

Summary Judgment Research Guide

Overview

This research guide includes information and resources on summary judgment. A summary judgment is “a judgment granted on a claim or defense about which there is no genuine issue of material fact and on which the movant is entitled to prevail as a matter of law. The court considers the contents of the pleadings, motions, and additional evidence adduced by the parties to determine whether there is a genuine issue of material fact rather than one of law. This procedural device allows the speedy disposition of a controversy without the need for trial.” (*Black’s Law Dictionary*) The resources listed below are not exhaustive and may not include the most up-to-date information. It is for information purposes only and should not be construed as legal advice or act as the substitute for legal counsel.

Statutes and Codes

Texas Statutes Online www.statutes.capitol.texas.gov

Texas Rules of Civil Procedure

- Rule 166a Summary Judgment
<https://www.txcourts.gov/rules-forms/rules-standards/>

Federal Rules of Civil Procedure

- Rule 56 Summary Judgment
<https://www.uscourts.gov/rules-policies/current-rules-practice-procedure/federal-rules-civil-procedure>

Secondary Resources in Print

Summary Judgments in Texas KFT 1746.S8P38

- Ch. 10 Forms

Texas Practice Series REF KFT 1280.T4

- Vol. 52 Texas Summary Judgment and Related Termination Motions
 - Ch. 1 Summary Judgment

Texas Practice Guide REF KFT 1280.T4931

- Civil Pretrial Vol. 2, Ch. 14 Summary Judgment Practice

West’s Texas Forms REF KFT 1268.W47

- Vol. 9 Civil Trial and Appellate Practice, Ch. 21 Summary Judgment

Texas Litigation Guide REF KFT 1730.T4

- Vol. 7, Ch. 101 Summary Judgment

Texas Civil Procedure: Pretrial Litigation REF KFT 1737.D67

- Ch. 11 Disposition Without Trial §11.02 Summary Judgment

Legal Research: How to Find & Understand the Law KF 240.E45

- Ch. 9 Summary Judgments, pp. 217-218

Trial: A Guide from Start to Finish KF 8915.W38

- Ch. 18 Directed Verdicts, pp. 277 Purely Legal Defenses and Prior Summary Judgment Motions

CLE Materials

Advanced Family Law Drafting KFT 1294.A92

- 2021 Ch. 13 Are You Sure You Want to File That? Summary Judgment Motions

Advanced Trial Strategies KFT 1737.A75 S83

- 2022 Ch. 3.1 Texas Supreme Court: A Decade of Summary Judgment Decisions; Ch. 3.2 State Summary Judgment Procedure

Collections and Creditors' Rights KFT 1367.C6S7

- 2022 Ch. 9 Debt Collection Motion Practice: A Survey of Motions for Summary Judgment

Advanced Civil Appellate Practice Course KFT 1755 .A75S7

- 2020 Ch. 18, Section 3. f. Certain complaints about affidavits in, and other aspects of, summary judgment practice, p. 17

Online Resources

“Trips, Traps, and Snares in Appealing a Summary Judgment in Texas” by David F. Johnson

<https://www.baylor.edu/law/review/doc.php/370778.pdf>

Civil Litigation in Texas: The Basics

<https://texaslawhelp.org/article/civil-litigation-in-texas-the-basics-in-three-phases>

Summary Judgments (UT CLE) 2007

https://utcle.org/conferences/PL07/get-asset-file/asset_id/7453

Article: An Overview of Summary Judgments in Texas

<https://silblawfirm.com/litigation/an-overview-of-summary-judgments-in-texas/>

Legal Assistance

Legal Lines – Ask Attorneys simple legal questions (free service)

- Tarrant County LegalLine Sign-up
<https://www.tarrantbar.org/>
- Dallas County LegalLine Sign-up
<https://www.dallasbar.org/index.cfm?pg=legalline>

Tarrant County Bar Association Lawyer Referral Service: 817-336-4101 (\$20 for the first 30 minutes)