

TEXAS SUMMARY JUDGMENT 2025-2026 CHANGES (Tex. Gov't Code § 23.303; Tex. R. Civ. P. 166a)

<i>For Motions filed:</i>	Through Aug. 31, 2025 (old Rule 166a)	Sept. 1 – Dec. 3, 2025 (SB 293)	Dec. 4, 2025 – Feb. 28, 2026 (HB 16)	March 1, 2026 or later (new Rule 166a)
Motion Filed	Date of Filing	Date of Filing	Date of Filing	Date of Filing
Non-Movant Response Due	7 Days before hearing	7 days before hearing	7 days before hearing	21 days after Motion Filed ¹
Movant Reply Due	Date of Hearing/Local Rules	Date of Hearing/Local Rules	Date of Hearing/Local Rules	7 days after any Response ¹
Submitting Proposed Orders	Up to Court	Up to Court	Up to Court	Both Parties Must Submit Proposed Orders before Hearing
Hearing Date	Set by Movant No Deadline	Set by Movant ² Within 45 days after Response is Filed	Set by Court ³ Within 60 (or 90 ^{4,5}) days after Motion Filed	Set by Court ³ Between 35 and 60 (or 90 ^{4,5}) days after Motion Filed
Ruling Deadline	No Deadline	Written ruling filed within 90 days of hearing/submission	Written ruling filed within 90 days of hearing/submission	Written ruling filed within 90 days of hearing/submission
How to Request Oral Hearing	Up to Court	Up to Court	Up to Court	In writing <i>in the title</i> of Motion ⁵
How to Pass on Hearing and/or Withdraw Motion	Up to Court	Not specified (written withdrawal is advisable)	Upon filing of written withdrawal of Motion	Upon filing of written withdrawal of Motion; Withdrawal must identify Motion by Name and Date of Filing
Resetting Date of Hearing	Up to Court/No Deadline	Must comport with Hearing Date requirements above	Must comport with Hearing Date requirements above	Must comport with Hearing Date requirements above
Other “Changes” effective 3/1/2026 (These changes were generally in practice before but not expressly set forth in the rule)	<p>Motion titles should include one of the following: “Traditional Motion for Summary Judgment,” “No-Evidence Motion for Summary Judgment,” or “Combined Motion for Traditional and No-Evidence Summary Judgment.” Rule 166a(b)(2)(A)</p> <p>If denying in whole/part, the Court may issue an order specifying what has been conclusively established and what fact issues remain Rule 166a(h)(4)</p> <p>“A reply must not raise new or independent summary judgment grounds but may address a new or amended pleading filed after the motion if a ground initially asserted in the motion negates an element that is common to a claim or defense asserted in the new or amended pleading” Rule 166a(e)(2)</p> <p>Clarifies what evidence is permitted: “(A) deposition transcripts; (B) an opposing party’s pleadings, interrogatory answers, admissions, and other discovery responses; (C) affidavits and declarations; (D) stipulations; and (E) other authenticated evidence.” Further, evidence in the record may be considered by specific reference. Rule 166a(j)(1, 2)</p> <p>The court may consider late-filed evidence if the court indicates its consideration in the record. Rule 166a(j)(6)</p>			

NOTES:

1 Response/Reply deadlines may be extended on leave of the court *or* agreement of parties.

2 The statute in effect Sept. 1-Dec. 3, 2025, requires that the court “hear oral argument on the motion or consider the motion without oral argument not later than the 45th day after the date the response to the motion was filed.” While this doesn’t specifically require the court to set the date of hearing/submission, each will have its own processes. Further, for those motions not heard yet, one can anticipate that the court may follow the processes for the new statute, while applying the 45-day rule.

3 Current statute requires that the “court shall [] set the motion for a hearing by oral argument [] or by submission” subject to the timing requirements. Amended Rule 166a adds requirements for the clerk to immediately forward the motion to the court for the clerk to send notice of hearing/submission to the parties. Procedures for this—such as requesting specific dates—will likely continue to vary from court to court.

4 Hearing can be up to 90 days after motion filed in one of three circumstances: (i) if the court's docket requires a hearing on a date later than the 60th day after the date the motion was filed; (ii) on a showing of good cause; or (iii) if the movant consents.

5 Best Practice: If, as movant, you want an oral hearing, put “ORAL HEARING REQUESTED” in your title, and immediately below, put “MOVANT CONSENTS TO 90-DAY HEARING TIMELINE PURSUANT TO RULE 166a(g)(1)(B).” You may also want to include a one-paragraph statement as to why an oral hearing would help the court in the body of the motion.