

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 95- 9236

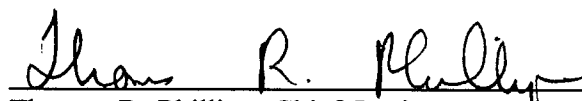
**ADOPTION OF RULES FOR NUECES COUNTY DISTRICT COURTS
FOR RECEIVING AND FILING
ELECTRONICALLY TRANSMITTED COURT DOCUMENTS**

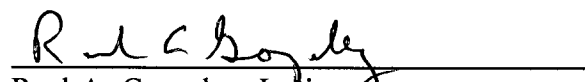
ORDERED:

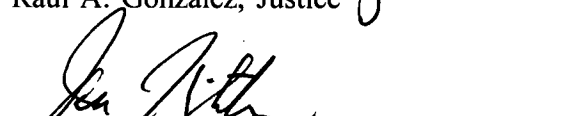
At the request of the District Courts of Nueces County, the attached rules are adopted governing the procedure for the District Clerks of Nueces County to receive and file electronically transmitted court documents. TEX. GOV'T CODE §§ 51.803, 51.807.


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

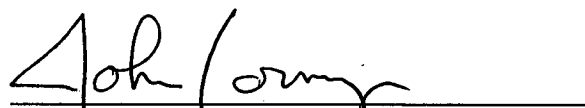
SIGNED AND ENTERED this 12th day of October, 1995.


Thomas R. Phillips, Chief Justice

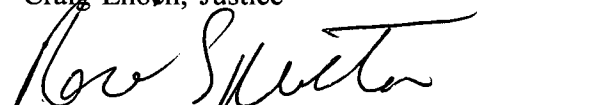

Raul A. Gonzalez, Justice



Jack Hightower, Justice

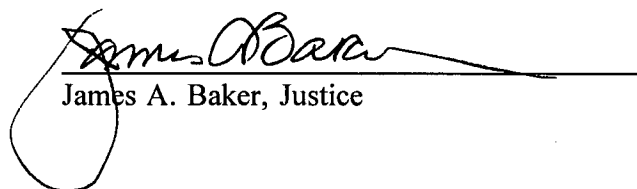

Nathan L. Hecht, Justice


John Cornyn, Justice


Craig Eno, Justice


Rose Spector, Justice


Priscilla R. Owen, Justice


James A. Baker, Justice

Nueces

County

DISTRICT COURTS



OSCAR SOLIZ / DISTRICT CLERK

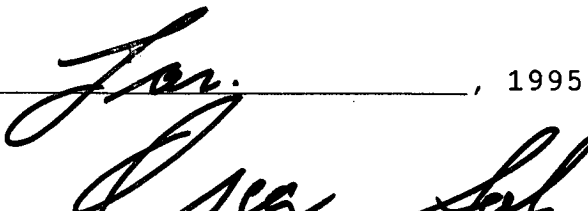
P.O. BOX 2987 / CORPUS CHRISTI, TEXAS 78403
AREA CODE 512 888-0450

NUECES COUNTY DISTRICT CLERK'S ELECTRONIC FILING SYSTEM PLAN

PURSUANT TO SECTION 51.803 TEXAS GOVERNMENT CODE, THE DISTRICT CLERK OF NUECES COUNTY, TEXAS, BELIEVES THAT THERE IS JUSTIFICATION FOR THE ADOPTION OF AN ELECTRONIC FILING SYSTEM FOR THE DISTRICT COURTS OF NUECES COUNTY, AS FOLLOWS;

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 SERVICES ON ISSUANCES; (B) BONDS; OR (C) SIGNED ORDERS OF JUDGMENTS
2. DOCUMENTS ELECTRONICALLY TRANSMITTED FOR FILING WILL BE RECEIVED BY THE CLERK ON PLAIN PAPER FACSIMILE AND PRINTED BY A LASER PRINTER, THEREBY RENDERING THE COPY OF ARCHIVAL QUALITY. NO DOCUMENT PRINTED ON THERMAL PAPER SHALL BE FILED.
3. DOCUMENTS ELECTRONICALLY TRANSMITTED SHALL BE ACCEPTED BY THE CLERK FOR FILING AND HELD UNTIL COURT COSTS AND FEES HAVE BEEN PAID. DOCUMENTS TENDERED TO THE CLERK ELECTRONICALLY WITHOUT PAYMENT OF COURT COSTS AND FEES, OR WITH INCOMPLETE INFORMATION 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 COURTS AND COMMISSIONERS COURT.
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.

SIGNED THIS 24 DAY OF Jan., 1995.



OSCAR SOLIZ, DISTRICT CLERK
NUECES COUNTY, TEXAS

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

THE FOLLOWING RULES GOVERN THE PROCEDURE FOR THE DISTRICT CLERK OF NUECES 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 THE 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 FACSIMILE AND PRINTED BY A LASER PRINTER, THEREBY RENDERING THE COPY OF ARCHIVAL QUALITY. NO DOCUMENT PRINTED ON THERMAL PAPER SHALL BE FILED.
3. NO DOCUMENT TRANSMITTED SHALL BE ACCEPTED BY THE CLERK FOR FILING UNTIL COURT COSTS AND FEES HAVE BEEN PAID. COURT COSTS AND FEES MAY BE PAID BY SENDING A CHECK, MONEY ORDER OR CASH TO THE CLERKS OFFICE. IF THE CLERK REJECTS A FILING FOR NONPAYMENT OF FEES, THE CLERK WILL NOTIFY THE SENDER AS SOON AS PRACTICABLE.
4. A FEE SCHEDULE FOR ELECTRONIC FILING SHALL BE ADOPTED ANNUALLY BY THE CLERK AND APPROVED BY THE LOCAL COURTS AND COMMISSIONERS COURT. THE CLERK MAY PRESCRIBE A REASONABLE SCHEDULE OF ADDITIONAL CHARGES FOR FILING DOCUMENTS THAT DO NOT INITIALLY CONFORM TO THESE RULES OR TO THE DISTRICT CLERK'S POLICIES AND PROCEDURES FOR FAX FILINGS.
5. AN ELECTRONICALLY TRANSMITTED DOCUMENT ACCEPTED FOR FILING WILL BE RECOGNIZED AS THE ORIGINAL RECORD FOR FILING 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, HAVE THE 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, (B) HAVE CLEAR AND CONCISE INSTRUCTIONS CONCERNING ISSUANCE OR OTHER REQUEST.

9. THE CLERK UPON RECEIPT OF AN ELECTRONICALLY TRANSMITTED DOCUMENT SHALL VERIFY THE COMPLETENESS OF THE TRANSMISSION.

10. AFTER FILING AN ELECTRONICALLY TRANSMITTED DOCUMENT, THE CLERK WILL ELECTRONICALLY TRANSMIT TO THE SENDER AN ACKNOWLEDGMENT OF THE FILING.

11. NO CITATION OR WRIT BEARING THE OFFICIAL SEAL OF THE COURT MAY BE TRANSMITTED ELECTRONICALLY.

12. EACH PAGE OF ANY DOCUMENT RECEIVED BY THE CLERK WILL BE AUTOMATICALLY IMPRINTED BY THE CLERK'S FAX MACHINE WITH THE DATE AND TIME OF RECEIPT. THE DATE AND TIME IMPRINTED BY THE CLERK'S FAX MACHINE ON THE LAST PAGE OF A DOCUMENT WILL DETERMINE THE TIME OF FILING. THE CLERK SHALL AFFIX THE CLERK'S OFFICIAL DATE AND TIME FILE STAMP TO THE DOCUMENT. THE OFFICIAL DATE AND TIME FILE STAMP SHALL CONFORM TO THE DATE AND TIME IMPRINTED ON THE LAST PAGE OF THE DOCUMENT BY THE CLERK'S FAX MACHINE. RECEIPT BY THE CLERK'S FAX MACHINE OF THE ELECTRONIC TRANSMISSION OF A DOCUMENT WITH DATE AND TIME IMPRINTED ON THE LAST PAGE OF THE DOCUMENT BY THE FAX AND THE OFFICIAL CLERK'S DATE AND FILE STAMP CONSTITUTES FILING.

LOCAL RULES GOVERNING IMPLEMENTATION OF THIS ELECTRONIC
FILING SYSTEM ARE HEREBY ADOPTED AS FOLLOWS:

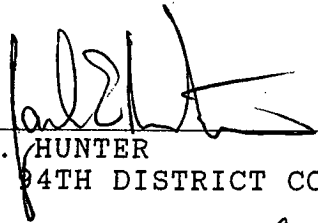
1. EVERY DOCUMENT ELECTRONICALLY TRANSMITTED FOR FILING SHALL CONFORM TO THE REQUIREMENT FOR FILING ESTABLISHED BY THE TEXAS RULES OF COURT, I.E., SHALL BE IN WRITING, ON PAPER MEASURING APPROXIMATELY 8 1/2 X 11 INCHES, AND SIGNED BY THE ATTORNEY OF RECORD IN HIS INDIVIDUAL NAME, WITH HIS STATE BAR OF 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.
2. THE SENDER SHALL MAINTAIN THE ORIGINAL HARD COPY WITH ORIGINAL SIGNATURE AFFIXED AS REQUIRED BY SECTION 51.806, TEXAS GOVERNMENT CODE.
3. A COVER SHEET MUST ACCOMPANY EVERY TRANSMISSION AND SHALL:
 - (A) CLEARLY IDENTIFY THE SENDER, THE DOCUMENTS BEING TRANSMITTED, AND THE NUMBER OF PAGES;
 - (B) HAVE CLEAR AND CONCISE INSTRUCTIONS CONCERNING ISSUANCE OR OTHER REQUEST
4. THE CLERK UPON RECEIPT OF AN ELECTRONICALLY TRANSMITTED DOCUMENT SHALL VERIFY THE COMPLETENESS OF THE TRANSMISSION.
5. THE CLERK WHEN SATISFIED THAT THE TRANSMISSION IS COMPLETE SHALL DEEM THE DOCUMENTS ACCEPTED FOR FILING AND THE CLERK'S OFFICIAL DATE AND TIME FILE STAMP WILL BE AFFIXED TO THE DOCUMENT.
6. 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.
7. AFTER FILING AN ELECTRONICALLY TRANSMITTED DOCUMENT THE CLERK WILL ELECTRONICALLY TRANSMIT TO THE SENDER AN ACKNOWLEDGMENT OF THE FILING.
8. NO CITATION OR WRIT BEARING THE OFFICIAL SEAL OF THE COURT MAY BE TRANSMITTED ELECTRONICALLY.
9. 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.
10. 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 COMPLETE DURING A NORMAL BUSINESS DAY BEFORE 5:00 P.M. AND ACCEPTED FOR FILING WILL BE FILED ON THE DATE OF RECEIPT. EACH PAGE OF

ANY DOCUMENT RECEIVED BY THE CLERK WILL BE AUTOMATICALLY IMPRINTED BY THE CLERK'S FAX MACHINE, WITH THE DATE AND TIME OF RECEIPT. THE DATE AND TIME IMPRINTED BY THE CLERK'S FAX MACHINE ON THE LAST PAGE OF A DOCUMENT WILL DETERMINE THE TIME OF FILING. THE CLERK SHALL AFFIX THE CLERK'S OFFICIAL DATE AND TIME FILE STAMP TO THE DOCUMENT. THE OFFICIAL DATE AND TIME FILE STAMP SHALL CONFORM TO THE DATE AND TIME IMPRINTED ON THE LAST PAGE OF THE DOCUMENT BY THE CLERK'S FAX MACHINE. ONLY THE AFFIXING OF THE TIME AND DATE STAMP BY THE CLERK ON ELECTRONICALLY RECEIVED DOCUMENTS SHALL CONSTITUTE THE INSTRUMENT BEING FILED.

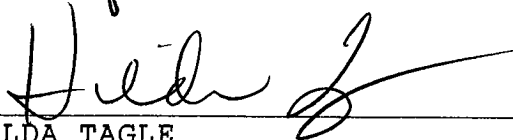
IT IS THEREFORE ORDERED THAT THIS SYSTEM FOR ELECTRONIC FILING OF DOCUMENTS IN THE DISTRICT COURTS OF NUECES COUNTY, TEXAS, BE AND THE SAME IS ADOPTED, AFFECTIVE UPON APPROVAL BY THE SUPREME COURT OF TEXAS; THAT A COPY HEREOF SHALL BE FURNISHED TO THE SUPREME COURT OF TEXAS FOR APPROVAL AS PROVIDED BY 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 OF NUECES COUNTY, TEXAS.

SIGNED THIS THE 28th DAY OF February, 1995.


JUDGE, 28TH DISTRICT COURT



JACK E. HUNTER
JUDGE, 24TH DISTRICT COURT

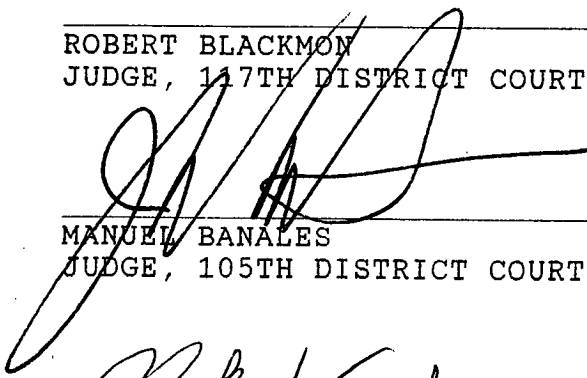


HILDA TAGLE
JUDGE, 148TH DISTRICT COURT

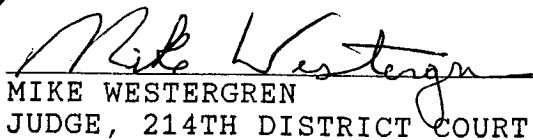


MAX L. BENNETT
JUDGE, 319TH DISTRICT COURT

ROBERT BLACKMON
JUDGE, 117TH DISTRICT COURT



MANUEL BANALES
JUDGE, 105TH DISTRICT COURT



MIKE WESTERGRN
JUDGE, 214TH DISTRICT COURT



JOAQUIN VILLARREAL III
JUDGE, 347TH DISTRICT COURT

THE STATE OF TEXAS
FIFTH ADMINISTRATIVE JUDICIAL REGION

I have review the NUECES COUNTY DISTRICT CLERK'S ELECTRONIC FILING SYSTEM and approve/~~disapprove~~ of the contents written therein.



JUDGE DARRELL HESTER
Presiding Judge, Fifth Administrative
Judicial Region



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
CRAIG ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER

EXECUTIVE ASS T.
WILLIAM L. WILLIS

ADMINISTRATIVE ASS T.
NADINE SCHNEIDER

October 12, 1995

Hon. Oscar Soliz
District Clerk
Post Office Box 2987
Corpus Christi, Texas 78403

Dear Mr. Soliz,

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

Sincerely,

SIGNED

John T. Adams
Clerk

Encl.

cc: Hon. Darrell Hester
5th Admin Judicial Rgn

County Clerk

Supreme Court Adv Committee

Mr. Jerry Benedict
Office of Court Admin

State Law Library