

*Re: Randall County Court at Law No. 2*

**SUMMARY JUDGMENT PROCEDURE**

This court will not honor instructional letters of attorneys accompanying Motions for Summary Judgment which request that this court sign the Order Setting Hearing on Motion for Summary Judgment; and further specifically request that after this court signs the Order Setting Hearing that this court deliver the Order and Motion for Summary Judgment to the clerk for filing.

The specific reason that this court will not honor such instructional letter is that a standard *Acknowledgement of Service* cannot occur before the court signs the *Order Setting Hearing on Motion for Summary Judgment*.

The lawyer is left with various options. However, if the lawyer wishes to accomplish same by mail, the court suggests the following procedure:

- (1) That the attorney call the court and request a setting date and time (If there is an attorney on the other side, the court consistent with its general procedure requires the attorney to first attempt to obtain an agreed setting. If the attorney does not receive reasonable cooperation from the opposing attorney or attorneys, then the court should be notified; and the court will consider setting a hearing without agreement.) **Of course, the attorneys in any event must comply with the requirements of Rules 166a and 21a of the Texas Rules of Civil Procedure.**
- (2) That the attorney then mail the Motion for Summary Judgment (without an acknowledgment) with attachments, and the Order Setting Hearing to the court, with a return envelope. The court will sign the Order Setting Hearing, file with the clerk the Order along with the Motion for Summary Judgment; and the clerk will return to the attorney the filed marked copies in the return envelope.
- (3) That after receiving the filed marked copies from the clerk, the attorney will file the Acknowledgment with the clerk; and properly notice the party or parties. [Of course, there are alternative procedures, including filing the Motion for Summary Judgment first, and thereafter processing the Order Setting Hearing separately.]
- (4) That the underlying problem has been that this court previously has after signing an Order Setting Hearing filed with the clerk the Motion for Summary Judgment per instructions of the attorney, although such Motion for Summary Judgment contained an acknowledgment which obviously was signed by the attorney *before* the Motion for Summary Judgment was filed and the Order was signed by the court. The court will not do this in the future.

This court is open to any suggestions as to alternative procedures, but this court will not accept any suggestions that include this court being instructed to file papers which obviously have an untrue acknowledgment contained therein.