

**IN THE SUPREME COURT OF TEXAS**

Misc. Docket No. 98-9064

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**APPROVAL OF ELECTRONIC FILING RULES  
FOR THE DISTRICT, COUNTY COURTS AT LAW,  
AND PROBATE COURTS OF EL PASO COUNTY, TEXAS**

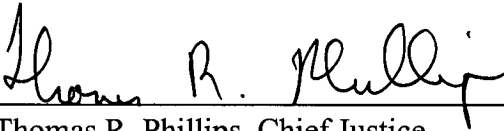
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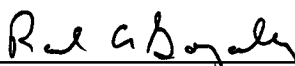
**ORDERED** that:

Pursuant to Rule 3a of the Texas Rules of Civil Procedure, the Supreme Court approves Local Rules 11.01-11.16 for the District, County Courts at Law, and Probate Courts of El Paso County, Texas, which address electronic filing.

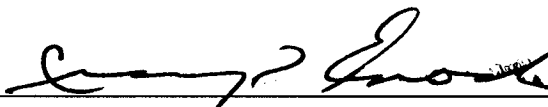
The approval of these rules is temporary, pending further orders of the Court.

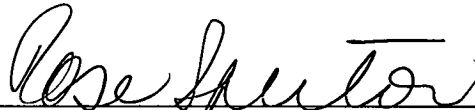
SIGNED AND ENTERED this 27<sup>th</sup> day of April, 1998.

  
Thomas R. Phillips, Chief Justice


  
Raul A. Gonzalez, Justice

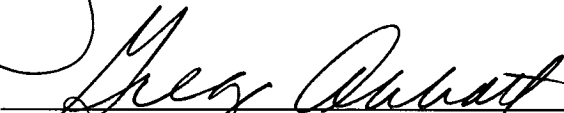
  
Nathan L. Hecht, Justice

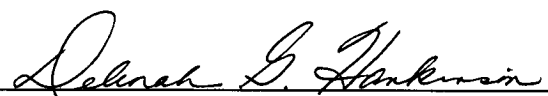
  
Craig T. Enoch, Justice

  
Rose Spector, Justice

  
Priscilla R. Owen, Justice

  
James A. Baker, Justice

  
Greg Abbott, Justice

  
Deborah G. Hankinson, Justice

PART ELEVEN  
ELECTRONIC AGE

Rule 11.01    DESIGNATION OF CASES TO BE ELECTRONICALLY FILED:

A District Court or County Court at Law of El Paso County may, from time to time, by written order, select and designate those cases which shall be assigned to the electronic filing system, as may be created and contemplated by any Service Agreement between LAWPlus and El Paso County, Texas, or any successor system, either hereinafter referred to as EFILE. Upon receipt of any such Order, parties not then having access to the EFILE system shall promptly take steps to allow their counsel to electronically file, serve, receive, review and retrieve copies of the pleadings, orders and other documents filed in the assigned case, either by a subscription agreement with LAWPlus or the then-current vendor ("the Vendor"), or by using the public-access terminal in the District Clerk's office or by any other means reasonably assuring reliable access to the said system.

Rule 11.02    ASSIGNMENT BY THE VENDOR OF PERSONAL IDENTIFICATION NUMBERS:

Upon receipt by the Vendor (LAWPlus or its successor) of a properly executed Subscriber Agreement, the Vendor shall assign to the party's designated representative a confidential Personal Identification Number ("PIN"), which may thereafter be used by such representative to obtain access to the EFILE system. This PIN will permit the attorney or party appearing pro se to file, serve, receive, review, and retrieve electronically filed pleadings, orders, and other documents filed in the assigned case.

Rule 11.03    ELECTRONIC FILING OF PLEADINGS AND OTHER DOCUMENTS:

Except as expressly provided in Local Rule 11.04 below, all pleadings, motions, memoranda of law, orders, or other documents filed in any case assigned to the EFILE electronic filing system shall be filed and served electronically through the system.

In an EFILE case, the clerk shall not accept or file any pleading or instrument in paper form. A party using the public access terminal shall either furnish the pleading or instrument on either an IBM formatted 3 ½" computer disc or in a format otherwise compatible to the Clerk's office to be uploaded.

Rule 11.04. CONVENTIONAL FILING OF DOCUMENTS:

Notwithstanding the foregoing, the following types of documents may be filed conventionally and need not be filed electronically, unless expressly required by the Court or the District Clerk:

- (A) all pleadings or other documents filed in the case before an Order is issued assigning the case to the EFILE system;
- (B) a motion to file documents under seal shall be filed and served electronically; ( However, the documents to be filed under seal shall be filed conventionally).
- (C) lengthy appendices and exhibits to motion, memoranda of law, or other documents that exceed a page count, as set by the Court from time to time, may be filed and served conventionally.

11.05. SERVICE OF CONVENTIONAL FILING:

Copies of all documents except sealed documents that are filed conventionally and which are not filed electronically shall be served on all other parties pursuant to the provisions of Texas Rule of Civil Procedure 21.

11.06 UTILIZATION OF PIN:

No attorney shall knowingly authorize or permit his/her PIN to be utilized by anyone other than authorized attorneys or employees of the attorney's law firm. Furthermore, no person shall knowingly use a PIN or cause or permit another person to use a PIN without express permission from the holder of the PIN.

11.07 REPRESENTATIONS BY USING A TYPOGRAPHICAL SIGNATURE:

Every pleading, document, and instrument filed in the EFILE system shall bear a facsimile or typographical signature of at least one of the attorneys of record, along with the typed name, address, telephone number, and State Bar of Texas number of said attorney. Typographical signatures shall be treated exactly as personal signatures under the Texas Rules of Civil Procedure.

11.08 EFFECT OF ELECTRONIC SERVICE:

The electronic service of a pleading or other document in EFILE shall be considered as valid and effective service on all designated recipients pursuant to Texas Rule of Civil Procedure 21a, and shall be construed in the same manner as a telephonic document transfer for purposes of such Rule. Any such service completed by 5:00 p.m. local time (mountain time) shall be deemed service on that date.

11.09 ELECTRONIC FILING OF AFFDAVITS AND OTHER SWORN DOCUMENTS:

Unless specifically ordered by the Court, original signature pages on affidavits, verifications, or other documents in cases assigned to EFILE shall not be filed in paper form, but shall be maintained and made available, upon reasonable notice and during business hours, to other counsel and to the court.

11.10 FORMAT OF ELECTRONICALLY FILED DOCUMENTS:

All electronically filed pleadings shall, to the extent practicable, be formatted in accordance with applicable rules governing formatting of paper pleadings, and in such other and further format as the Court may require from time to time.

11.11 TIME FOR FILING AND EFFECT OF USE OF EFILE:

Any pleading filed electronically shall be considered as filed with the District Clerk on the date it is first transmitted to EFILE. The Vendor shall be and is hereby appointed the agent of the District Clerk as to the electronic filing, receipt, service, and/or retrieval of any pleading or document in EFILE, and neither the Vendor nor any attorney or party shall have any additional-imposed liability because of the use of or participation in the EFILE system.

11.12 ELECTRONIC FILING AND SERVICE OF COURT ORDERS AND OTHER PAPERS:

The Court intends to issue, file, and serve orders, ruling, and other documents in the assigned cases electronically, rather than on paper. Parties who have not subscribed to the Vendor's System, or whose rights to use the Vendor's System have been suspended or terminated, are responsible for keeping themselves timely apprised of any orders, ruling, or other documents that the Court chooses to file and serve electronically in any of the assigned cases.

11.13 TITLE OF PLEADINGS AND OTHER DOCUMENTS:

The title of each electronically filed pleading or other document ("papers") shall contain sufficient information to enable the Court to ascertain from the title of the paper: (a) the party or parties filing the paper; (b) the nature of the paper; (c) the party or parties against whom relief, if any, is sought; and (d) the nature of the relief sought (i.e. John Doe. Et al.'s Motion to Compel Discovery and for Sanctions Against Jim Smith").

11.14 PUBLIC ACCESS TO ELECTRONICALLY FILED DOCUMENTS:

The District Clerk's office shall make available to members of the general public, without charge and during normal business hours, at least one computer screen capable of searching and reviewing documents filed of public record in the assigned cases. The District Clerk shall make copies of any publicly filed documents available on EFILE, at a reasonable charge.


11.15 WAIVER OF RULE

Notwithstanding that a case has been assigned to the electronic filing system, a Court upon it's own motion or the motion of any party may, without a hearing or written order, waive the requirement of electronic filing as to any parties, pleadings, documents, or other papers and such may be filed conventionally.

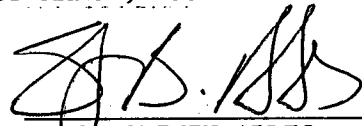
11.16. VOLUNTARY ELECTRONIC FILING:

Any Party may without a written court order electronically file pleadings, orders and other documents in their case and service of such under Texas Rule of Civil Procedure 21a shall be conventionally made unless the party upon whom service must be made has access to the EFILE system, then in that event service may be made under rule 11.08 herein.

Adopted this 30<sup>th</sup> day of March, 1998 by all the undersigned District Court Judges, County Court at Law Judges, and Probate Judge of El Paso County, Texas.

  
\_\_\_\_\_  
JUDGE WILLIAM E. MOODY  
LOCAL ADMINISTRATIVE JUDGE

APPROVED THIS 7<sup>th</sup> DAY OF April, 1998.

  
\_\_\_\_\_  
JUDGE STEVEN ABLES  
REGIONAL PRESIDING JUDGE



**SIXTH ADMINISTRATIVE JUDICIAL REGION**

**STEPHEN B. ABLES, Presiding Judge**  
KERR COUNTY COURTHOUSE  
KERRVILLE, TEXAS 78028

ADMINISTRATIVE ASSISTANT  
BECKY HENDERSON

(210) 792-2290  
FAX (210) 792-2294

**April 9, 1998**

**Honorable John T. Adams**  
Clerk, Supreme Court  
P. O. Box 12248  
Austin, Texas 78711

**Re: Electronic Filing**

**Dear Mr. Adams:**

**Please file the enclosed document as per the rules for electronic filing.**

**Very truly yours,**

A handwritten signature in black ink, appearing to read "S.B. Ables", written over a faint, larger version of the signature.

**Stephen B. Ables**  
Presiding Judge  
Sixth Administrative Judicial Region

**SBA:bh**

**Enclosure**

**cc: Honorable Bob Jackson**  
**Honorable William Moody**



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  
NATHAN L. HECHT  
CRAIG T. ENOCH  
ROSE SPECTOR  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT  
DEBORAH G. HANKINSON

EXECUTIVE ASST  
WILLIAM L. WILLIS

ADMINISTRATIVE ASST  
NADINE SCHNEIDER

April 29, 1998

Hon. William E. Moody  
34th District Court  
500 E. San Antonio, #905  
El Paso, Texas 79901

Dear Judge Moody,

Please find enclosed, a copy of the order of the Supreme Court that approved electronic filing rules for courts of El Paso, County.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

Encl.

cc: Hon. Steven Ables  
6th Admin Judicial Rgn

District Clerk

County Clerk

Supreme Court Adv Committee

Mr. Jerry Benedict  
Office of Court Admin

State Law Library