

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 91-0043

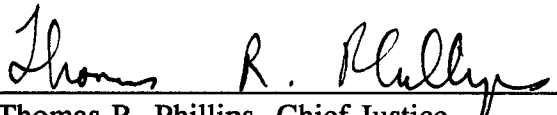
**ADOPTION OF RULES FOR THE COURT OF APPEALS
FOR THE NINTH DISTRICT OF TEXAS AT BEAUMONT
FOR RECEIVING AND FILING
ELECTRONICALLY TRANSMITTED COURT DOCUMENTS**

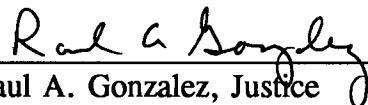
ORDERED:

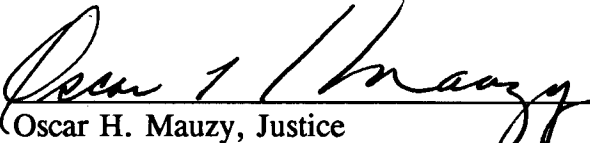
At the request of the Court of Appeals for the Ninth District of Texas at Beaumont the attached rules are adopted governing the procedure for the Clerk of that Court to receive and file electronically transmitted court documents. TEX. GOV'T CODE §§ 51.803, 51.807.

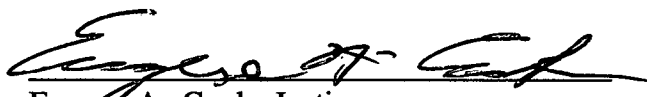
This Order shall be effective when recorded in the Minutes of the Court of Appeals for the Ninth District of Texas at Beaumont.

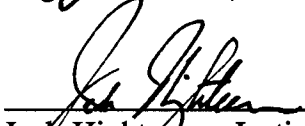
SIGNED AND ENTERED this 31st day of May, 1991.

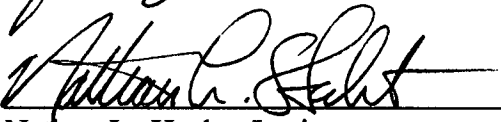

Thomas R. Phillips, Chief Justice

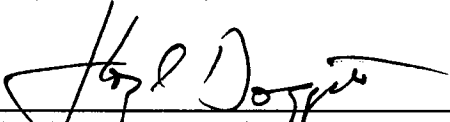

Raul A. Gonzalez, Justice

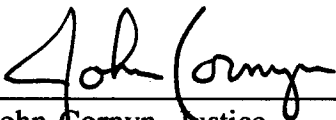

Oscar H. Mauzy, Justice

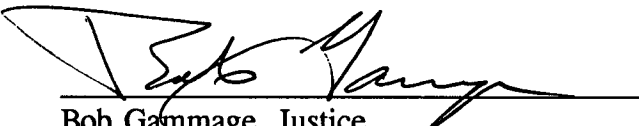

Eugene A. Cook, Justice


Jack Hightower, Justice


Nathan L. Hecht, Justice


Lloyd Doggett, Justice


John Cornyn, Justice


Bob Gammage, Justice



Court of Appeals
State of Texas
Ninth District

CHIEF JUSTICE
RONALD L. WALKER

JUSTICES
JACK BROOKSHIRE
DON BURGESS

CLERK
SHIRLEY FORREST

OFFICE
SUITE 330
1001 PEARL ST.
BEAUMONT, TEXAS 77701
409/835-8402

ORDER

**Order Establishing a System
for Electronic Filing of Documents
In the Court of Appeals
Ninth District of Texas at Beaumont**

The Court of Appeals, Ninth District of Texas at Beaumont, hereby adopts the following system for the electronic filing of documents by the Clerk of the Court.

1. The Clerk of the Court, or any Deputy Clerk, is authorized to accept for filing via electronic transmission: (a) all motions for extension of time relating to an appeal; (b) appellants, appellees and intervenors briefs, as well as reply, response or supplemental briefs of any party; (c) motions for rehearing; and (d) miscellaneous motions or correspondence relating to an appeal. No process issued by this Court pursuant to Texas Rule of Appellant Procedure 17 shall be electronically transmitted.

2. Documents electronically transmitted for filing will be received by the Clerk on a plain paper facsimile and printed by a laser printer. No document printed on thermal paper shall be filed.

3. The Clerk of the Court may collect the following fees in connection with electronic transmissions:

Outbound Facsimile Documents

\$5.00 for the first page, plus \$2.00 per additional page.

Inbound Facsimile Documents

\$5.00 for first 10 pages, plus .50 for each additional page per transmission or request.

Transmissions to Other State Appellate Courts

No fee shall be charged to other Courts of Appeals, the Supreme Court of Texas or the Texas Court of Criminal Appeals.

4. The Clerk of the Court shall prepare an invoice and shall mail it, as soon as practicable, to the party requesting the electronic Transmission. Payment shall be made within 15 days of the date the electronically transmitted document is received in the Clerk's office or a document is electronically transmitted from the Clerk's office. If the party requesting the transmission serve is a party to an appeal pending before this Court, failure to pay the fee promptly may result in the striking of the document electronically transmitted. If the party is an appellant, failure to pay the fee may result in the dismissal of the appeal.

5. An electronically transmitted document accepted for filing will be recognized as the original record for file when it bears the Clerk's official date stamp. Each page of any document received by the Clerk will be automatically imprinted with the date and time of receipt. The date on which an electronically transmitted document shall be deemed to have been filed shall be the date on which the electronic transmission of the entire document is complete, as determined by the date shown on the last page of the document.

6. The Clerk of the Court, or any Deputy Clerk is authorized to electronically transmit an opinion issued by the Court on the day of its issuance, if the workload of the Clerk's office permits.

7. 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 Texas Rule of Appellate Procedure 4. (1) It shall be typewritten or printed on paper measuring 8 1/2 X 11 inches (2) Signed by an attorney of record in his individual name, with his State Bar of Texas identification number, address, phone number and telecopier number. Any document filed by a party who is not an attorney shall meet all the foregoing requirements, except for a State Bar of Texas identification number. All copies as may be required by Texas Rule of Appellate Procedure 4(c) or by the Court's local rules shall be forwarded to the Court on the day that the document has been sent to the Court by facsimile machine.


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

C. A cover sheet must accompany every transmission and shall clearly identify (1) the sender; (2) the document(s) being transmitted, including the cause number and style of case, if it is a document relating to an appeal; and (3) the number of pages.

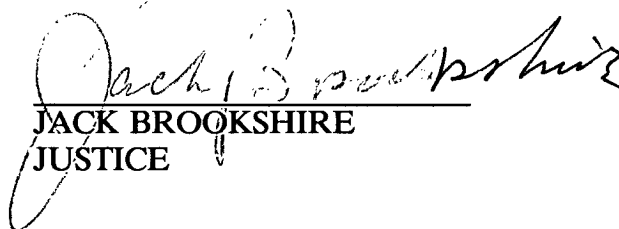
D. Electronically transmitted documents will be accepted for filing by the Clerk's office during normal business hours, Monday through Friday (other than legal holidays as defined by Texas Revised Civil Statutes article 4591), 8:00 a.m. to 5:00 p.m.. Documents may be transmitted during nonbusiness hours, if prior arrangements are made with the Clerk's office.

It is therefore, ORDERED, that this system for electronic filing of documents in the Court of Appeals, Ninth District of Texas at Beaumont be, and the same is, adopted, effective upon approval by the Supreme Court of Texas; that a copy shall be furnished to the Supreme Court of Texas for approval as provided by Section 51.807 of the Texas Government Code; and that upon approval by the Supreme Court of Texas the same shall be placed in the Minutes of the Court of Appeals, Ninth District of Texas at Beaumont.

Signed this the 26th day of February, 1991.



RONALD L. WALKER
CHIEF JUSTICE



JACK BROOKSHIRE
JUSTICE



DON BURGESS
JUSTICE