

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 96- 9203

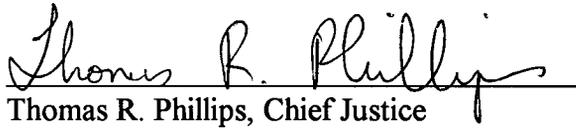
ADOPTION OF RULES FOR GAINES COUNTY DISTRICT AND COUNTY CLERKS RECEIVING AND FILING ELECTRONICALLY TRANSMITTED COURT DOCUMENTS

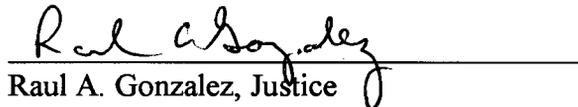
ORDERED:

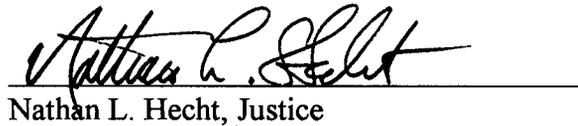
At the request of the District and County Clerks of Gaines County, Texas, the attached rules are adopted governing the procedure for the District Clerk and the County Clerk of Gaines County to receive and file electronically transmitted court documents. TEX. GOV'T CODE §§ 51.803, 51.807.

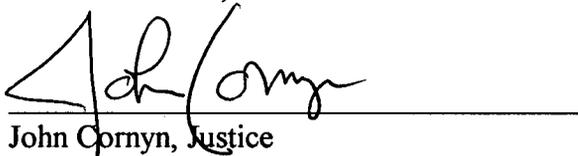
This Order shall be effective when recorded in the Minutes of the District Court sitting in Gaines County, Texas, and the County Court of Gaines County, Texas, and upon compliance with Texas Rule of Civil Procedure 3a.

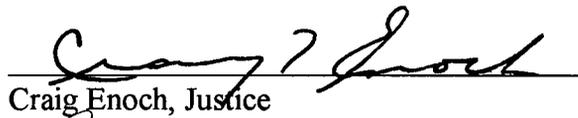
SIGNED AND ENTERED this 13th day of September, 1996.


Thomas R. Phillips, Chief Justice


Raul A. Gonzalez, Justice


Nathan L. Hecht, Justice

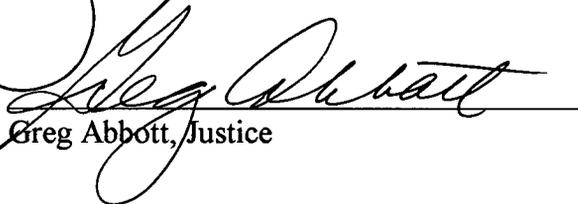

John Cornyn, Justice


Craig Enoch, Justice


Rose Spector, Justice


Priscilla R. Owen, Justice


James A. Baker, Justice


Greg Abbott, Justice

**ORDER ESTABLISHING A SYSTEM FOR
ELECTRONIC FILING OF DOCUMENTS IN
GAINES COUNTY, TEXAS**

The District Court and County Court of Gaines County, Texas, hereby adopt the following system for the electronic filing of documents by the District Clerk and County Clerk of Gaines County.

1. The District Clerk and County Clerk are authorized to accept for filing via electronic transmission any document which might be filed in a court action except: (a) returns of service on issuances; and (b) bonds.

2. Documents electronically transmitted for filing will be received by the clerk on a plain paper facsimile and printed by a laser printer, thereby rendering the copy of archival quality. No document printed on thermal paper shall be filed.

3. No document electronically transmitted shall be accepted by the clerk for filing until court costs and fees have been paid. Documents tendered to the clerk electronically without payment of court costs and fees, or with incomplete information or which do not conform to applicable rules will not be filed.

4. A fee schedule for electronic filing shall be adopted annually by the clerks and approved by the Courts.

5. An electronically transmitted document accepted for filing will be recognized as the original record for file or for evidentiary purposes when it bears the clerk's official date and time file stamp.

6. Local rules governing implementation of this electronic filing system are hereby adopted as follows:

A. Every document electronically transmitted for filing shall conform to the requirement for filing established by the Texas Rules of Court, ie. shall be in writing, on paper measuring approximately 8 1/2 x 11 inches, signed by an attorney of record in his individual name, with his State Bar of Texas identification number, address, telephone number and telecopier number. The quality of the original hard copy shall be clear and dark enough to legibly transmit.

B. The sender shall maintain the original hard copy with original signature affixed as required by section 51.806, Texas Government Code.

C. A cover sheet must accompany every transmission and shall:

(1) clearly identify the sender, the documents being transmitted, and the number of pages;

(2) have clear and concise instructions concerning issuance or other request.

D. The clerk upon receipt of an electronically transmitted document shall verify the completeness of the transmission.

E. The clerk when satisfied that the transmission is complete shall accept for filing and affix the clerk's official date and time filed.

F. If the transmission is found to be incomplete or court costs or fees, if required, are not paid, the clerk will notify the sender as soon as practicable that the transmission has not been filed and the reason.

G. After filing as electronically transmitted document the clerk will electronically transmit to the sender an acknowledgement of the filing, together with cost receipt, if any.

H. No citation or writ bearing the official seal of the court may be transmitted electronically.

I. Electronic transmission of a document does not constitute filing. Filing is complete when the clerk's official date and time file stamp is affixed to the document.

J. Each page of any document received by the clerk will be automatically imprinted with the date and time of receipt. The date and time imprinted on the last page of a document will determine the time of receipt but not the time of filing. Transmissions completed during a normal business day before 5:00 p.m. and accepted for filing will be filed on the date of receipt. Transmissions completed after 5:00 p.m., on weekends or holidays will be verified and filed before 10:00 a.m. on the first business day following receipt of transmission. The sender is responsible for determining if there are any changes in normal business hours.

It is therefore ORDERED that this system for electronic filing of documents in the District Court and County Court of Gaines County, Texas, be and the same is adopted effective upon approval by the Supreme Court of Texas; that a copy hereof shall be furnished to the Supreme Court of Texas for approval as provided by Section 51.908, Texas Government Code; and that upon approval by the Supreme Court of Texas the same be placed upon the Minutes of the District Court of Gaines County, Texas.

SIGNED this 10th day of June, 1996.



George H. Hansard
District Judge
106th District Court

Gaines County, Texas



Max Townsend
County Judge
Gaines County, Texas



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

CLERK
JOHN T. ADAMS

JUSTICES
RAUL A. GONZALEZ
NATHAN L. HECHT
JOHN CORNYN
CRAIG ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

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EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

September 13, 1996

Hon. George H. Hansard
106th District Court
Post Office Box 1268
Lamesa, Texas 79331

Dear Judge Hansard,

Please find enclosed, a copy of the order of the Supreme Court that approved local rules for Electronically Transmitted Court Documents for Gaines County.

Sincerely,

SIGNED

John T. Adams
Clerk

Encl.

cc: Hon. Weldon Kirk
7th Admin Judicial Rgn

Hon. Ronnie M. Townsend

District Clerk

County Clerk

Supreme Court Adv Committee

Mr. Jerry Benedict
Office of Court Admin

State Law Library