

**IN THE SUPREME COURT OF TEXAS**

Misc. Docket No. 95-9036

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**ADOPTION OF RULES FOR DEAF SMITH COUNTY  
FOR RECEIVING AND FILING  
ELECTRONICALLY TRANSMITTED COURT DOCUMENTS**

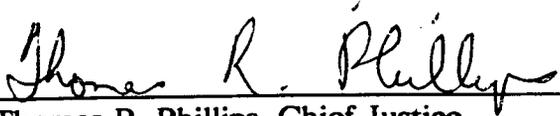
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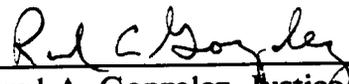
**ORDERED:**

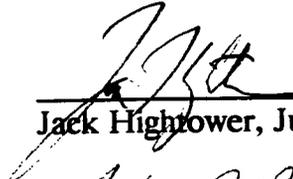
At the request of the 222nd District Court and the County Court of Deaf Smith County, the attached rules are adopted governing the procedure for the District and County Clerks of Deaf Smith County to receive and file electronically transmitted court documents. TEX. GOV'T CODE §§ 51.803, 51.807.

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

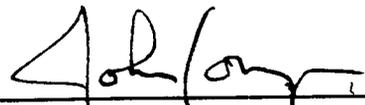
SIGNED AND ENTERED this 9<sup>th</sup> day of February, 1995

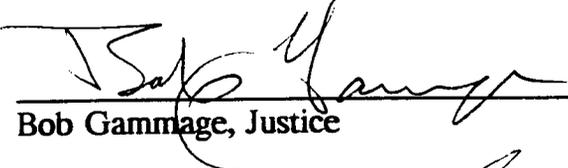
  
Thomas R. Phillips, Chief Justice

  
Raul A. Gonzalez, Justice

  
Jack Hightower, Justice

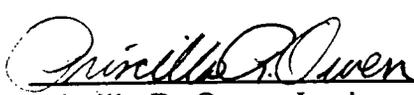
  
Nathan L. Hecht, Justice

  
John Cornyn, Justice

  
Bob Gammage, Justice

  
Craig Enoch, Justice

  
Rose Spector, Justice

  
Priscilla R. Owen, Justice

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

The 222nd District Court and the County Court of Deaf Smith County, Texas hereby adopt the following system for the electronic filing of documents by the District Clerk and the County Clerk of Deaf Smith County, Texas.

1. The District Clerk and the 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, (b) bonds, or (c) signed orders or judgments.

2. Documents electronically transmitted for filing will be received by the clerks on a plain paper facsimile and printed by a laser quality 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 clerks for filing until court cost and fees have been paid. Court cost and fees may be paid through an escrow account established with the clerks. Documents tendered to the clerks electronically without payment of court cost and fees, or with incomplete information on escrow account debit or request, 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 of these 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, i.e. shall be on paper measuring approximately 8 1/2 x 11 inches, signed by an attorney of record in his/her individual name, with his/her 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 that, on order of the court, shall be filed in original hard copy medium, 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 information concerning issuance or other request, and**
- (3) have complete information on the escrow account debit for court costs and fees.**

**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 confirm the escrow account debit and note the authorization code on the cost receipt. Thereafter the documents tendered electronically shall be deemed accepted for filing and the clerk shall affix the clerk's original date and time file stamp to the document.**

**F. If the transmission is found to be incomplete or court cost 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 an electronically transmitted document the clerk will electronically transmit to the sender an acknowledgment of the filing, together with cost receipt, if any.**

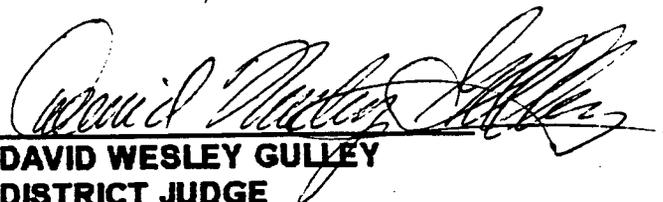
**H. No citation or writ bearing the official seal of the court may be transmitted electronically.**

**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. Transmissions completed during a normal business day before 5:00 p.m. and accepted for filing will be filed on the day of receipt. Transmissions completed after 5:00 p.m., on weekends or holidays and accepted for filing will be 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.**

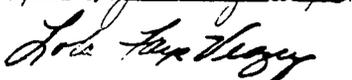
It is therefore ORDERED this system for electronic filing of documents in the District Court and the County Court of Deaf Smith County, Texas be, and the same is adopted effective upon approval by the Supreme Court of Texas; that a copy hereof shall be furnished to the Supreme Court of Texas for approval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

SIGNED this 26th day of January, 1994.

  
**DAVID WESLEY GULLEY**  
DISTRICT JUDGE  
222ND DISTRICT COURT  
DEAF SMITH COUNTY, TEXAS

  
**TOM SIMONS**  
COUNTY JUDGE  
DEAF SMITH COUNTY, TEXAS

I hereby certify the foregoing to be a true and correct copy of the original of which is on file in the Records of this Office in Vol. 199 Page 097 Dated this the 27th day of January 1994.

  
District Clerk  
Deaf Smith County, Texas

FILED  
LOLA FAYE VEAZEY  
DISTRICT CLERK  
1995 JAN 27 AM 9:16  
DEAF SMITH COUNTY, TEXAS  
BY \_\_\_\_\_



# THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

POST OFFICE BOX 12248      AUSTIN, TEXAS 78711  
TEL: (512) 463-1312  
FAX: (512) 463-1365

CLERK  
JOHN T. ADAMS

JUSTICES  
RAUL A. GONZALEZ  
JACK HIGHTOWER  
NATHAN L. HECHT  
JOHN CORNYN  
BOB GAMMAGE  
CRAIG ENOCH  
ROSE SPECTOR  
PRISCILLA R. OWEN

EXECUTIVE ASST.  
WILLIAM L. WILLIS

ADMINISTRATIVE ASST.  
NADINE SCHNEIDER

February 9, 1995

Hon. Ray D. Anderson  
9th Admin. Judicial Rgn.  
Terry County Courthouse  
Brownfield, Texas 79316

Dear Judge Anderson,

Please find enclosed, a copy of the order of the Supreme Court that approved procedures for receiving and filing electronically transmitted documents in the District and County Courts of Deaf Smith County.

Sincerely,  
**SIGNED**

John T. Adams  
Clerk

Encl.

cc: Hon. David Wesley Gulley  
222nd District Court

Hon. Tom Simons  
County Court

District Clerk

County Clerk

Supreme Court Adv Committee

Mr. Raymond Judice  
Office of Court Admin

State Law Library