

IN THE SUPREME COURT OF TEXAS


Misc. Docket No. 04- 9216


**APPROVAL OF RULES GOVERNING FILING BY FACSIMILE
IN TOM GREEN COUNTY, TEXAS**

ORDERED that:

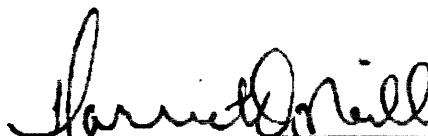
Pursuant to Texas Rule of Civil Procedure 3, the following Local Rules Governing Filing By Facsimile in Tom Green County, Texas are approved.

In Chambers, this 20th day of September, 2004.

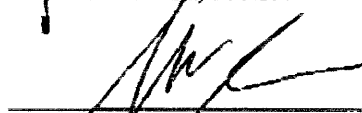

Wallace B. Jefferson, Chief Justice


Nathan L. Hecht, Justice

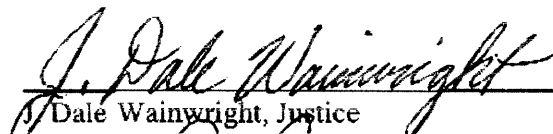

Priscilla R. Owen, Justice



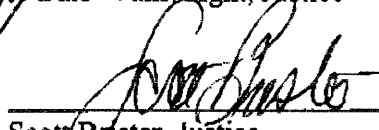
Harriet O'Neill, Justice



Steven Wayne Smith, Justice



J. Dale Wainwright, Justice



Scott Brister, Justice

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

The following rules govern the procedure for the District Clerk of Tom Green 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) pleadings which require a filing fee; (b) returns of service on issuance's; (c) bonds (d) final orders which require a judges signature unless approved by judge prior to transmission.
2. Documents electronically transmitted for filing will be received by the clerk on a plain paper facsimile and printed on a laser printer, thereby rendering the copy of archival quality. No document printed on thermal paper will be filed.
3. No document electronically transmitted shall be accepted by the clerk for filing that requires court cost or a fee. Documents tendered to the clerk electronically, which require a filing fee, or received incomplete, 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 and electronically received 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; (b) have clear and concise instructions concerning special instruction or request.**
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 confirm the receipt of the document by affixing the clerk's official date and time file stamp to the document, and the electronically received stamp.**
11. **If the transmission is found to be incomplete the clerk will notify the sender as soon as practical 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 affixed to the front page of the document verifying the number of pages received and filed.**
13. **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, and electronically received stamp and confirmation is sent to the sender.**
14. **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 receipt but not filing time. 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 and 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.**
15. **The sender is responsible for maintaining the verification notice from the clerk for proof of transmittal.**