



OFFICE OF COURT ADMINISTRATION

Recommended Practices for Rule 166a Hearing Notices

To comply with [Texas Rules of Civil Procedure Rule 166a](#) and to align the Motion for Summary Judgment (MSJ) hearing notice requirement with other standard processes for setting hearings and the notice requirements included in Rule 21(f)(10), our recommendation is as follows:

Rule 166a(c) states:

“(c) Clerk and Court Duties Upon Filing. Upon the motion’s filing, the clerk must immediately call the motion to the court’s attention. The **court must set** the motion for an oral hearing or submission without an oral hearing according to the deadlines in this rule. The **clerk must send** notice to the parties of the submission or hearing date.”

Step 1: Upon setting the hearing, the court or court staff should prepare and sign the document (*Order or Court Notice*) to be sent by the clerk as the Rule 166a notice (*or the judge may sign a proposed OSH that is presented by the filing party for this purpose*).

Step 2: Then, when that court document (*from Step 1*) is filed into the official case record, the clerk’s requirement for sending notice will be accomplished by a copy being delivered to the attorneys via automated **Re:SearchTX Case Notices*** and the clerk additionally delivering the same notice document to any pro se parties via eFile Texas, email, or U.S. Mail.

Effective 10-1-2025, **Re:SearchTX Case Notices are active in all county and district clerk offices who have complied with the [Misc. Docket No. 24-9030](#) mandate to integrate the local CMS with Re:SearchTX in all civil and family cases.*

*[Misc. Docket No. 24-9030](#), Paragraph 7: “For purposes of the Texas Rule of Civil Procedure, the Statewide Rules Governing Electronic Filing in Criminal Cases, and the Texas Rules of Appellate Procedure, **re:SearchTX** and the Texas Appeals Management and E-filing System (“TAMES”) are approved e-filing systems.”*

ADDITIONAL CLARIFYING COMMENTS:

- In the above recommended process, the court maintains control of its calendar and has opportunity to specify the notification language regarding whether the hearing is by submission only, by appearance with oral argument, virtual or in person appearance proceedings, etc.
- Rule 166a does differentiate between initially set hearings or subsequent resets for hearings on motion for summary judgment. Accordingly, the same process and required notices would apply to both.
- Notice to the party’s attorney of record accomplishes notice to that represented party. See [Texas Rules of Civil Procedure](#), Rule 8, Rule 21(a), (b), and (c), and Rule 21a(a).
- For contents in Notices of Court Proceedings, see [Texas Rules of Civil Procedure](#), Rule 21(b).