

SB 293 AND HB 16: A FASTER TRACK FOR SUMMARY JUDGMENTS

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Introduction

The timing of summary judgment hearings and rulings has historically been a matter of judicial discretion in Texas. While Texas Rule of Civil Procedure 166a prescribes filing and notice intervals and permits no-evidence motions after “adequate time for discovery,” it has never required courts to *hear or decide* motions on any fixed timetable. In some cases, the absence of a statutory deadline for judges to hear or rule on summary-judgment motions led to delays and unpredictable outcomes for litigants. To enhance judicial efficiency, accountability, and transparency, the 89th Texas Legislature enacted Senate Bill 293 creating Texas Government Code § 23.303, which it quickly amended in its second special session through House Bill 16. As amended, the statute ushers in a new era of summary judgment practice in Texas.

Summary Judgment Procedure of Yore

Before the new legislation, TRCP 166a provided for motions, responses, and no-evidence practice, including notice requirements and response deadlines for lawyers. Notably, nothing in Rule 166a obligated a trial court to conduct a hearing or issue a ruling within a defined number of days. As a result, practitioners routinely contended with inconsistent local hearing practices and uncertainty over the timing of decisions. Inefficiencies occurred where courts failed (or refused) to set a hearing or issue a ruling after a hearing. In the 2023 edition of Judge David Hittner et al.’s seminal summary judgment article, the authors describe:

After the hearing or submission, the next step is for the court to rule on the motion. The court may act as soon as the date of submission or *as late as never*. There is some precedent for granting mandamus relief to compel a trial court to rule on a pending motion for summary judgment. However, there is also authority stating that “*there is generally no procedure by which litigants can compel the trial court*

to rule on a pending motion for summary judgment” and “even though the delay in ruling on the motion causes expense and inconvenience to the litigants, mandamus is not available to compel the trial judge to rule on the pending motion for summary judgment.”

J. David Hittner & Lynne Liberato et al., *Summary Judgment in Texas: State and Federal Practice*, 62 S. Tex. Law Review 99, 146 (2023) (emphases added and internal footnotes omitted). For the 89th Texas Legislature, the inconvenience and expense to parties, and the lack of accountability of trial courts, were problems created by summary-judgment practice in Texas that it sought to address through SB 293 and HB 16.

Before the new legislation, TRCP 166a provided for motions, responses, and no-evidence practice, including notice requirements and response deadlines for lawyers.

SB 293 passed in the regular session and was quickly amended in the second special session by HB 16. Thus, SB 293 controls timelines for motions for summary judgment filed between September 1, 2025 (when SB 293 became effective), and December 3, 2025 (the day before HB 16 becomes effective). For motions filed during that limited time, SB 293 requires

a court to hold a hearing or consider the motion without oral argument “not later than the 45th day after the date *the response to the motion was filed*.” Because TRCP 166a does not require a response until a hearing is set, for motions filed in this limited timeframe, a court could fail or refuse to set a hearing on a motion indefinitely, never triggering a response date (or its own deadline to hear the motion). However, once a response is filed, the court (and the parties) lack flexibility to reset the hearing outside the 45-day deadline.

SB 293 –All Motions Filed After September 1, 2025

Parts of SB 293 were not amended by HB 16 and remain in effect after September 1, 2025. Effective as of that date, the

bill requires courts to record the summary judgment hearing or submission date on its docket for the case. Thereafter, the court must issue a written ruling on the motion by filing the ruling with the clerk of the court and providing a copy to the parties within 90 days after the hearing or submission date for the motion. The court clerk must report compliance with the timelines to the Office of Court Administration (OCA) quarterly. OCA must then prepare and submit an annual report regarding court compliance with these timelines to the governor, among others, by December 31 each year. SB 293 provides also that the Texas Supreme Court must adopt rules necessary to implement Texas Government Code § 23.303 no later than March 1, 2026.

HB 16 – December 4, 2025, and Beyond

HB 16 reset a court's deadline to hear a motion under SB 293. As amended, the court's deadline to consider the motion by hearing or submission is triggered upon the filing of the motion (instead of the response), while maintaining the deadlines for ruling and requirements for docket recording and reporting. For summary judgment motions filed on or after December 4, 2025, trial courts must set the motion for hearing or submission no later than 60 days after the motion is filed. A court may extend the deadline and hear the motion within 90 days after the motion is filed: (1) if the court's docket requires a hearing on a date later than the sixtieth day after the motion is filed, (2) on a showing of good cause, or (3) if the movant consents.

HB 16 expressly provides that the deadlines do not apply to a motion for summary judgment that is withdrawn.

Teeth in the New Statute

Among other measures, SB 293 raised compensation and retirement benefits for judges across Texas. The bill also incorporated disciplinary measures for judges and increased judicial reporting and accountability. SB 293 makes clear that a court's "failure to meet deadlines" set by "statute" or "binding court order" constitutes "wilful or persistent conduct that is clearly inconsistent with the proper performance of a judge's duties" under the Texas Constitution—providing potential consequences for courts who fail to timely consider and rule upon summary judgment motions.

Changes to Summary Judgment Practice for Attorneys

Considering these new deadlines, practitioners should make immediate adjustments to their summary judgment practice as we await the Texas Supreme Court's changes to the TRCP.

- **Proceed with caution if filing a leverage-only motion.** In the past, lawyers may have moved for summary judgment as leverage for settlement or mediation—filing a motion without intending to set a hearing until much later. While lawyers can continue this practice, they must be prepared for speedier consideration and decisions by the courts. Courts will likely begin setting internal reminders or revising standard scheduling orders to comply with the new deadlines.
- **Help the court stay on top of its own deadlines.** Although not required by the statute, courts will certainly appreciate litigants' assistance in adhering to the statutory deadlines in light of the serious consequences to the court for missed deadlines. With every motion or response, lawyers might file (or email the coordinator) a short proposed scheduling letter that (i) notifies the court of the deadline to hear the motion; (ii) requests oral argument or confirms submission date on or before the statutory deadline, (iv) proposes a specific setting on or before the deadline, and (v) attaches proposed orders to simplify the court's obligation to rule within 90 days of the hearing or submission date. If the deadline approaches without a hearing or submission date, practitioners may wish to send the court a courtesy letter referencing the statutory deadlines and reminding the court to set the hearing.
- **Be prepared to withdraw the motion if case strategy dictates.** If a movant determines that more than the statutorily allowable time is needed before the motion is heard by the court, the lawyer should be prepared to file a written withdrawal of the motion. Courts are bound to move forward on the motions and will no longer have the flexibility to indefinitely reset hearings for the parties' schedules or even their own. Parties cannot move the statutory deadlines by agreement. If the movant needs to push the hearing or submission date outside the statutory deadline, a formal written withdrawal must be filed. The movant can refile the motion when case strategy dictates.
- **Look for changes to TRCP.** SB 293 imposes a March 1, 2026, deadline on the Texas Supreme Court to implement the statutory deadlines through rule change. Although the language of the statute, as amended, is fairly straightforward, it creates many ripples in our current practice where the response date is triggered by a hearing or submission date. Now that the hearing or submission date is far more certain, it remains to be seen whether the TRCP might

impose a default response timeline (and perhaps a default reply deadline, which is not provided under TRCP 166a). Likewise, the Texas Supreme Court might consider imposing duties on attorneys and/or court clerks to assist trial judges in adhering to the deadlines.

Changes to Summary Judgment Practice for Courts

- **Internal controls will be developed.** Courts are already working on practices to maintain accountability with the deadlines. It will take cooperation from court staff and clerks to inform judges of their summary judgment filings and deadlines. An additional wrinkle exists given the shift from SB 293 (deadline triggered by the response) to HB 16 (deadline triggered by the motion). From September 1, 2025, until December 3, 2025, courts will need to track response filings, and thereafter track motion filings.
- **External controls and obligations will be developed.** Lawyers should expect additional obligations accompanying summary judgment. Through TRCP amendment or local rule, it is likely that lawyers will have some duty to flag the deadlines for courts. The rules may require a written request for hearing, a written notice of the court's deadlines, and/or a reminder to the court of an approaching deadline. Courts may decide to set default submission dates as a backstop where parties fail to request a hearing or where a timely hearing is impossible due to the court's schedule.
- **Courts may create default response and reply deadlines.** If not addressed through changes to the TRCP, courts might create scheduling orders or local rules to implement default response and reply deadlines to promote consistency and predictability for themselves and parties.

Conclusion

SB 293 and HB 16 shift the timing for consideration and rulings in Texas summary judgment practice from open-ended discretion to enforceable timelines and mandatory reporting. For motions filed between September 1 and December 3, 2025, SB 293 ties consideration to the response date but requires that courts make their written rulings within 90 days of the hearing or submission date; for motions filed on or after December 4, 2025, HB 16 requires hearing or submission within 60 days of the motion (extendable to 90 days for limited reasons) and keeps the 90-day post-hearing-

or-submission clock for written rulings from the courts. Practitioners should be mindful of the statutory deadlines, proactively propose settings and orders, and withdraw and refile motions when strategy or timing demands. The upshot is faster, more predictable adjudication and accountability for trial courts.

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