

Highlights for 2026 Edition

- The Oklahoma Unified Case Management System (“OUCMS”) is an electronic filing procedure (“E-Filing”) being phased in for all Oklahoma state courts, including appellate courts. While E-Filing has not yet been implemented in Oklahoma appellate courts, it has been implemented in 13 Oklahoma counties including Oklahoma, Tulsa, and Cleveland counties. Once implemented in both the appellate court and the district court from which an appeal is taken, special E-Filing procedures will facilitate the designation, completion, and transmission of the appellate record. E-Filing registration is available on OSCN with much helpful information. Electronic filing is discussed in § 14:1 (“*Electronic filing*”), and various other sections, including within Chapter 12, Record on Appeal.
- Justice Travis Jett was appointed to the Oklahoma Supreme Court on April 14, 2025, to fill the vacancy of former Justice Yvonne Kauger in District 4. *See* § 1:7.
- Under a 2025 amendment to the Administrative Procedures Act, on review of administrative action by a court or hearing officer, any administrative interpretation of a state statute, administrative rule or other regulation must be reviewed *de novo*. 75 O.S. § 318(E). *See generally* § 15:92.
- The Oklahoma appellate courts may inquire into jurisdiction *sua sponte* at any stage of the proceedings, including on certiorari review by the Oklahoma Supreme Court of an appellate decision of the Court of Civil Appeals. *Sanders v. Turn Key Health Clinics*, 2025 OK 19, ¶ 5, 566 P.3d 591, 595. *See* § 3:2.
- A matter is not moot and continues to be justiciable as long as the appellant still faces collateral consequences from the challenged decision. *In re N.A.*, 2025 OK 22, ¶ 11, 567 P.3d 374, 379. *See* § 3:14.
- The Supreme Court’s Rules have been revised to allow for inclusion in the appellate record of trial exhibits in the form of “removable media containing digital exhibits, including but not limited to [USB] drives (aka thumb drives or flash drives), DVDs and CDs” An original and one copy of any such digital exhibits must be submitted. *See* Sup.Ct.R. 1.33(c) and § 12:15.
- The Oklahoma Supreme Court has recently elaborated on the conditions for giving a decision prospective or retroactive application. The Court may give prospective operation to a decision “to avoid disruption and to allow a period for adjustment,” and will consider the following factors: “1) the purpose of the new rule; 2) the extent of reliance on old doctrines; and 3) the burden likely to be imposed on administering the legal process due to additional litigation or curative actions.” *Oklahoma Gas & Elec. Co. v. State ex rel. Oklahoma Corp. Comm’n*, 2025 OK 15, ¶ 66, 565 P.3d 418, 435. *See generally* § 14:129.
- A denial of a motion for summary judgment will not be reviewed on appeal after a trial on the merits has occurred. *See Flintco*,

LLC v. Total Installation Mgmt. Specialists, Inc., 2025 OK 35, n.2, 576 P.3d 915. *See generally* § 15:40.

- As to workers' compensation appeals: The Court of Existing Claims ("CEC") Division of the Court of Civil Appeals has the same appellate jurisdiction as the former Court of Existing Claims en banc. Procedures governing the CEC Division of the Court of Civil Appeals are promulgated pursuant to 85A O.S. § 400(F) and are found in 85 O.S. Ch. 4, App., Rule 60 ("Appeals"), which was amended in 2024 after creation of the new CEC Division of the Court of Civil Appeals. *See generally* § 21:47.
- The Tenth Circuit has revised its rules to make the time for initial filings (e.g., docketing statement, appearances, disclosure statement, transcript order form) run from the docketing of the appeal rather than the date the notice of appeal was filed. The Tenth Circuit Court Clerk's opening letter may specify that such time periods run from the date of the letter. *See* relevant sections within Chapter 26.
- In the Tenth Circuit, a petition for permission to appeal a certified interlocutory order under 28 U.S.C. § 1292(b) must now begin with an "executive summary"—a concise summary of the compelling reasons an interlocutory appeal should be allowed, framed in terms of the relevant federal statute or circuit precedent, not to exceed 400 words. *See* 10th Cir. R. 5.1 and § 26:69.
- In the Tenth Circuit, virtually all filings can be made by ECF, and hard copies are no longer required except when the court specifically orders them. The court can and often does order the submission of hard copies for briefs and appendices. When the court grants an exemption from filing an appendix by ECF, it requires 2 hard copies. *See generally* § 26:90.
- The Tenth Circuit requires a motion by a proposed amicus for leave to file an amicus brief to "contain a statement of all parties' positions" on whether to grant such leave "or why the moving party was unable to learn the parties' positions." 10th Cir. R. 29.2. *See generally* § 26:105.