Morgan Lawson for the Journal Record - The Evolution of Summary Judgment

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The passage of the Uniform Bar Exam (UBE) has allowed Oklahoma attorneys to expand client services by being admitted to practice in surrounding states, including Texas. With this ability comes a responsibility to understand the ever-changing Texas Rules of Civil Procedure and ensure clients are properly protected from the many procedural pitfalls. The Texas legislature has recently overhauled the way Texas courts manage civil dockets. Primarily, the goal of the new rules is to motivate courts to clear dockets and keep matters from stalling. One way this has been accomplished is to create strict summary judgment rules which differ from the rules in Oklahoma.

TEX. R. CIV. P. 166(a), as revised in February 2026, outlines the two forms of summary judgment available: (i) traditional summary judgment; and (ii) no-evidence summary judgment. Choosing which summary judgment to file is critical as the evidence presented differs and the revised rule states the title of the document must identify the form of summary judgment sought. A party may move for summary judgment on both traditional and no-evidence summary judgment grounds, so long as the motion is properly identified and appropriate evidence presented.

Some of the primary revisions to be aware of are as follows

1. Deadlines: Historically, all deadlines were calculated off the hearing date and had a lengthened briefing schedule. Now, however, there are strict deadlines for filing responses and reply briefs. A response must be filed within twenty-one days of filing the motion, and a reply must be filed seven days after the response.

2. Oral Hearing: If the movant wants an oral hearing, it must be requested in the title of the motion. If the movant fails to request an oral hearing, the motion will automatically be set for a submission docket.

3. Hearing Date: The court must set the motion for hearing or submission sixty days after filing; or ninety days after the motion is filed if (i) the court's docket so requires, (ii) on a showing of good cause, or (iii) if the movant agrees. After the hearing, the court has ninety days to issue a written ruling.

The UBE has made it simple to waive into Texas as an Oklahoma attorney. Yet, as the Texas legislature continues to emphasize revisions and speed in the courts it is imperative to keep track of the rapid changes to the Texas Rules of Civil Procedure.

Attorneys

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