

Form 21-7

This objection to notice of trial is based on Tex. R. Civ. P. 21(b), 21d, as promulgated by the Supreme Court of Texas in Misc. Docket No. 23-9004, effective February 1, 2023. To view the rules, consult the court’s website at www.txcourts.gov/supreme under the “Rules & Forms” link.

For an objection to notice of hearing, see form 21-5.

Include the following notice if a minor is named in the caption or if the objection contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

**NOTICE: THIS DOCUMENT
CONTAINS SENSITIVE DATA**

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Objection to Notice of Trial

[Name of party], [Petitioner/Respondent], objects to the Notice of Trial for the trial set for [date] and [time]. This objection is being made within a reasonable time after [Petitioner/Respondent] received the notice, which was on [date].

Include 1. if the notice was defective.

1. Defective Notice
TRCP 21(b)

[Petitioner/Respondent] objects to the notice for failing to meet the requirements of rule 21(b) of the Texas Rules of Civil Procedure. The notice failed to contain the information needed for participants to participate in the trial. Specifically, the notice failed to state [the location of the trial/instructions for joining the trial electronically/the court’s designated contact information/instructions for submitting evidence].

[Petitioner/Respondent] asks the Court to [serve an amended notice/order [Respondent/Petitioner] to serve an amended notice] that satisfies the requirements of rule 21(b), including timely service of that amended notice before the trial.

2. *Objection to Method of Appearance*

Include 2.A. if objecting to the method of appearance as being by physical presence in the courtroom.

2.A. *Objection to In-Person Requirement*

[Petitioner/Respondent] objects to the method of appearance in the notice. The notice does not permit [the participants/Petitioner/Respondent/the attorney for Petitioner/the attorney for Respondent/the witnesses/[name]] to appear by electronic means. [Petitioner/Respondent] asks the Court to [allow/order] [the participants/Petitioner/Respondent/the attorney for Petitioner/the attorney for Respondent/the witnesses/[name]] to appear by available electronic means [**include if applicable:** , specifically by [**state electronic means, e.g.,** Zoom, telephone]]. Good cause exists for this objection. [**State good cause.**]

Include 2.B., 2.C., and/or 2.D. if objecting to the method of appearance as being by electronic means.

2.B. *Objection to Specific Electronic Means*

[Petitioner/Respondent] objects to the method of appearance in the notice. The notice requires [the participants/Petitioner/Respondent/the attorney for Petitioner/the attorney for Respondent/the witnesses/[name]] to appear by [**state electronic means, e.g.,** Zoom, telephone]. [Petitioner/Respondent] asks the Court to [allow/order] [the participants/Petitioner/Respondent/the attorney for Petitioner/the attorney for Respondent/the witnesses/[name]] to appear [physically in the courtroom/by [**state different electronic means, e.g.,** Zoom, telephone]]. Good cause exists for this objection. [**State good cause.**]

And/Or

**2.C. Objection When Oral
Testimony Will Be Heard**
TRCP 21d(b)(2)(A)

The notice requires a party or lawyer to appear electronically for a trial in which oral testimony will be heard. There is neither good cause for that requirement nor an agreement of the parties, so the Court must permit them to participate by physical presence in the courtroom.

And/Or

2.D. Objection When Jury Trial
TRCP 21(b)(2)(B)

The notice requires a [lawyer or party/lawyer, party, or juror] to appear electronically for a jury trial without an agreement of the parties, so the Court must permit them to participate by physical presence in the courtroom.

Insert 2.E. if applicable.

2.E. Affidavit/Declaration

Attached is [an affidavit/a declaration] stating facts that support [this/these] objection[s].

Continue with 2.F.

2.F. Request for Ruling
TRCP 21d(d)

Before the Court proceeds by the objected-to method of appearance, [Petitioner/ Respondent] asks the Court to [**include if applicable:** conduct a hearing on the objection[s],] rule on the objection[s][,] and timely communicate the ruling to the parties in a written order or on the record.

Include 2.G. unless the only objection to the method of appearance is an objection related to a jury trial based on Tex. R. Civ. P. 21d(b)(2)(B), as presented in 2.D. above.

2.G. Request to Consider Good Cause Factors
TRCP 21d(e)

[Petitioner/Respondent] asks the Court, in determining good cause, to consider the factors set forth in rule 21d(e) of the Texas Rules of Civil Procedure.

Continue with the following in all objections.

[Petitioner/Respondent] prays that the Court grant the objection[s] and all other relief requested or to which [Petitioner/Respondent] may be entitled.

[Name]
Attorney for [name]
State Bar No.:
[Email address]
[Address]
[Telephone]
[Fax]

For certificate of service, see form 21-11.