

IN THE SUPREME COURT OF TEXAS

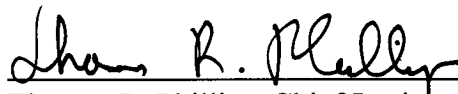
Misc. Docket No. 98- 9192

**APPROVAL OF LOCAL RULES FOR THE
DISTRICT COURTS OF HENDERSON COUNTY**

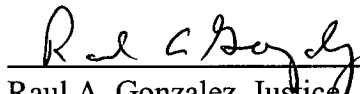
ORDERED that:

Pursuant to Texas Rule of Civil Procedure 3a, the Supreme Court of Texas approves the following Local Rules for the District Courts of Henderson County, Texas. The approval of these rules is temporary pending further orders of the Court.

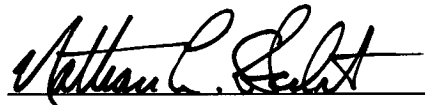
SIGNED AND ENTERED this 3rd day of November, 1998.



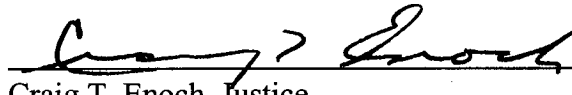
Thomas R. Phillips, Chief Justice



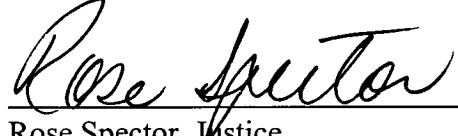
Raul A. Gonzalez, Justice



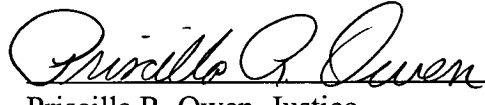
Nathan L. Hecht, Justice



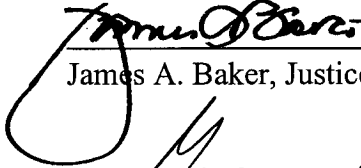
Craig T. Enoch, Justice



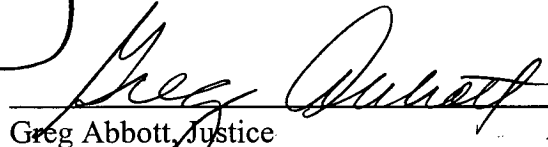
Rose Spector, Justice



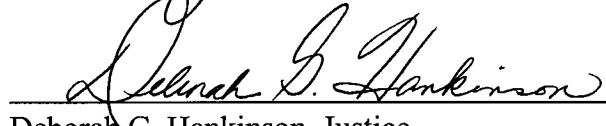
Priscilla R. Owen, Justice



James A. Baker, Justice



Greg Abbott, Justice



Deborah G. Hankinson, Justice

HENDERSON COUNTY, TEXAS
RULE 1 - ELECTRONIC FILING (EFILE) AND SERVICE OF PLEADINGS

The following rules govern the electronic filing and service of pleadings and other documents in cases pending before the District Courts of Henderson County, Texas, which are designated by the presiding judge for electronic filing.


- A. DESIGNATION OF ELECTRONIC FILING CASES. A District Court of Henderson County may, from time to time, by written order, select and designate those cases which shall be assigned to the electronic filing system. 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, by using the public-access terminal in the District Clerk's office, by any other means reasonably assuring the reliable access to the said system, or by becoming a subscriber to the applicable EFILE vendor.
- B. ASSIGNMENT BY THE VENDOR OF PERSONAL IDENTIFICATION NUMBERS Upon receipt of the EFILE Vendor 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. The 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.
- C. ELECTRONIC FILING OF PLEADINGS AND OTHER DOCUMENTS All pleadings, memoranda of law, orders, or other documents filed in any case designated by the District Court and assigned to the EFILE electronic filing system shall, to the extent practicable, be filed and served electronically through the system.
- D. CONVENTIONAL FILING OF DOCUMENTS Notwithstanding the foregoing, the following types of documents may be filed conventionally and need not be filed electronically, unless otherwise expressly required by the Court:
- I.) All pleadings or other documents filed in the case before an Order is issued assigning the case to the EFILE system;
 - ii.) A motion to file documents under seal shall be filed and served electronically. However, the documents to be filed shall be filed conventionally;

- iii.) Upon Motion to the Court, and order approving; lengthy appendices and exhibits to motions, memoranda of law, or other documents maybe filed and served conventionally.
- F. SERVICE OF CONVENTIONAL FILING Copies of all documents except sealed documents that are filed conventionally and are not filed electronically shall be served on all other parties pursuant to the provisions of Rule 21, Texas Rules of Civil Procedure.
- G. UTILIZATION OF PIN No attorney shall knowingly authorize or permit his/her PIN to be utilized by anyone else, 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.
- H. 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 SBOT number of said attorney. Typographical signatures shall be treated exactly as personal signatures under the Texas Rules of Civil Procedure.
- I. 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 Rule 21a Texas Rules of Civil Procedure, and shall be construed in the same manner as a telephonic document transfer for purposes of such Rule, except that any such service completed by 11:59 p.m. local time shall be deemed service on that date.
- J. ELECTRONIC FILING OF AFFIDAVITS 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.
- K. FORMAT OF ELECTRONICALLY FILED DOCUMENTS All electronically filed pleadings shall, to the extent practicable, be formatted in accordance with the applicable rules governing formatting of paper pleadings, and in such other and further format as the Court may require from time to time.
- L. 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 additionally-imposed liability because of the use of or participation in the EFILE system.
- M. ELECTRONIC FILING AND SERVICE OF COUNSEL ORDERS AND OTHER PAPERS The Court intends to issue, file and serve orders, rulings, and other documents in the assigned cases electronically, rather 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 order, rulings, or other documents that the Court chooses to file and serve electronically in any of the assigned cases.

- N. 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").
- O. PUBLIC ACCESS TO ELECTRONICALLY FILED DOCUMENTS The Vendor shall make available to the District Clerk's office, without charge, at least one computer capable of searching and reviewing documents filed in EFILE designated cases. The District Clerk's office in turn, shall make available without charge and during normal business hours, to members of the general public the computer capable of searching and reviewing documents filed of public record in EFILE assigned cases. The District Clerk shall make copies of any publicly filed documents available on EFILE, at a reasonable charge.
- P. FILING FEES FOR FILED DOCUMENTS The Vendor may collect and shall immediately forward to the District Clerk, all statutory and applicable fees collected by the District Clerk in non-EFILE cases. The Vendor is trustee for the District Clerk of the fees collected.

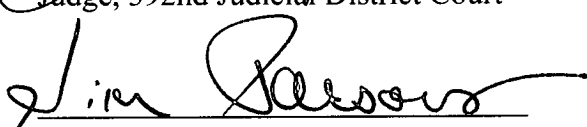
The above Adopted and Ordered by the District Courts of Henderson County, Texas, subject to approval by the Supreme Court of Texas, on this 12th day of October, 1998.



Jack H. Holland
Judge, 173rd Judicial District Court



Carter Tarrance
Judge, 392nd Judicial District Court



Jim Parsons
Judge, 3rd Judicial District Court



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

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

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

November 3, 1998

Hon. Jack H. Holland
173rd District Court
County Courthouse
Athens, Texas 75751

Dear Judge Holland,

Please find enclosed, a copy of the order of the Supreme Court that approved local rules for the District Courts of Henderson County.

Sincerely,

SIGNED

John T. Adams
Clerk

Encl.

cc: Hon. Pat McDowell
1st Admin Judicial Rgn

Hon. James N. Parsons, III

Hon. Carter Tarrance

District Clerk

County Clerk

Supreme Court Adv Committee

Mr. Jerry Benedict
Office of Court Admin

State Law Library