

# Motion for Summary Judgment Reporting

## Frequently Asked Questions

FILING OF MOTION FOR SUMMARY JUDGMENT .....	1
SUMMARY JUDGMENT REPORTING PERIODS .....	3
SUMMARY JUDGMENT REPORTING RESPONSIBILITY .....	4
CASE MANAGEMENT SYSTEM CONFIGURATION .....	5
COURT SETTING TIMEFRAMES .....	5
NOTICE OF SETTING .....	5
EVENTS OR CIRCUMSTANCES THAT MAY AFFECT MSJ TIMEFRAMES .....	5
COURT’S RULING .....	6
OCA MSJ REPORT WORKBOOK; REPORT SUBMISSION .....	7

### FILING OF MOTION FOR SUMMARY JUDGMENT

- 1. Does the time to set a Motion for Summary Judgment for hearing or submission start running if a party files a Motion for Summary Judgment as an exhibit/attachment to a Motion for Leave of Court to File Motion for Summary Judgment?**

No. Until the Motion for Summary Judgment (MSJ) is filed as a pleading, the compliance periods do not start. If an MSJ is attached as an exhibit to any other motion, it would not be considered filed for compliance reporting purposes.

- 2. If a Motion for Leave of Court and the Motion for Summary Judgment are filed at the same time (not as an exhibit or attachment), does time start running if leave of the court has not been granted yet?**

If leave of court is required to file an MSJ, the time to set an MSJ for hearing or submission does not start until the court grants the party leave to file the MSJ.

- 3. If an MSJ is filed as an exhibit/attachment and time does not start running, does it start when leave is granted by the court, or must the party file the motion independently after leave is granted?**

Please see Questions #1 and #2.

- 4. When do we start tracking a motion for summary judgment?**

Clerks will need to track compliance with the MSJ timeframes set out in Section 23.303 of the Texas Government Code from the date a motion for summary judgment is filed until a deadline is missed, or until the ruling is filed.

- 5. What do we do if we have a case where the MSJ was filed before March 1, 2026, with the notice of hearing, but the order on the motion was filed after March 1, 2026? Should these be reported?**

No. MSJs filed before March 1, 2026, should not be reported, even if the associated order is filed on or after that date. Per [Supreme Court Misc. Docket 26-9012](#), the new rules apply only to MSJs filed on or after March 1, 2026. This also applies to the reporting requirements provided under [Government Code, Section 23.303](#).

- 6. How does OCA suggest that the clerk notify the judge's office of the filing of an MSJ? Is it sufficient to send it through a workflow queue in Odyssey or should the clerk notify the judge with a weekly report or something similar?**

Under Texas Rules of Civil Procedure, Rule 166a(c), upon the filing of a motion for summary judgment the clerk must *immediately* call it to the court's attention. Rule 166a does not specify the method of notice, therefore the clerk and the court will need to coordinate to establish a method for notice to the court.

- 7. On our scheduling orders, can we set a deadline of 120 days before a trial date for a motion for summary judgment to be filed?**

The time to file a motion for summary judgment is not a compliance or reporting element. Please see Texas Rules of Civil Procedure, Rule 166a.

- 8. When more than one motion for summary judgment is filed in the same case, are each reported separately?**

Yes. The compliance reporting elements must be tracked for each motion for summary judgment that is filed, including when they are filed within the same case. Please note that an amended motion for summary judgment relating to a previously filed motion should not be reported as a new motion for summary judgment. Also see Question #22.

- 9. Are we required to report motions for partial summary judgment?**

Yes. A motion for partial summary judgment is subject to the same compliance standards and reporting requirements as other motions for summary judgment.

## SUMMARY JUDGMENT REPORTING PERIODS

### 10. We were told that reporting starts as of March 1, 2026. What is the timeframe for the start of reporting?

The MSJ compliance timeframes and reporting requirements are effective March 1, 2026, per Supreme Court Misc. Docket 26-9012. All motions for summary judgment filed on or after March 1, 2026, should be reported.

The report must be submitted to OCA by the 20th of the month following the end of a quarter.

The first report, covering FY2026 Q3 (March – May 2026), and the FY 2026 Q4 report (June – August 2026), will both be due by September 20th, 2026. This is a one-time grace period for the initial Q3 report; for all subsequent reports, the following schedule applies:

Quarter 1:	September 1 – November 30	Due Dec. 20
Quarter 2:	December 1 – February 28/29	Due Mar. 20
Quarter 3:	March 1 – May 31	Due Jun. 20
Quarter 4:	June 1 – August 31	Due Sep. 20

### 11. Should the clerk report compliance with the time requirements for setting the date of hearing/submission and then again report compliance with the time requirements for the filing of the court's ruling? Or should the clerk only report compliance with the time requirements when the MSJ is disposed (filing of the court's ruling)?

Each MSJ should be reported only one time. If the MSJ setting deadline is missed, it should be reported in the quarter that includes the date of the latest possible setting deadline (MSJ file date + 90 days). This will stop compliance tracking for the MSJ because overall noncompliance will not change based on the ruling. Until the 90<sup>th</sup> day after the MSJ is filed, the Court may reset the hearing/submission date to a date that is in compliance, therefore the clerk should only report setting noncompliance after that date.

If the court meets the hearing/submission deadline, the reporting period for that MSJ will be during the reporting quarter in which the court's ruling was filed or in which the ruling deadline date falls if it was missed. The clerk should report whether the court filed its ruling by the deadline (compliant) or the ruling deadline was missed (noncompliant).

### 12. Please explain how we determine the correct reporting quarter, is it based on the date the MSJ was filed? Or disposed?

The reporting quarter is not determined by the MSJ file date. It is determined by the ruling file date or the quarter in which the latest possible hearing/submission setting deadline or ruling deadline was missed. Please see Question #11.

**13. Since the latest deadline for a setting is 90 days after the MSJ was filed and the deadline for a ruling is 90 days after that, we may not have much to report until the first quarter of FY 2027, is that correct?**

Not all courts will use the full time allowed in order to set an MSJ for hearing/submission or to issue a ruling. While the compliance elements for most MSJs will fall into more than one quarter, it is possible that all elements may be completed within a quarter.

For example:

MSJ filed 3/1/2026 → MSJ setting 4/24/2026 → MSJ heard/considered 4/24/2026 → MSJ ruling filed 5/15/2026

All of these dates fall into the 3<sup>rd</sup> quarter of FY 2026 and are within compliance with MSJ timeframes. The clerk will report this MSJ as compliant in Q3 FY2026.

**14. Are we reporting the number of MSJs filed in the quarter, the number of setting deadlines met or not met in the quarter, and the number of ruling deadlines met in the quarter?**

Clerks are required to report the number of MSJs that are compliant and the number that are noncompliant within the reporting quarter. Each MSJ is reported only once for overall compliance. Determination of overall compliance for reporting purposes may be based on setting date compliance or ruling file date compliance, or both. Please see Questions #11 and #12.

## SUMMARY JUDGMENT REPORTING RESPONSIBILITY

**15. Do these requirements apply to statutory probate courts?**

Yes, statutory probate courts are a type of statutory county court and clerks should report their compliance with Government Code Sec. 23.303.

**16. Are clerks required to report for courts that only handle criminal cases?**

Yes. Per Government Code, Section 23.303, the reporting requirements apply to the business courts, district courts, and statutory county courts. Clerks will need to submit zero reports each quarter for these courts.

**17. Can you explain how this reporting works with probate cases?**

If a motion for summary judgment is filed in a probate case, the compliance and reporting requirements are the same as they are in civil cases.

**18. Why are courts required to report filings when those are managed by the clerk's office?**

The clerks of the district courts, statutory county courts, and business courts are responsible for reporting on each court's compliance with the timeframes prescribed by Government Code, Section 23.303 to the Office of Court Administration. Courts are not responsible for submitting reports to OCA regarding motions for summary judgment. However, courts will need to ensure that the clerks have the information necessary to track and report compliance with the timeframes prescribed in Government Code, Section 23.303.

## CASE MANAGEMENT SYSTEM CONFIGURATION

### 19. What will the reporting process be for my case management system?

Reporting requirements and the OCA MSJ Report Workbook are not affected by the type of case management system (CMS) used by the court. OCA has communicated with CMS vendors, but we have no additional information regarding how data collection will be implemented in the various case management systems. Please consult your CMS vendor with any questions about MSJ reporting configurations. The **OCA Data Quality & Assistance Program** may be able to offer assistance with data collection strategies, please visit [TJB | Judicial Data | Data Quality & Assistance Program](#) for information.

### 20. Does the response, reply or brief need to be mapped for OCA reporting purposes?

The filing of a response, reply or brief is not a compliance element for purposes of summary judgment reporting, so the deadlines for those filings do not need to be tracked for OCA reporting purposes.

## COURT SETTING TIMEFRAMES

A number of questions have been submitted regarding court setting timeframes which are currently under review by the OCA Legal division and OCA management. These FAQs will be updated as soon as possible to include this information.

## NOTICE OF SETTING

### 21. In our court, the clerks set hearings and court administrators set trial dates and other settings, and we already have dates set for these hearings. Who is responsible for notifying the parties of the hearings? Are the court administrators now responsible for setting these hearings and sending notices?

Notice of setting is not a compliance element for reporting purposes. The clerk is required under Rule 166a to "send notice to the parties of the submission or hearing date." Whether the court or clerk sets the hearings and sends the notices may be a matter of local practices. Courts and clerks should work together to ensure that the notices are sent to all parties as required.

## EVENTS OR CIRCUMSTANCES THAT MAY AFFECT MSJ TIMEFRAMES

### 22. If an attorney files an amended motion for summary judgment, do we reset the timeline based on the amended filing?

An amended motion for summary judgment will not reset the timeframes. Compliance timeframes and reporting are based on the original file date.

**23. Are the deadlines paused if a notice of bankruptcy or other document is filed making the case inactive?**

If a notice of bankruptcy is filed after an MSJ was filed it would result in an automatic stay of the proceeding and stop the summary judgment compliance tracking for reporting purposes.

**24. If a nonsuit or dismissal is filed, do they still need to withdraw the motion for summary judgment?**

If a party whose interests are dismissed or nonsuited previously filed a motion for summary judgment, the nonsuit or dismissal would stop the summary judgment compliance tracking for reporting purposes.

**25. What happens if the case is abated before a ruling is made?**

If a case is abated after a motion for summary judgment was filed it would effectively deactivate the motion for summary judgment and stop compliance tracking for reporting purposes.

**26. What if the attorneys want to cancel the hearing on the motion for summary judgment? Does that stop the deadlines?**

No.

**27. If the filer files the MSJ but never files the summary judgment and the 60 days is approaching, what should we do in this case?**

The submission of proposed orders by the parties does not affect reporting requirements. The court may reset a hearing or submission date within the time frames specified in Rule 166a, as per local practice.

## COURT'S RULING

**28. Is a written ruling considered the signed order by the Judge, or is it a letter from the court informing the parties of the ruling?**

The court is required to sign a written ruling, file it with the clerk, and provide the ruling to the parties. A letter providing notice to the parties of the court's ruling is not the ruling for purposes of compliance reporting.

**29. Texas Rules of Civil Procedure, Rule 166a says the court must provide the ruling to the parties within 90 days, but clerks are required to deliver all orders to all parties in a case under Rule 21. Are both the court and the clerk required to deliver the summary judgment ruling to the parties? If not, who is responsible?**

Although Government Code, Section 23.303 requires the court to "provide the ruling to the parties within 90 days after the hearing or submission date," clerks are required under Texas Rules of Civil Procedure, Rule 21(f)(10) to serve or deliver copies of all orders entered in a case to all parties. Delivery of orders through mandatory integration with the state judicial records database may satisfy this requirement. Whether the court or clerk provides the ruling to all parties may be a matter of local practices. Courts and clerks should work together to ensure that the ruling is sent to all parties as required.

## OCA MSJ REPORT WORKBOOK; REPORT SUBMISSION

**30. In the sample report, we cannot insert a line so that our dates are in order, is there a way we can get that fixed? Can a column be added to calculate which quarter the MSJ needs to be reported in?**

The OCA MSJ Report Workbook is not a sample report and should be used only as a tool for collecting the information needed to submit the reports. OCA is working on the submission process and will notify clerks as soon as it is finalized.

The OCA MSJ Report Workbook will be posted at <https://www.txcourts.gov/reporting-to-oca/district-county-court-level-reporting/motion-for-summary-judgment/> and all worksheets will be unlocked so that the user can insert rows and re-sort the entries to the desired order.

Please be aware that the reporting quarter is not determined by the MSJ file date, it is based on the quarter in which the ruling is filed if it is in compliance with the deadline, or in the quarter in which a deadline was missed (setting or ruling). Because the reporting quarter may be determined by three different factors, the clerk will need to determine the reporting quarter based on the date on which the final compliance status is determined.

If the MSJ setting deadline is missed, it should be reported in the quarter that includes the date of the latest possible setting deadline (MSJ file date + 90 days). This will stop compliance tracking for the MSJ because overall noncompliance will not change based on the date the ruling is filed. Until the 90<sup>th</sup> day after the MSJ is filed, the court may reset the hearing/submission date to a date that is in compliance, therefore the clerk should only report setting noncompliance after that date.

The clerk will need to determine what quarter in which to report an MSJ based on three possible criteria:

- SETTING DATE:** If the court setting date is not in compliance and is not reset to a date that is in compliance by the latest possible deadline, the clerk must report the MSJ as noncompliant in the quarter in which the latest possible setting compliance deadline falls (MSJ file date + 90 days) even if noncompliance is based on the 60-day deadline.

In the example below, the MSJ was filed on 3/9/2026 and the court set it on 7/10/2026 and notified the clerk that a later setting date was required. The setting deadline based on 90 days from filing was 6/8/2026, so the setting date of 7/10/2026 is not in compliance. The court will have until 6/8/2026 to reset the setting date to a date that is on or before that date. If the setting date is not changed to a date that is in compliance before that date, the clerk will report the MSJ as noncompliant in the quarter in which the 6/8/2026 setting deadline fell, the 4<sup>th</sup> Quarter of FY 2026.

A	B	C	D	E	F	G	H	I	J	K	L	M	N
Spreadsheet for resource purposes only. Not for OCA report submission. Results are not guaranteed, users are advised to verify.				MSJ File Date NOTE: Enter file date of each MSJ, even if multiple filed in same case.	Withdrawn, Dismissed Prior to Hearing/Consideration, or Deactivating Event Filed* (Enter Y or N) NOTE: Do not report.	Reason Provided for Setting Date 61-90 Days? (Enter Y if provided)	MSJ Setting Due Date	Hearing/ Submission Setting Date (36 - 60 or 90 days from file date) NOTE: Enter date provided by Court; if none, leave blank. If reset, enter reset date.	Setting Requirement met? (Y/N)	Judgment/ Ruling Due Date	Judgment/ Ruling File Date	Ruling Requirement met? (Y/N)	ALL REQUIREMENTS MET
District	444444444	4th District Court	88888	3/9/2026	N	Y	6/8/2026	7/10/2026	N	10/8/2026	8/4/2026	Y	N

- RULING FILE DATE:** If the court setting date was in compliance, the clerk will continue tracking for ruling date compliance. If the ruling file date is within 90 days of the date the MSJ was heard or considered on submission, the ruling file date will be in compliance. The clerk will report the MSJ in the quarter in which the ruling file date falls.

In the example below, the MSJ was filed on 6/1/2026 and the court set it on 8/20/2026 and notified the clerk that a later setting date was required. The setting deadline based on 90 days from filing was 8/31/2026, so the setting date of 8/20/2026 is in compliance.

The ruling deadline was 11/18/2026 based on 90 days from the hearing/consideration setting date of 8/20/2026. The court heard the MSJ on 8/20/2026 and filed its ruling on 9/15/2026, which is within the 90-day deadline of 11/18/2026, therefore the ruling file date is also in compliance. The clerk will report this MSJ as compliant in the quarter in which the ruling file date of 9/15/2026 falls, which is the 1<sup>st</sup> quarter of FY 2027.

A	B	C	D	E	F	G	H	I	J	K	L	M	N	
Spreadsheet for resource purposes only. Not for OCA report submission. Results are not guaranteed, users are advised to verify.					MSJ File Date <i>NOTE: Enter file date of each MSJ, even if multiple filed in same case.</i>	Withdrawn, Dismissed Prior to Hearing/Consideration, or Deactivating Event Filed* (Enter Y or N) <i>NOTE: Do not report.</i>	Reason Provided for Setting Date 61-90 Days? (Enter Y if provided)	MSJ Setting Due Date	Hearing/ Submission Setting Date (36 - 60 or 90 days from file date) <i>NOTE: Enter date provided by Court; if none, leave blank. If reset, enter reset date.</i>	Setting Requirement met? (Y/N)	Judgment/ Ruling Due Date	Judgment/ Ruling File Date	Ruling Requirement met? (Y/N)	ALL REQUIREMENTS MET
County	88888888	County Court at Law	55555	6/1/2026	N	Y	8/31/2026	8/20/2026	Y	11/18/2026	9/15/2026	Y	Y	

- RULING DEADLINE DATE:** If the Court’s ruling is not filed within the 90-day deadline from the date of hearing or submission, the MSJ is noncompliant as of the ruling deadline date. Even if the ruling is filed after the deadline, the clerk will report the MSJ as noncompliant in the quarter in which the ruling deadline date falls because that is the date the MSJ became noncompliant.

In the example below, the MSJ was filed on 3/1/2026 and the court set it on 5/20/2026 and notified the clerk that a later setting date was required. The setting deadline based on 90 days from filing was 6/1/2026, so the setting date of 5/20/2026 is in compliance.

The ruling deadline was 8/18/2026 based on 90 days from the hearing/consideration date of 5/20/2026. The court did not file its ruling until 9/15/2026; therefore, the ruling file date is noncompliant. The clerk will report this MSJ as noncompliant in the quarter in which the ruling deadline of 8/18/2026 falls, which is the 4<sup>th</sup> quarter of FY 2026.

A	B	C	D	E	F	G	H	I	J	K	L	M	N	
Spreadsheet for resource purposes only. Not for OCA report submission. Results are not guaranteed, users are advised to verify.					MSJ File Date <i>NOTE: Enter file date of each MSJ, even if multiple filed in same case.</i>	Withdrawn, Dismissed Prior to Hearing/Consideration, or Deactivating Event Filed* (Enter Y or N) <i>NOTE: Do not report.</i>	Notice Provided for Setting Date 61-90 Days? (Enter Y if provided)	MSJ Setting Due Date	Hearing/ Submission Setting Date <i>NOTE: Enter date provided by Court; if none, leave blank. If reset, enter reset date.</i>	Setting Requirement met? (Y/N)	Judgment/ Ruling Due Date	Judgment/ Ruling File Date	Ruling Requirement met? (Y/N)	ALL REQUIREMENTS MET
County	77777777	County Court at Law	12222	3/1/2026	N	Y	6/1/2026	5/20/2026	Y	8/18/2026	9/15/2026	N	N	

**31. How will the reports be submitted to OCA?**

OCA is currently working on the Motion for Summary Judgment report submission procedures. Information will be posted on our website at <https://www.txcourts.gov/reporting-to-oca/district-county-court-level-reporting/motion-for-summary-judgment/> and clerks will be notified as soon as the submission procedures are finalized.

Do not submit the OCA MSJ Report Workbook as your report unless otherwise instructed.