

Question

Is Rule 237a of the Texas Rules of Civil Procedure still required if the defendant has already answered after a federal remand?

Answer (Texas)

Short response

Rule 237a of the Texas Rules of Civil Procedure does not require a defendant to file a new answer in state court after remand if the defendant has already answered in federal court during removal. The rule's primary function is to prevent default judgments against parties who have already answered in federal court, and compliance with its notice provisions does not obligate a second answer under these circumstances.

Summary

The Texas Supreme Court has clarified that Rule 237a is designed to ensure fairness to defendants when a case is remanded from federal to state court, specifically by providing a clear timeline for answering and protecting against default judgments. If a defendant has already filed an answer in federal court, Rule 237a does not require them to file another answer upon remand to state court, and no default judgment may be rendered against them for failing to do so.

This interpretation is supported by the rule's text and by controlling Texas Supreme Court authority, which holds that the procedural requirements of Rule 237a are satisfied by the defendant's answer in federal court. While some lower court decisions have emphasized the procedural timeline for answering after remand, the Supreme Court's guidance prevails, and the rule's purpose is not to require duplicative answers but to ensure due process and prevent unfair defaults.

Background and Relevant Law

Rule 237a of the Texas Rules of Civil Procedure

Rule 237a addresses the procedural steps required when a case is removed from Texas state court to federal court and then remanded back to state court. The rule requires the plaintiff to file a certified copy of the federal remand order with the state court and to notify all adverse parties' attorneys of this filing. Once notice is given, adverse parties have fifteen days to file an answer in state court. Critically, the rule also provides that no default judgment shall be rendered against a party in a remanded action if that party filed an answer in federal court during the removal period.

Key Case Law

The Texas Supreme Court in [Gonzalez v. Guilbot, 315 S.W.3d 533 \(Tex. 2010\)](#) directly addressed the operation of Rule 237a. The Court explained that the rule's notice and answer period are designed to protect defendants from default judgments after remand, but it explicitly stated that if a defendant has already answered in federal court, no default judgment may be rendered against them for failing to file a new answer in state court.

In [Quaestor Investments, Inc. v. State of Chiapas, 997 S.W.2d 226 \(Tex. 1999\)](#), the Texas Supreme Court again discussed Rule 237a, emphasizing that the rule provides a fifteen-day period for answering after notice of remand is given. However, the Court also clarified that no further affirmative action is required beyond the reacquisition of jurisdiction by the state court, suggesting that the rule's requirements are procedural and not mandatory if the defendant has already answered.

It is important to note that Quaestor Investments was later abrogated by *Ex parte E.H.*, 602 S.W.3d 486 (Tex. 2020). However, the abrogation in *Ex parte E.H.* concerned issues of appellate procedure and did not directly address the interpretation of Rule 237a in the context of remand and answers. Therefore, the specific guidance from [Gonzalez v. Guilbot](#) remains authoritative on this point.

The Texas Court of Appeals in [HBA East, Ltd. v. JEA Boxing Co., Inc., 796 S.W.2d 534 \(Tex. App. 1990\)](#) interpreted Rule 237a as establishing a fifteen-day period for defendants to answer after receiving notice of remand, regardless of whether the defendant had already answered in federal court. However, this interpretation is subordinate to the Texas Supreme Court's later clarification in [Gonzalez v. Guilbot](#).

Supplementary cases, such as [Dall. Cnty. Hosp. Dist. v. Wilson, No. 05-18-01049-CV \(Tex. App. Aug 07, 2019\)](#), reinforce the principle that state court proceedings resume from the point reached before removal, and [Hsin-Chi-Su v. Vantage Drilling Co., 474 S.W.3d 284 \(Tex. App. 2015\)](#) discusses the jurisdictional aspects of remand, including the potential for waiver of procedural defects.

Analysis

The central question is whether Rule 237a requires a defendant to file a new answer in state court after remand if the defendant has already answered in federal court. The answer turns on the text of Rule 237a and the authoritative interpretation provided by the Texas Supreme Court.

Rule 237a's text establishes a procedural mechanism to ensure that defendants are not unfairly defaulted after a case is remanded from federal to state court. The rule requires the plaintiff to file the remand order and notify adverse parties, triggering a fifteen-day period for defendants to answer. However, the rule also explicitly states that no default judgment may be rendered against a party who filed an answer in federal court during the removal period.

The Texas Supreme Court in [Gonzalez v. Guilbot, 315 S.W.3d 533 \(Tex. 2010\)](#) interpreted this provision to mean that a defendant who has already answered in federal court is protected from default and is not required to file a new answer in state court after remand. The Court's reasoning is that the purpose of Rule 237a is to provide due process and prevent unfair default judgments, not to require duplicative procedural steps.

In [Quaestor Investments, Inc. v. State of Chiapas, 997 S.W.2d 226 \(Tex. 1999\)](#), the Texas Supreme Court further clarified that Rule 237a's answer period is procedural and that no additional affirmative action is required beyond the reacquisition of jurisdiction by the state court. Although this case was later abrogated

by Ex parte E.H., 602 S.W.3d 486 (Tex. 2020), the abrogation did not concern the interpretation of Rule 237a or the requirements for answering after remand. Therefore, the guidance from [Gonzalez v. Guilbot](#) remains controlling.

The Texas Court of Appeals in [HBA East, Ltd. v. JEA Boxing Co., Inc., 796 S.W.2d 534 \(Tex. App. 1990\)](#) took a more literal approach, suggesting that the fifteen-day answer period applies regardless of whether the defendant has already answered in federal court. However, this interpretation is inconsistent with the Texas Supreme Court's later clarification that the rule's purpose is to prevent default judgments against parties who have already answered, not to require redundant filings.

Supplementary authorities, such as [Dall. Cnty. Hosp. Dist. v. Wilson](#), support the principle that state court proceedings resume from the point reached before removal, which would include recognition of any answer filed in federal court. [Hsin-Chi-Su v. Vantage Drilling Co.](#) further suggests that procedural requirements may be waived if parties participate in state court proceedings without objection, reinforcing the flexible and protective nature of Rule 237a.

Exceptions and Caveats

While the Texas Supreme Court's interpretation in [Gonzalez v. Guilbot](#) is controlling, parties should be aware of the procedural requirements of Rule 237a, particularly the obligation of the plaintiff to file the remand order and provide notice. Failure to comply with these requirements could affect the timing of subsequent proceedings.

Additionally, while the rule protects defendants from default judgments if they have answered in federal court, it does not preclude the possibility that a court could require clarification or supplementation of pleadings if necessary for the orderly administration of the case. However, such requirements would be based on the specific circumstances of the case and not on Rule 237a itself.

It is also important to note that while Quaestor Investments was abrogated on unrelated grounds, its discussion of Rule 237a's procedural nature remains persuasive, especially when read in conjunction with [Gonzalez v. Guilbot](#).

Conclusion

In summary, Rule 237a of the Texas Rules of Civil Procedure does not require a defendant to file a new answer in state court after remand if the defendant has already answered in federal court during removal. The rule's primary function is to protect defendants from default judgments and to ensure due process, not to impose duplicative procedural requirements. The Texas Supreme Court's decision in [Gonzalez v. Guilbot, 315 S.W.3d 533 \(Tex. 2010\)](#) is controlling on this point, and lower court decisions to the contrary are superseded by this authoritative interpretation. Parties should, however, ensure compliance with the rule's notice provisions and be attentive to any case-specific requirements imposed by the court.

Legal Authorities

[HBA East, Ltd. v. JEA Boxing Co., Inc., 796 S.W.2d 534 \(Tex. App. 1990\)](#)

Texas Court of Appeals

Extract

Rule 237a of the Texas Rules of Civil Procedure provides: ... Rule 237a establishes a 'start' date from which the 15 day answer period may be computed. The new answer date for the bankruptcy defendants in the Texas state court suit became the date 15 days after their receipt of the notice of the filing of the remand order from the plaintiffs. ... The plain wording of rule 237a gives a defendant 15 days from the receipt of the plaintiff's notice of the filing of the order of remand to file an answer in state court, without reference to whether the original removal was provident. ... Rule 237a gives a defendant 15 days from the receipt of a plaintiff's notice of remand to file its answer.

Summary

Rule 237a establishes a specific timeline for defendants to file an answer in state court after a case is remanded from federal court. The rule provides a 15-day period for filing an answer, starting from the receipt of the plaintiff's notice of the remand order. This requirement applies regardless of whether the defendant has already answered in federal court, as the rule is concerned with the procedural timeline in state court following a remand.

[Quaestor Investments, Inc. v. State of Chiapas, 997 S.W.2d 226 \(Tex. 1999\)](#)

Texas Supreme Court

Extract

The court looked to Texas procedural rules for its answer: (1) Rule of Civil Procedure 237a, which provides that a defendant need not answer in a remanded case until fifteen days after the plaintiff files the remand order with the state court and gives written notice of the filing to the adverse parties' attorneys; ... The court of appeals erred when it inferred from civil procedure rule 237a and appellate rule 8 that any further affirmative action was needed.

Summary

Rule 237a provides a specific timeline for when a defendant must answer in a remanded case, which is fifteen days after the plaintiff files the remand order and provides notice. However, the Texas Supreme Court clarified that no further affirmative action is needed beyond the state court reacquiring jurisdiction, suggesting that the rule's requirement is procedural and not necessarily mandatory if the defendant has already answered.

[Dall. Cnty. Hosp. Dist. v. Wilson, No. 05-18-01049-CV \(Tex. App. Aug 07, 2019\)](#)

Texas Court of Appeals

Extract

Upon remand, the state court is to proceed from the point reached in the state court action prior to removal, as if no interruption had occurred.

Summary

When a case is remanded from federal court to state court, the state court resumes proceedings from the point they were at before the case was removed to federal court. This suggests that any procedural requirements that were in place before the removal, such as Rule 237a, would still be applicable unless they have been rendered moot by subsequent actions, such as the defendant already having answered.

[Gonzalez v. Guilbot, 315 S.W.3d 533 \(Tex. 2010\)](#)

Texas Supreme Court

Extract

Tex R. Civ. P. 237a states: When any cause is removed to the Federal Court and is afterwards remanded to the state court, the plaintiff shall file a certified copy of the order of remand with the clerk of the state court and shall forthwith give written notice of such filing to the attorneys of record for all adverse parties. All such adverse parties shall have fifteen days from the receipt of such notice within which to file an answer. No default judgment shall be rendered against a party in a removed action remanded from federal court if that party filed an answer in federal court during removal.

Summary

The passage from the Texas Supreme Court case "Gonzalez v. Guilbot" provides a direct reference to Texas Rule of Civil Procedure 237a. This rule outlines the procedure for filing a certified copy of the remand order with the state court and notifying adverse parties. Importantly, it specifies that adverse parties have fifteen days to file an answer after receiving notice of the remand. However, it also clarifies that no default judgment shall be rendered against a party if they filed an answer in federal court during the removal process. This indicates that if a defendant has already answered in federal court, Rule 237a does not require them to file another answer upon remand to state court to avoid a default judgment.

[Hsin-Chi-Su v. Vantage Drilling Co., 474 S.W.3d 284 \(Tex. App. 2015\)](#)

Texas Court of Appeals

Extract

This appeal raises important issues regarding the jurisdiction of state courts after removal of a case to federal court. In deciding the appeal, a panel of this court has concluded that (1) a case may be remanded from a federal district court to a state trial court without a remand order; (2) the absence of a remand order is a procedural defect that does not affect the state court's jurisdiction to proceed in a case removed to federal district court; and (3) parties may waive the lack of the state court's subject-matter jurisdiction resulting from the failure to satisfy a prerequisite to the revesting of jurisdiction in the state court if the parties participate in the state court proceedings without objecting to the court's lack of jurisdiction.

Summary

Jurisdictional issues that arise when a case is remanded from federal court to state court. It highlights that a remand order is typically necessary for the state court to regain jurisdiction, but parties can waive procedural defects related to jurisdiction if they participate in state court proceedings without objection. This suggests that procedural requirements, such as Rule 237a, may be waived under certain circumstances if the parties do not object.

This memo was compiled by Vincent AI based on vLex materials available as of May 09, 2025. [View full answer on vLex](#)