

Texas Summary Judgment Overhaul Is a Meaningful Revision of Rules

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The Texas Supreme Court's latest [amendments](#) to Texas Rule of Civil Procedure 166a represent an important step forward for summary judgment practice in Texas.

The amendments bring much-needed updates to the summary-judgment briefing and hearing deadlines that enable better advocacy and more deliberate judicial decision making. Rather than simply implementing the legislature's new hearing and decision deadlines, the court took the opportunity to meaningfully revise—and improve—the summary-judgment process and procedure.

Gone are the days of giving Texas' hard-working trial judges less than a week before the hearing to wade through voluminous responses and replies. The amendments also increase efficiency by forcing prompt resolution of cases.

Timeline Changes

Under the amendments, which are open for public comment until Feb. 28 and are expected to take effect March 1, summary judgment practice will move faster, the briefing schedule will be more rational, and courts will face firm deadlines for hearing and resolving motions.

The new response and reply due dates are a dramatic shift from the current rules. Responses

will now be due 21 days after the motion is filed. And the optional reply in support of the motion will be due seven days after the response.

As Texas litigators know all too well, responses are currently due seven days before the hearing—a deadline that doesn't turn on when the motion was filed. This can be both inequitable and inefficient because it gives the nonmovant weeks (and often months) for the response while leaving mere days for the reply in support of the motion.

It also leads to a flurry of filings the week of the hearing—making it challenging for the court and the litigants to digest the materials and prepare for the hearing.

The amendments also eliminate the potential for lengthy delays before the motion is heard. Under the amended rule, motions for summary judgment must be heard within 60 days of filing. That deadline can be extended by up to 30 days if the court's docket requires the extension, good cause exists, or the movant agrees.

Finally, the proposal sets a deadline for the court to rule on the motion. Under the amended rule, the court must issue a written ruling within 90 days of the hearing. Together, the latter two changes mean that the full summary-judgment lifecycle—from filing to decision—should take no longer than six months.

Texas Summary Judgment Timeline

The summary judgment lifecycle shouldn't take longer than six months.

Motion for Summary Judgment Filed	Day 0
Response Due	Day 21
Reply Due	Day 28
Earliest Hearing Date	Day 35
Hearing Deadline	Day 60
Written ruling	Day 150 (90 days after hearing)

Source: Amended Texas Rule of Civil Procedure 166a

Imposing deadlines on the court—for hearing and resolving the motion—has the potential to meaningfully shorten the summary-judgment timeline in Texas.

By pegging the response deadline to the motion rather than the hearing, the amended rule resolves the inequities and inefficiencies created by the current rule. It allocates a set amount of time for responses and replies and ensures the court and the litigants will have at least a week to prepare for the hearing after briefing is complete.

Improving Accountability

Although questions about enforcing the hearing and decision deadlines may arise, the Legislature and the Texas Supreme Court established two mechanisms to enhance disclosure and increase accountability.

First, under Government Code [Section 23.303\(c\)–\(d\)](#), courts must provide quarterly reports about their compliance with the deadlines, which the Office of Court Administration will use to compile an annual, publicly available report.

Second, the Texas Supreme Court recently [approved](#) an addition to the Rules of Judicial Administration that requires district-court judges to submit a semi-annual, sworn statement disclosing the number of hours spent presiding over hearings and trials and performing other judicial duties, including reviewing filings and evidence, conducting legal research, and drafting opinions.

Also Worth Watching

Although the court’s comment to the 2026 amendment indicates that the “rewrite is not intended to substantively change the law[4],” there are four other changes practitioners should note. These additions codify long-standing (but unwritten) practice and add formal requirements for seeking a hearing and more time to gather evidence.

- The amended rule now formally defines the two types of summary judgments—traditional and no evidence—and clarifies that both may be combined in a single motion.
- If the movant wants an oral hearing (rather than written submission), it must say so on the cover of the motion.
- If the nonmovant argues that it needs more time to gather evidence in support its response, it must provide “an affidavit or declaration specifying the reasons why [it] cannot present facts essential to justify its opposition.”
- The amended rule codifies the long-standing prohibition on raising “new or independent summary judgment grounds” for the first time on reply.

The amendments to Rule 166a set out to simultaneously improve the quality of decision making and reduce the time to decision. In doing so, they ensure that summary judgment remains a meaningful avenue for achieving early resolution of disputes and narrowing the issues for trial.

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