

MISC. DOCKET NO. 04- 9091

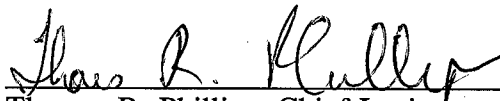
ORDER OF THE SUPREME COURT OF TEXAS

**Approval of Local Plan and Procedure for Electronic Filing of Documents by
the District Clerk of Hays County, Texas.**

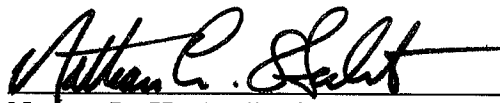
ORDERED that:

Pursuant to Rule 3 of the Texas Rules of Civil Procedure, the attached Plan and Procedures for electronic filing of Documents by the District Clerk of Hays County, Texas, are approved. This approval is temporary pending further orders of the Court.

In Chambers, this 25th day of May, 2004.



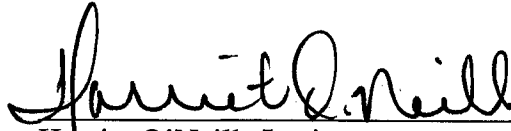
Thomas R. Phillips, Chief Justice

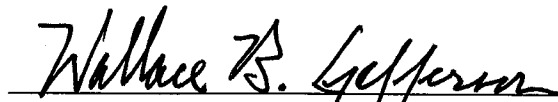



Nathan L. Hecht, Justice

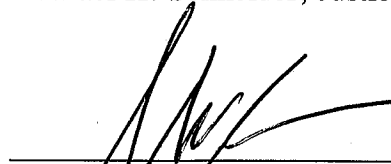


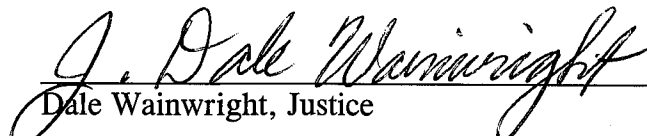
Priscilla R. Owen, Justice


Harriet O'Neill, Justice


Wallace B. Jefferson, Justice


Michael H. Schneider, Justice


Steven Wayne Smith, Justice


Dale Wainwright, Justice


Scott A. Brister, Justice



APPLICATION FOR SUPREME COURT APPROVAL

PLAN AND PROCEDURES FOR ELECTRONIC FILING OF DOCUMENTS WITH THE DISTRICT CLERK'S OFFICE

HAYS COUNTY, TEXAS

CECELIA ADAIR
Hays County District Clerk
Hays Justice Center
110 East M.L.K.
San Marcos, Texas 78666
512/393-7660

APPLICATION FOR SUPREME COURT APPROVAL

Whereas many attorneys from other counties and cities practice law in Hays County; and Whereas the Hays County District Clerk believes there is justification for use of an electronic filing system within the clerk's office; and Whereas the District Judges of Hays County have adopted the plan outlined and submitted herein by the District Clerk and affixed their approval to said plan;

Application is hereby made for approval by the Supreme Court of Texas of the following plan for the electronic filing of instruments by the District Clerk of Hays County, to-wit:

PLAN AND PROCEDURES FOR ELECTRONIC FILING OF DOCUMENTS WITH THE DISTRICT CLERK'S OFFICE HAYS COUNTY, TEXAS

1. The place of filing an instrument in a district court case in Hays County, Texas shall be in the main office of the district clerk where it will be received on a high volume fax machine with a paper capacity of no less than 1100 pages.
2. The District Clerk is authorized to accept for filing via electronic transmission any document which might be filed in a court action except:
 - a. citations or writs bearing the seal of the court;
 - b. returns of citation;
 - c. bonds;
 - d. subpoenas;
 - e. proof of service of subpoenas;
 - f. documents to be presented to a court in camera, solely for the purpose of obtaining a ruling on the discoverability of such documents;
 - g. documents sealed pursuant to TEX. R. CIV. P. 76a; and
 - h. documents to which access is otherwise restricted by law or court order, including a document filed in a proceeding under Chapter 33, Family Code.

A motion to have a document sealed, as well as any response to such motion, may be electronically filed.

3. 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.
4. 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, Visa or any other credit card designated by the clerk. Documents transmitted to the clerk without required payment, with incomplete information, or which do not conform to applicable rules will not be filed.
5. A fee schedule for electronic filing shall be adopted annually by the clerk.
6. An electronically transmitted document accepted for filing will be recognized as the original record for the file or for evidentiary purposes when it bears the clerk's official date and time file stamp.
7. 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 and shall contain the attorney's 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.
8. The sender shall maintain the original hard copy with original signature affixed as required by Section 51.806, Texas Government Code.
9. 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; and
 - c. have complete information on the charge card authorization form for court cost and fees.

10. The clerk upon receipt of an electronically transmitted document shall verify the completeness of the transmission.
11. Once satisfied that the transmission is complete, the clerk shall confirm the credit card 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.
12. If the transmission is found to be incomplete or required court costs or fees are not paid, the clerk will notify the sender as soon as practicable that the document has not been filed and the reason.
13. After filing an electronically transmitted document, the clerk will electronically transmit to the sender an acknowledgment of the filing, together with a cost receipt.
14. The date and time of receipt will be automatically imprinted on each page of every transmitted document. The date and time imprinted on the last page of a document will determine the time of receipt, but not the time of filing. Accepted documents transmitted during normal business hours will be filed on the day of receipt. Transmissions completed after 5:00 p.m., on weekends, or on holidays will be verified and filed before 10:00 a.m. on the first business day following the receipt of transmission. It shall be the responsibility of the sender to be aware of business hours and transmit within these guidelines to meet filing deadlines.

Respectfully submitted,

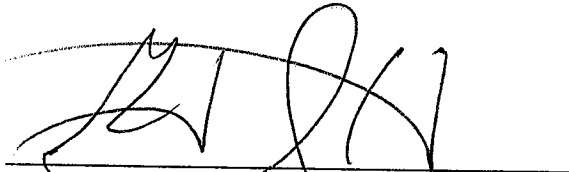


CECELIA ADAIR
District Clerk, Hays County, Texas
Hays Justice Center
110 East M.L.K.
San Marcos, Texas 78666
(512) 393-7660


ORDER ESTABLISHING A SYSTEM FOR
ELECTRONIC FILING OF DOCUMENTS IN
HAYS COUNTY, TEXAS

It is ORDERED that the foregoing system for electronic filing of documents in the District Courts of Hays County, Texas, as proposed by the District Clerk, be, and the same is hereby adopted as the local rules governing implementation of this electronic filing system 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 of Hays County, Texas.


Signed and this 13 day of JAN., 20 04.



GARY STEEL



JACK ROBISON



CHARLES RAMSAY, Presiding Judge