46. Applebaum, *supra* note 39 at 2059.
47. *Id.*
48. *Id.*
49. *Id.*
50. See Bach and Applebaum, *supra* note 44 at 159.
51. Norman and Burningham, “Recent Developments in Business Courts 2025,” *Bus. L. Today* (Sept. 3, 2025), https://www.americanbar.org/groups/business_law/resources/business-law-today/2025-september/business-courts-2025.
52. *Id.*
53. This chart was created with some assistance from Claude 6.4, a large language model operated by Anthropic.
54. Applebaum, *supra* note 39 at 2054.
55. See Moorhead, *supra* note 22 at 397.
56. Applebaum, *supra* note 39 at 2054; Slights and Powers, “Delaware Courts Continue to Excel in Business Litigation With the Success of the Complex Commercial Litigation Division of the Superior Court,” 70 *Bus. Law.* 1039, 1045 (Fall 2015); Applebaum, *supra* note 45.
57. Applebaum, *supra* note 39 at 2055; Moorhead, *supra* note 22 at 407.
58. Bach and Applebaum, *supra* note 44 at 224.
59. Applebaum, *supra* note 39 at 2055.
60. See Moorhead, *supra* note 22 at 407; Applebaum, *supra* note 39 at 2055.
61. See Applebaum, *supra* note 39 at 2055.
62. *Id.* at 2055.
63. *Id.* at 2055–56.
64. *Id.* at 2056.
65. *Id.*
66. *Id.*
67. Coyle, *supra* note 42 at 1976 (citing Committee of Seventy, *Study and Analysis of the Philadelphia Commerce Program* 25, 27 (Jan. 2005)).
68. Bach and Applebaum, *supra* note 44 at 182–83.
69. Iowa Judicial Branch, *Iowa Business Specialty Court Report Calendar Years 2022–2023* at 4 (2024), https://www.iowacourts.gov/static/media/cms/Business_Court_Report_CY2223__FINAL_A822F47370611.pdf.
70. Renck and Thomas, “Recent Developments in Business Commercial Courts in the United States and Abroad,” *Bus. L. Today* 1 (May 2014), <https://www.americanbar.org/content/dam/aba/publications/blt/2014/05/full-issue-201405.pdf>; Moorhead, *supra* note 22 at 400.
71. Bach and Applebaum, *supra* note 44 at 153, 154.
72. National Center for State Courts, Civil Justice Initiative, *Commercial Court Evaluation* 6 (Dec. 2018), https://iaals.du.edu/sites/default/files/documents/publications/az_commercial_court_ncsc_evaluation_12-12-18.pdf.
73. *Indiana Commercial Court Working Group Final Report and Recommendations* 7 (2018); <https://www.in.gov/courts/iocs/files/2018-commercial-courts-report-final.pdf>.
74. Dammann, “Business Courts and Firm Performance,” Research Paper No. 564 at 13 (Law and Economics, University of Texas Law School, Sept. 17, 2017), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2889898. The strongest result appears to be on “Tobin’s q,” which measures a company’s market value divided by the replacement costs of its assets. Higher values are associated with high confidence and firms being encouraged to invest more capital.
75. See, e.g., CRCP 207.1, Licensed Legal Paraprofessionals’ Scope of Authority to Practice.
76. See, e.g., National Center for State Courts, AI Policy Consortium for Law & Courts, *Modernizing Unauthorized Practice of Law Regulations to Embrace AI-Driven Solutions and Improve Access to Justice* (Aug. 2025), https://www.ncsc.org/libraries/mozilla-pdfjs/web/viewer.html?file=https://www.ncsc.org/sites/default/files/media/document/AI_UPL_WhitePaper.pdf.

APPENDIX

States With Specialized Business Courts

STATE	COURT NAME	YEAR	ENABLING AUTHORITY	MODEL	CASE TYPES / SCOPE	KEY FEATURES AND OUTCOMES
A. Standalone Courts—Constitutionally or Statutorily Created						
Delaware (Chancery)	Court of Chancery	1792	Del. Const. art. IV, § 1; 10 Del.C. §§ 341 et seq.	Unique (equity jurisdiction)	Corporate governance, fiduciary duty, M&A, partnership, LLC, trust, commercial contract (equity)	Bench trials only; 7 chancellors; over 200 years of published opinions create preeminent corporate law body. No jury right in equity.
Delaware (CCLD)	Complex Commercial Litigation Division (New Castle County Superior Court)	2010	Admin. Directive No. 2010-3 (May 1, 2010)	Baseline (case type)	Any case for \$1 million or more; any case involving an exclusive choice of court agreement or judgment resulting from exclusive choice of court agreement; any case designated by the President Judge (exclusive of certain case types)	Complements Chancery; handles legal (not equity) disputes. Created to capture cases Chancery cannot hear.
Georgia	State-Wide Business Court	2020	OCGA §§ 15-5A-1 et seq.	Baseline (17 enumerated types + threshold)	Breach of contract; shareholder disputes; trade secrets; securities; IP; cybersecurity; commercial real property (≥\$1M); other (≥\$500K)	1 judge and 1 division. BCR 2-4(a) amended Aug. 1, 2021: direct filing without prior defendant consent (30-day objection window). 86 cases in first 33 months. Statewide court, but local courts may create their own dockets or programs (Metro Atlanta Business Court, created in 2005, is still operating).
Texas	Texas Business Court	2024	Tex. Gov't Code §§ 25A.001 et seq.	Baseline (case type + threshold)	Qualifying business and commercial cases (≥\$5M); qualified transactions (≥\$5M); publicly traded companies (no amount in controversy); IP, trade secrets, and arbitration enforcement	10 trial judges, 5 funded divisions. Fifteenth Ct. of Appeals (3 justices) exclusive appellate court. 56 filings through 12/31/24; 120+ by early 2025. HB 40 (June 1, 2025) expanded jurisdiction substantially by broadening definition of “qualified transactions” and including IP, trade secrets, and arbitration enforcement. No direct constitutional challenge filed.
Utah	Business and Chancery Court	2024	Utah Code Ann. §§ 78A-5a-101 et seq.	Baseline (case type + threshold)	Statutorily enumerated business disputes ≥\$300K, breach of contract, breach of fiduciary duty, business governance, dissolution, derivative shareholder actions	Operational Oct. 1, 2024; 1 judge. Statewide jurisdiction; bench trials only. Every opinion and order must be published on court’s website; proposed ruling on motion must be issued within 48 hours before the day on which oral argument is held.

STATE	COURT NAME	YEAR	ENABLING AUTHORITY	MODEL	CASE TYPES / SCOPE	KEY FEATURES AND OUTCOMES
Wyoming	Chancery Court	2019	Wyo.Stat. §§ 5-13-101 et seq.	Baseline (business + trust)	Business entity disputes, trusts, commercial disputes, LLC/partnership, corporate governance, securities	First full-time judge (Burningham) sworn in Jan. 2, 2025. Cases: 15 (2022), 31 (2023), 47 (2024). 150-day target for case resolution. HB 54 (2025) allows assignment of district/circuit cases to chancery judges. Courtroom in Casper.
B. Dedicated Divisions Within Existing Trial Courts						
Arizona	Commercial Court (Maricopa County)	2015 (pilot program); 2019 (permanent)	Admin. Order 2015-15 (pilot program), superseded by Admin. Order 2017-17; Admin. Order 2018-64 (permanent)	Baseline	Commercial disputes ≥\$300K	4 judges. Mean disposition 373 days versus 415 in pre-Commercial Court baseline sample (but median identical at 345). Attorney surveys overwhelmingly positive. Made permanent 2019.
Florida	Business Court Divisions (multiple circuits)	Varies	Admin. Order 2019-08-02 (9th Jud.Cir.); Admin. Order No. 1-06-40, reaffirmed and expanded by Admin. Order No. 16-12 (11th Jud.Cir.); Admin. Order S-2008-105, superseded by Admin Order S-2013-021 (13th Jud.Cir.); Admin Order No. 2013-11-Civ (17th Jud.Cir.)	Varies by circuit	Complex business disputes	No statewide court, but numerous circuits have created their own.
Illinois	Commercial Calendar (Cook County)	1993	Cook County Ill. Gen. Admin. Order 92-2 (Sept. 14, 1992)	Baseline	Complex commercial disputes	Among earliest business courts nationally. Judges developed expertise through regular handling of commercial disputes.
Indiana	Commercial Courts	2016 (pilot program); 2019 (permanent)	Indiana Supreme Court Case No. 19S-MS-295 (permanent); rules substantially revised Sept. 2024	Baseline (case type)	Business/commercial; multiple enumerated categories	11 courts (Tippecanoe added July 2025). Rule revision Sept. 2024. Orders on MTD/SJ in roughly 24-26 days.
Iowa	Business Specialty Court	2013	Iowa S.Ct. Memorandum of Operation (Dec. 21, 2012), amended Memorandum of Operation (Aug. 19, 2025); Senate File 639	Baseline (case type + threshold)	Technology licensing, IP, securities, trade secrets, noncompete, commercial real property, business torts ≥\$200K	9 judges. Growth: 12 (2013) to 47 (2023, record). Transfer by consent or motion. Biannual review: high satisfaction; substantial majority will seek future assignment.

STATE	COURT NAME	YEAR	ENABLING AUTHORITY	MODEL	CASE TYPES / SCOPE	KEY FEATURES AND OUTCOMES
Kentucky	Business Court Docket (Jefferson County)	2019	Judicial Order No. 2019-06 (Apr. 9, 2019)	Gatekeeping	Complex business disputes (enumerated case types)	One judicial district.
Maine	Business and Consumer Docket	2008	Admin. Order JB-07-1 (Nov. 4, 2008)	Hybrid	Jury and nonjury civil actions, family matters not involving children, specialized and differentiated judicial management	
Maryland	Business and Technology Case Management Program	2003	Md.R. 16-308; Admin. Order (Baltimore City 1998; expanded statewide)	Gatekeeping/complexity	Complex business, technology, commercial disputes	Cases designated by judges based on complexity. Pioneered gatekeeping model.
Massachusetts	Business Litigation Session of the Superior Court	2000	Mass.Super.Ct. Admin. Dir. No. 24-1	Baseline (generally ≥\$50k)	Complex business/commercial	Suffolk County (2000) to statewide (2009). 88% satisfied (2003). 853 cases and 300+ written decisions in first 3 years. Admin. Dir. 24-1 (2024) updated procedures.
Michigan	Business courts (by circuit)	2012	Mich. Comp. Laws §§ 600.8031-.8039	Baseline	Business/commercial per statute	Multiple counties (Wayne, Kent, Oakland, Washtenaw, Saginaw, Kalamazoo, Genesee, Muskegon). Any circuit court with three or more judges must create a Specialized Business Court Docket.
Nevada	Business Court (Clark and Washoe Counties)	2000	Nev. EDCR 1.33 (Jan. 1, 2001, amended on Oct. 2, 2006), and Nev. WDCR 1.161 (Jan. 1, 2001) (Clark Cnty.); Nev. WDCR 2.1, amended by order of the NV S.Ct. on Oct. 2, 2006 (Washoe County)	Gatekeeping	Qualifying business matter per rule	Reno (Washoe) and Las Vegas (Clark). Judicial discretion in assignment.
New Hampshire	Business and Commercial Business Docket	2008	N.H. Rev.Stat.Ann. 491:7-a	Baseline (≥\$50K)	Business or commercial dispute meeting threshold	Statewide docket within New Hampshire Superior Court.
New Jersey	Complex Business Litigation Program	2015	Order from N.J. Sup.Ct. (Nov. 13, 2014)	Gatekeeping	Complex business disputes designated by presiding judge	Statewide since 2015; replaced county pilots. New Jersey Supreme Court rejected earlier legislative effort for statutory division.

STATE	COURT NAME	YEAR	ENABLING AUTHORITY	MODEL	CASE TYPES / SCOPE	KEY FEATURES AND OUTCOMES
New York	Commercial Division (counties)	1993 (pilot program in Manhattan); 1995 (permanent)	22 NYCRR § 202.70	Baseline (≥\$500K most counties)	Commercial disputes ≥\$500K; enumerated categories	Most influential modern business court. 29% disposition increase (1992-96); number of cases settling before trial increased 85%; total number of cases pending reduced by 26%; ADR resulted in 43% settlement rate.
North Carolina	Business Court	1996	N.C.Super.Ct.R. 2.1-2.2	Hybrid (mandatory + discretionary)	Mandatory complex business cases; discretionary designation	5 full-time judges. 138 new cases (2024). Sua sponte transfer over parties' objection. PepsiCo reincorporated in NC partly due to court.
Ohio	Commercial Dockets (counties)	2009	Sup.R. 49.01-49.12	Baseline	Complex commercial case per local criteria	Cuyahoga (Cleveland), Lucas (Toledo), Hamilton (Cincinnati)—discontinued 2017, revived 2024).
Pennsylvania	Commerce Case Management Program (Philadelphia); Commerce and Complex Litigation Center (Pittsburgh)	2000 (Philadelphia); 2007 (Pittsburgh)	General Court Regulations Relating to Commerce Cases Admin. Docket 01-2000 (Philadelphia); Admin. Order No. 13 of 2007 (AD07-000013), Allegheny Local R. 249 (Pittsburgh)	Baseline	Qualifying business case per criteria (Philadelphia); Commercial or complex cases as defined by rules (Pittsburgh)	Philadelphia: 97% would choose venue (2005); 90% very satisfied. Among most-studied business courts.
Rhode Island	Business Calendar	2001	Admin. Order No. 2001-09, replaced by Admin Order. No. 2011-10 (July 29, 2011)	Baseline	Business/commercial dispute (enumerated criteria)	Dedicated calendar within Superior Court; case does not have to be complex.
South Carolina	Business Court	2007 (pilot program); 2019 (permanent)	S.C.S.Ct. Admin. Order 2007-09-07-01 (Sept. 7, 2007) (pilot); S.C.S.Ct. Admin. Order 2019-01-30-01 (Jan. 30, 2019) (permanent)	Hybrid	Complex business; designation by chief business court judge	Pilot in 3 counties (2007) expanded statewide (2014), became permanent in 2019.
Tennessee	Business Court (Davidson County)	2015	Tenn. Supreme Court Judicial Order No. ADM2015-00467 (Mar. 16, 2015), continued by ADM2017-00638 (Dec. 22, 2017)	Baseline	Business disputes per rule	1 chancellor. 145 cases since founding. Nashville-based.

STATE	COURT NAME	YEAR	ENABLING AUTHORITY	MODEL	CASE TYPES / SCOPE	KEY FEATURES AND OUTCOMES
West Virginia	Business Court Division	2012	W.Va. Code § 51-2-15; W.Va. Trial Ct.R. 29.01-29.12	Gatekeeping	Complex business; assignment by presiding judge	Up to 7 circuit judges. 145 cases since inception. 2023 proposed amendments for statewide hearings.
C. Complex Litigation Programs (Not Business-Specific)						
California	Complex Civil Litigation Program	2000 (six counties)	Cal.R.Ct. 3.400–3.403	Complex litigation (not business-specific)	Business disputes among mass torts, class actions, construction defects; general definition for complexity and factors to consider	Expressly chose complex litigation over dedicated business court model.
Connecticut	Complex Litigation Docket	1998	98-R-1182	Complex litigation (not business-specific)	Complex cases broadly; includes business disputes	Determined complex litigation docket better suits its needs than business court.
Minnesota	Complex Case Program	2013	Minn.R. 146	Complex litigation (not business-specific)	Complex cases including commercial disputes	
Oregon	Complex Litigation Court	2010	Chief Justice Order No. 10-066	Complex litigation (not business-specific)	Complex cases broadly defined	Offers parties targeted case management and trial by experienced civil trial judges. Participation is voluntary; the parties, along with managing panel and presiding judge in current district, must agree.

Wisconsin: Commercial Docket Pilot Project ended by 4-3 vote of Wisconsin Supreme Court, Oct. 7, 2024. Not counted among current states.

Oklahoma: SB 632 creating business courts struck down 6-2 by Oklahoma Supreme Court, Oct. 7, 2025 (*White & Waddell v. State*). Legislature exceeded constitutional boundaries; appointed judges violated election requirements. Task Force Final Report issued Dec. 2025; legislature may pursue constitutional amendment in 2026.