

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 95-9037


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

ORDERED:

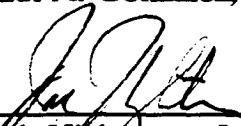
At the request of the District Courts of Howard County, the attached rules are adopted governing the procedure for the District Clerk of Howard County to receive and file electronically transmitted court documents. TEX. GOV'T CODE §§ 51.803, 51.807.

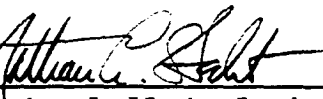
This Order shall be effective when recorded in the Minutes of the District Courts of Howard County, and upon compliance with Texas Rule of Civil Procedure 3a.

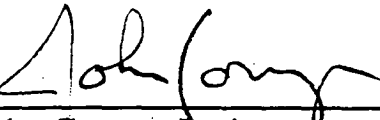
SIGNED AND ENTERED this 9TH day of FEBRUARY, 1995

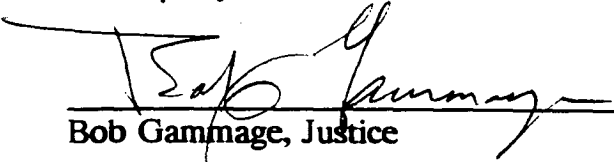

Thomas R. Phillips, Chief Justice

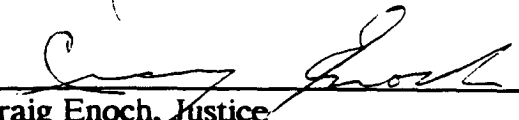

Raul A. Gonzalez, Justice



Jack Hightower, Justice


Nathan L. Hecht, Justice


John Cornyn, Justice


Bob Gammage, Justice


Craig Enoch, Justice


Rose Spector, Justice


Priscilla R. Owen, Justice

RULES GOVERNING THE PROCEDURE FOR THE
DISTRICT CLERK OF HOWARD COUNTY TO RECEIVE AND FILE
ELECTRONICALLY TRANSMITTED COURT DOCUMENTS

The following rules govern the procedure for the District Clerk of Howard County ("the clerk") to receive and file electronically transmitted court documents.

1. The clerk is 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; (c) signed orders or judgments.

2. Documents electronically transmitted for filing will be received by the clerk on a plain paper copier 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 which require fees or costs to be collected upon filing. Documents tendered to the clerk electronically without payment of court costs and fees, or with incomplete information on filing 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 clerk and approved by the local 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. Every document electronically transmitted for filing shall conform to the requirements for filing established by the Texas Rules of Civil Procedure, i.e., shall be on paper measuring approximately 8 1/2 x 11 inches, shall be signed individually by the party or the party's attorney of record, and shall contain that individual's State Bar of Texas identification number, if any, address, telephone number and telecopier number. The quality of the original hard copy shall be clear and dark enough to transmit legibly.

7. The sender shall maintain the original of the document with original signature affixed as required by section 51.806, Texas Government Code.

8. A cover sheet must accompany every transmission which shall: (a) clearly identify the sender, the documents being transmitted, and the number of pages and (b) have clear and concise instructions concerning issuance or other requests.

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

10. The clerk when satisfied that the transmission is complete shall affix the clerk's official date and time file stamp to the document and it shall be deemed filed.

11. 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.

12. After filing an electronically transmitted document the clerk will electronically transmit to the sender an acknowledgement of the filing.

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

14. Electronic transmission of a document constitutes filing within the provisions of Rule 21a, T.R.C.P.

15. 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 the document will determine the time of receipt but not time of filing. 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 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.



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

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EXECUTIVE ASS'T.
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.
NADINE SCHNEIDER

February 9, 1995

Hon. Weldon Kirk
7th Admin. Judicial Rgn.
Post Office Box 528
Sweetwater, Texas 79556

Dear Judge Kirk,

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 Courts of Howard County.

Sincerely,
SIGNED

John T. Adams
Clerk

Encl.

cc: Hon. Robert H. Moore III
118th District Court

District Clerk

County Clerk

Supreme Court Adv Committee

Mr. Raymond Judice
Office of Court Admin

State Law Library