



A Summary of The New Summary Judgment Rule

Texas Rule of Civil Procedure 166a, governing summary judgment motions, has been substantially revised, with the changes taking effect for motions filed on or after March 1, 2026. The most significant changes relate to the timing of responses, hearings, and the deadlines by which courts must rule on pending motions. The Texas Legislature enacted these changes in part to address concerns about courts allowing summary judgment motions to remain pending without timely rulings.

Despite some rewording, the summary judgment standard remains the same, and the drafters specifically noted that the revisions were not meant to substantively change the law. Nonetheless, the structural and procedural changes are significant.

The key changes are summarized below:

1. **Clerk's Duty to Set Hearing or Submission:** Upon filing, the clerk must set the motion for hearing or submission and provide notice of the scheduled date to all parties.
2. **Response Deadline.** The *filing date* of the motion now triggers the response deadline. The non-movant must file a response within 21 days after the motion is filed, regardless of whether the hearing has been set. This differs from the prior Rule, under which the response was due seven days before the hearing. The response date is no longer anchored to the hearing date.
3. **Reply Deadline.** The movant must file any reply within seven days after the response is filed. The reply may not raise new or independent summary judgment grounds, except to address an amended pleading.
4. **Hearing Deadline.** The hearing or submission must not be set earlier than 35 days after the motion's filing. Additionally, the court must schedule the hearing or submission within 60 days of filing. This period may be extended to 90 days from filing (i) if the court's docket requires, (ii) upon a showing of good cause, or (iii) with the movant's agreement. Both parties should submit a proposed order with their filings.
5. **Deadline for Ruling.** The court must rule on the motion within 90 days after the hearing or submission.

Summary of New Deadlines

Procedural Step	Deadline
Motion Filed	--
Non-movant's Response to motion	Within 21 days of motion filing
Movant's Reply to response	Within 7 days of response filing
Hearing/Submission	Within 35 to 60 days after filing (extendable to 90 days)
Court's Ruling	Within 90 days after hearing/submission

6. **Summary Judgment Evidence.** Under the prior Rule, all summary judgment evidence was due 21 days before the hearing/submission. Under the new Rule, all summary judgment evidence must be filed with the motion. Opposing materials are due with the Response.

7. **Withdrawal of Motions.** The movant may withdraw its motion; however, the withdrawal must state the date the motion was originally filed.

8. **Title of the Motion.** The motion for summary judgment must be titled "Traditional Motion for Summary Judgment," "No-Evidence Motion for Summary Judgment," or "Combined Motion for Traditional and No-Evidence Summary Judgment." However, if the movant fails to do so, it is not grounds for denial.

9. **Request for Oral Hearing must be included in title.** If either the movant or the non-movant wants an oral hearing, the request must be stated in the title of the motion or response, such as "...AND REQUEST FOR ORAL HEARING."

The Notes and Comments to the amended Rule clarify that it was rewritten to implement Section 23.303 of the Texas Government Code, which codifies the deadlines described above and requires courts to submit compliance reports. The commentary further states: "Other than the deadline changes, Rule 166a's rewrite is not intended to substantively change the law."

For further information on these developments, please contact [Paul Goldenberg](#).