

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 17-9025

**ORDER ADOPTING THE RECOMMENDATIONS OF THE
JUDICIAL COMMITTEE ON INFORMATION TECHNOLOGY
FOR ACCESS TO ELECTRONICALLY FILED COURT DOCUMENTS
BY JUDGES, CLERKS, AND ATTORNEYS THROUGH re:SearchTX**

The 75th Legislature created the Judicial Committee on Information Technology in 1997. *See* TEX. GOV'T CODE §§ 77.001-.032. To increase efficiency and transparency in the justice system, JCIT is required by statute, among other things, to develop a coordinated statewide computer and communications network, standards for an electronically based document system, and guidelines to protect the integrity and confidentiality of electronically stored information. TEX. GOV'T CODE § 77.031(3), (5)-(6).

In 2012, the Supreme Court of Texas mandated electronic filing—e-filing—by attorneys in civil cases, including family and probate cases, in appellate courts, district courts, statutory county courts, constitutional county courts, and statutory probate courts. *Order Requiring Electronic Filing in Certain Courts*, Misc. Dkt. No. 12-9208 (Tex. Dec. 11, 2012). Implementation began January 1, 2014, and is now complete. In 2016, the Court of Criminal Appeals of Texas mandated e-filing in criminal cases in appellate courts, district courts, statutory county courts, and constitutional county courts, beginning July 1, 2017. *Order Mandating Statewide Electronic Filing in Criminal Cases*, Misc. Dkt. No. 16-003 (Tex. Crim. App. June 30, 2016). Implementation is to be complete January 1, 2020. At the direction of both courts, the Office of Court Administration has provided essential services to achieve the goals of the orders.

E-filing is more efficient and less expensive for parties and lawyers. It also makes possible access to e-filed court documents—e-access—that is more efficient for judges, clerks, lawyers, and parties, reducing costs to taxpayers, lawyers, and litigants. As importantly, by making court documents more readily available to the public, e-access provides greater transparency for the justice system that is critical to evaluating its operation, improving its procedures, and strengthening public trust. Like the statewide e-filing system, a statewide, e-access system offers many benefits both public and private. E-access also involves many difficult issues, including appropriate protections

for legitimate privacy interests and funding for clerks' offices and local governments to support the system.

JCIT has long been studying e-access through a system called re:SearchTX. It has invited full input from all stakeholders—judges, clerks, local governments, lawyers, providers, and the public. Those discussions are ongoing. JCIT is committed to the same careful, deliberate approach it has always taken. At its public meeting on January 20, 2017, JCIT approved the following recommendations to the Supreme Court for e-access limited to judges, clerks, and lawyers. Those recommendations, in substance, are as follows:

Role 1 — Judge. “Judge” means any sitting judge on the Supreme Court, the Court of Criminal Appeals, the intermediate Courts of Appeals, the District Courts, the County Courts, and the County Courts at Law, together with associate judges and designated court staff. Justice court judges and municipal court judges are not included at this time.

Role 2 — Attorney on the Case, Visiting Judge. “Attorney on the Case” means an attorney who has made an appearance in the case. “Visiting Judge” means a qualified judge assigned to a specific case or docket for a temporary period.

Role 3 — Clerk. “Clerk” means the custodian of the official record, including district and county clerks and deputy clerks and staff necessary for the performance of the clerk's duties.

Permission — Judge. A Judge may access all case index information and all electronically filed documents in any case in any court.

Permission — Attorney on the Case, Visiting Judge. An Attorney on the Case may access case index information and all electronically filed documents for any case in which he or she is attorney of record or has made an appearance in the case. A Visiting Judge may access case index information and all electronically filed documents in a case to which he or she is assigned.

Permission — Clerk. For purposes of re:SearchTX, a Clerk has the same permission level as a Judge for cases filed in the district or county. A Clerk may access case index information and all electronically filed documents for any case in the district or county. Additionally, Clerks will have access to reports and other system features that will allow them to configure systems and to provide them with additional information concerning their offices.

To permit the recommended e-access for the present, it is necessary that the Office of Court Administration maintain for use by re:SearchTX a copy of every e-filed document.

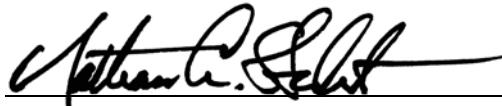
After due consideration, the Supreme Court has concluded that these recommendations by JCIT should be accepted. It is, accordingly,

ORDERED that:

The Supreme Court of Texas adopts the foregoing recommendations of JCIT effective immediately. To implement the recommendations, the Office of Court Administration is directed to maintain for use by re:SearchTX an electronic copy of all e-filed documents.

JCIT shall continue to review issues relating to privacy and access to e-filed documents and report regularly to this Court and the Court of Criminal Appeals.

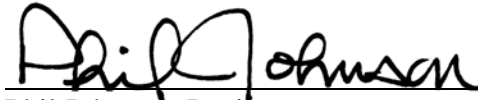
Dated: February 21, 2017



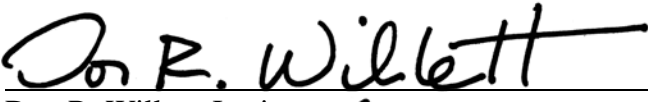
Nathan L. Hecht, Chief Justice



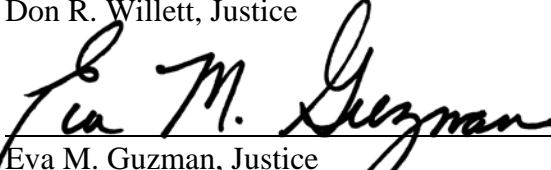
Paul W. Green, Justice



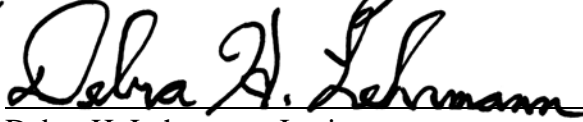
Phil Johnson, Justice



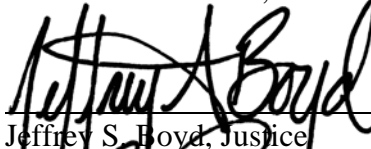
Don R. Willett, Justice



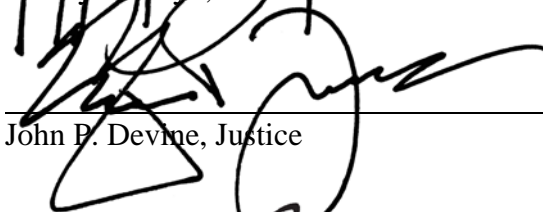
Eva M. Guzman, Justice



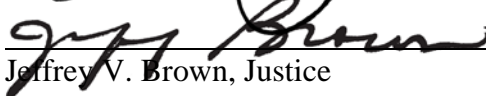
Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



John P. Devine, Justice



Jeffrey V. Brown, Justice