

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 92- 0104

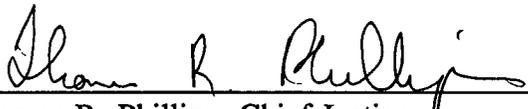
ADOPTION OF RULES FOR THE COURT OF APPEALS FOR THE TENTH DISTRICT OF TEXAS AT WACO FOR RECEIVING AND FILING ELECTRONICALLY TRANSMITTED COURT DOCUMENTS

ORDERED:

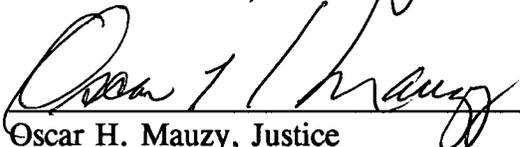
At the request of the Court of Appeals for the Tenth District of Texas at Waco the attached rules are adopted governing the procedure for the Clerk of that Court to receive and file electronically transmitted court documents. TEX. GOV'T CODE §§ 51.803, 51.807.

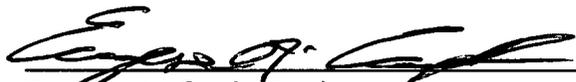
This Order shall be effective when recorded in the Minutes of the Court of Appeals for the Tenth Court of Appeals at Waco.

SIGNED AND ENTERED this 31st day of August, 1992.


Thomas R. Phillips, Chief Justice

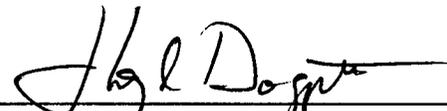

Raul A. Gonzalez, Justice


Oscar H. Mauzy, Justice

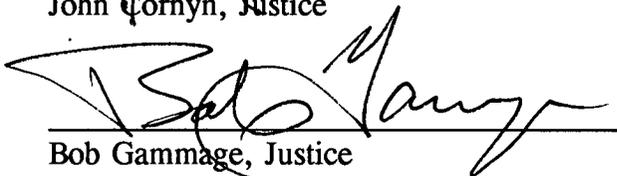

Eugene A. Cook, Justice


Jack Hightower, Justice


Nathan L. Hecht, Justice


Lloyd Doggett, Justice


John Cornyn, Justice


Bob Gammage, Justice



IN THE
TENTH COURT OF APPEALS

ORDER

Order Establishing a System for Receiving
Electronically Transmitted Information
by Facsimile Machine
In the Tenth Court of Appeals

The Court of Appeals for the Tenth Court of Appeals District hereby adopts the following system for filing motions transmitted by facsimile machine and for transmitting issued opinions by facsimile machine.

1. The Clerk of the Court, or any Deputy Clerk, is authorized to accept for filing the following motions transmitted by facsimile machine: (1) motions to extend the time to file a cost bond or equivalent; (2) motions to extend the time to file the transcript or the statement of facts; (3) motions to extend the time to file a brief; and (4) motions to extend the time to file a motion for rehearing.

2. Motions transmitted by facsimile machine for filing will be received by the Clerk on a plain-paper facsimile and printed by a laser printer, thereby making the copy of archival quality. No document printed on thermal paper shall be filed.

3. Any motion transmitted by facsimile machine and accepted for filing will be recognized as the original record 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. Any transmission completed after 5:00 p.m. shall be deemed filed on the following day.

4. Rule 4 of the Tenth Court of Appeals Local Rules governs the facsimile filing of motions for extension of time.

5. The Clerk of the Court, or any Deputy Clerk, is authorized to transmit by facsimile machine any opinion that has been issued, but shall not transmit any opinion prior to the time of its issuance. No process issued by this Court pursuant to Rule 17 of the Texas Rules of Appellate Procedure shall be transmitted by facsimile machine.

6. The Clerk of the Court shall collect the following fees in connection with transmissions by facsimile machine:

Inbound Facsimile Service

\$5.00, plus 50 cents for each page over ten, per transmission or request.

Outbound Facsimile Service

\$5.00 for the first page, plus \$1.00 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 Court of Criminal Appeals of Texas.

7. The Clerk of the Court, or any Deputy Clerk, shall prepare an invoice and mail it, as soon as practicable after any transmission by facsimile machine, to the party requesting the transmission service. Payment shall be due ten days after the receipt of the invoice. If a party requesting the transmission service is a party to an appeal pending before the Court, failure to pay the fee promptly may result in the striking of the motion transmitted by facsimile machine.

It is therefore **ORDERED** that this system for filing motions transmitted by facsimile machine and for transmitting issued opinions by facsimile machine in the Tenth Court of Appeals 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 51.803 of the Texas Government Code; and that, upon approval by the Supreme Court of Texas, the same be placed upon the Minutes of the Court of Appeals for the Tenth Court of Appeals District.

SIGNED this the 6th day of August 1992.



BOB L. THOMAS
Chief Justice



BOBBY L. CUMMINGS
Justice



BILL VANCE
Justice



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

P.O. BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T.
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.
MARY ANN DEFIBAUGH

JUSTICES
RAUL A. GONZALEZ
OSCAR H. MAUZY
EUGENE A. COOK
JACK HIGHTOWER
NATHAN L. HECHT
LLOYD DOGGETT
JOHN CORNYN
BOB GAMMAGE

September 17, 1992

Mr. Bob Watts, Clerk
Tenth Court of Appeals
Post Office Box 1606
Waco, Texas 76701

Dear Mr. Watts,

Please find a copy of the order of this Court of August 31, 1992, that approves local rules for receiving and filing electronically transmitted court document for the Tenth Court of Appeals.

Please note that the Supreme Court has been approving local rules provisionally. The Court believes that the Uniform Local Rules Committee is nearing completion of its task. You may therefore be asked to further amend your local rules in the not too distant future.

Sincerely,

SIGNED

John T. Adams
Clerk

Encl.

cc:

Mr. Ray Judice
Office of Court Admin

State Law Library

Chmn Supreme Ct Adv Committee