

**IN THE SUPREME COURT OF TEXAS**

Misc. Docket No. 9145

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

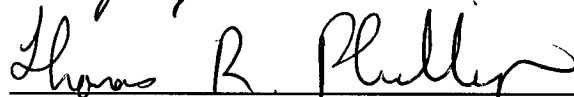
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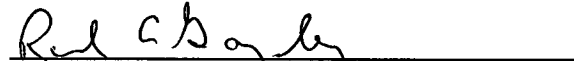
**ORDERED:**


At the request of the District Clerk of Brazos County, the attached rules are adopted governing the procedure for the District Clerk of Brazos 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 Brazos County, and upon compliance with Texas Rule of Civil Procedure 3a.


SIGNED AND ENTERED this 6th day of July, 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 BRAZOS COUNTY, TEXAS**

The District Courts and County Courts at Law of Brazos County, Texas hereby adopt the following system for the electronic filing of documents by the District Clerk of Brazos County.

#### **ELIGIBLE DOCUMENTS**

1. The District 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; or
  - C. signed orders or judgments.

#### **CRITERIA FOR ACCEPTANCE**

1. Documents electronically transmitted for filing must be printed by a laser printer and will be received by the Clerk on a plain paper facsimile, thereby rendering the copy of archival quality. No document printed on thermal paper shall be filed.
2. No document electronically transmitted shall be accepted by the Clerk for filing until court cost and fees have been paid. Court cost and fees may be paid by Mastercard, any other credit card approved by the Clerk, or through an automatic bank draft authorization established with the Clerk.

Documents tendered to the Clerk electronically without payment of court cost and fees, or with incomplete information on the charge authorization or request, or which do not conform to applicable rules will not be filed.

## **FEES FOR ELECTRONIC FILING**

A fee schedule for electronic filing shall be adopted annually by the Clerk and approved by the Commissioner's Court.

## **RULES GOVERNING ELECTRONIC FILING**

1. 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.
2. 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, ie:
    - (1) shall be in writing,
    - (2) on paper measuring approximately 8 1/2 x 11 inches,
    - (3) signed by an attorney of record in his individual name, with his 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 as required by Section 51.806, Texas Government Code.
- C. A transmittal 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 instructions concerning issuance or other request; and

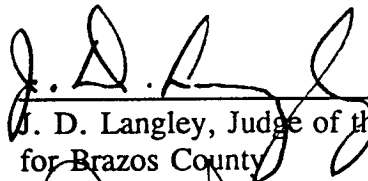
- (3) have complete information on the charge card authorization or automatic bank draft authorization for court cost and fees.
- D. The Clerk upon receipt of an electronically transmitted document shall verify the completeness of the transmission.
- E. The Clerk when satisfied that the transmission is complete shall confirm the credit card authorization or bank draft authorization 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 official 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. 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 a document will determine the time of receipt but not time of filing.

Transmissions completed on a normal business day after 5:00 pm but before midnight, and accepted for filing will be filed with the date of receipt.

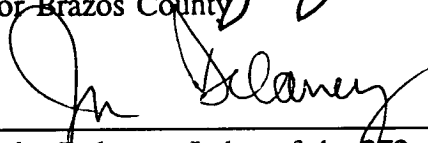
Transmission completed after midnight, on weekends or holidays will be verified and filed before 10:00 am on the first business day following receipt of transmission. The sender is responsible for determining if there are any changes in normal business hours.

It is therefore ORDERED that this system for electronic filing of documents in the District Courts and County Courts at Law of Brazos 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 Courts and County Courts at Law of Brazos County, Texas.

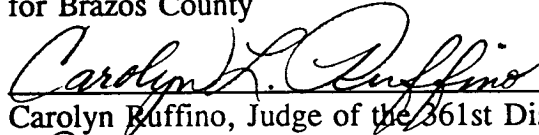
SIGNED this the 25<sup>th</sup> day of April, 1995.



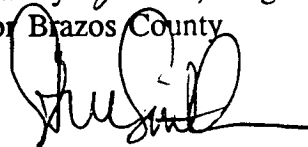
J. D. Langley, Judge of the 85th District Court in and for Brazos County



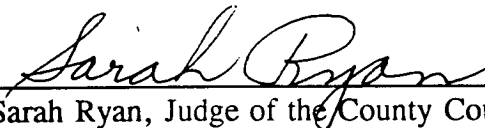
John Delaney, Judge of the 272nd District Court in and for Brazos County



Carolyn Ruffino, Judge of the 361st District Court in and for Brazos County



Steve Smith, Judge of the County Court at Law No. 1 Brazos County



Sarah Ryan, Judge of the County Court at Law No. 2 Brazos County

COURT ORDER

OF THE COMMISSIONERS' COURT  
BRAZOS COUNTY, TEXAS

BE IT REMEMBERED, at a regular meeting of the Commissioners' Court of Brazos County, Texas, held on the 1st, day of May, 1995, on motion made by Commissioner Sims, and seconded by Commissioner Norton, the following order was adopted:

WHEREAS, the Commissioners' Court was briefed on May 1, 1995 regarding the proposal for an Electronic Filing System for the District Clerk's Office; and

WHEREAS, the revenues generated by this Electronic Filing Service were to cover the operating expense required by the District Clerk to provide this new service; and

WHEREAS, it is recommended that the District Clerk's Office be authorized to charge the following fees for the electronic filing:

Subscription

Size of Firm (# of attorneys)	Annual Fee	Monthly Fee (proration for cancellation)
1	\$100.00	\$ 8.34
2 - 5	\$150.00	\$12.50
6 - 10	\$250.00	\$20.84
10 +	\$400.00	\$33.34

**For Subscribers:** \$.10 per page received, including the transmittal form, instructions, & direct draft authorizations.

Requests for service copies will be charged \$.50 per page.

Requests for copies by fax will be charged \$5.00 plus \$.50 per page sent.

**For Non-Subscribers:** \$50.00 per transmission received plus \$1.00 for each page received, including the transmittal form, additional instructions, and credit card authorization.

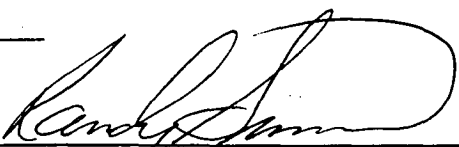
Requests for service copies will be charged \$.50 per page.

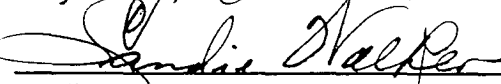
Requests for copies by fax will be charged \$10.00 plus \$.50 per page sent.


**Long Distance Fee:** For all transmissions received from or sent to a long distance fax machine, regardless of whether submitted by a subscriber or non-subscriber, an additional \$5.00 fee will be assessed to cover long distance charges.

  
Al Jones, County Judge

  
Gary Norton, Commissioner - Precinct 1

  
Randy Sims, Commissioner - Precinct 3

  
Sandie Walker, Commissioner - Precinct 2

  
Carey Cauley, Commissioner - Precinct 4