
IN RE ALL CASES FILED
IN THE CRIMINAL DISTRICT COURT
OF JEFFERSON COUNTY, TEXAS

LOCAL RULES GOVERNING
ELECTRONIC FILING IN CRIMINAL CASES FOR THE
CRIMINAL DISTRICT COURT OF JEFFERSON COUNTY,
TEXAS

IT IS ORDERED THAT:

Scope:

1. All cases filed in the Criminal District Court of Jefferson County, Texas shall be, and they are designated E-File cases in accordance with the Texas Supreme Court Order of October 1, 2015 under Misc. Docket No. 15-9205 beginning on **April 17, 2017** for all cases EXCEPT cases where defendant is pro se, which shall not be designated E-File cases.

1.1 All documents will be filed through EfileTexas.gov.

Documents to be Filed:

2. All filings by the parties shall be electronically filed with the following exceptions:

- a) charging instruments;
- b) documents filed under seal or presented to the court in camera; and
- c) documents to which access is otherwise restricted by these rules, law or court order.

2.1 *Discovery:* only the certificates of discovery need be electronically filed, which consist of the serving of discovery requests and the serving of responses. Neither the requests nor the answers or production of documents shall be electronically filed.

2.2 *Medical and Mental Health Records:* If medical or mental health records have been subpoenaed or obtained with an affidavit or authorization for use at a hearing or trial of a matter, such records shall not be filed electronically. A party wishing to use such records need only file a Notice of Intent to Use Medical/Mental Health Records along with the business record affidavit. Medical and Mental Health records are not to be electronically filed with the clerk.

Documents containing Signatures:

3. A document that is electronically served, filed, or issued by a court or clerk is considered signed if the document includes:
 - a) a "/s/" and name typed in the space where the signature would otherwise appear, unless the document is notarized or sworn; or
 - b) an electronic image or scanned image of the signature.
- 3.1 If a paper document must be notarized, sworn to, or made under oath, the filer may electronically file the paper document as a scanned image containing the necessary signature(s).
- 3.2 If a paper document requires the signature of an opposing party, the filer may electronically file the paper document as a scanned image containing the opposing party's signature.
- 3.3 These rules do not affect court reporters, exhibits filed in a hearing or trial, or *in camera* documents filed directly with the judge.

Format:

4. An electronically filed document must:
 - a) be in text-searchable portable document (PDF);
 - b) be directly converted to PDF rather than scanned, if possible;
 - c) not be locked;
 - d) otherwise comply with the Technology Standards set by the Judicial Committee on Information Technology and approved by the Supreme Court and the Court of Criminal Appeals; and
 - e) contain the email address of the person electronically filing a document.

Timely Filing:

5. A document is considered timely filed if it is electronically filed at any time before midnight (in the court's time zone) on the day of the filing deadline. An electronically filed document is deemed filed when transmitted to the filing party's electronic filing service provider, except if the document is transmitted on a Saturday, Sunday or legal holiday, it is deemed filed on the next day that is not a Saturday, Sunday or legal holiday.
 - 5.1 If a document is untimely filed due to a technical failure or system outage, the filing party may seek appropriate relief from the court as soon as reasonably possible.
 - 5.2 Non-conforming documents may be refused by the clerk's office if they fail to conform to these rules. The clerk *may* identify the error to be corrected and state a deadline for the party to resubmit the document in a conforming format.

Service of Documents:

6. Every notice, pleading, plea, motion or other form of request required to be served, except as otherwise expressly provided by these rules, may be served by delivering a copy of the party to be served, or the party's duly authorized agent or attorney of record.
- 6.1 The party or attorney of record shall certify to the court compliance with the rule in writing above the signature on the filed instrument. A certificate by a party or an attorney of record, or the return of the officer, or the affidavit of any other person showing service of a notice shall be prima facie evidence of the fact of service. Nothing herein shall preclude any party from offering proof that the document, notice, or instrument was not received, and upon so finding the court may extend the time for taking the action required of such party or grant such other relief as it deems just.

Sensitive Data Prohibited:

7. An electronic or paper document containing sensitive data may not be filed with a court unless the sensitive data is redacted. Documents containing sensitive data may be filed with a court when the data's inclusion is specifically required by a statute, court rule, or administrative regulation. Sensitive data must be redacted by using the letter "X" in place of each omitted digit or character or by removing the sensitive data in a manner indicating that the data has been redacted. The filing party must retain an unredacted version of the filed document during pendency of the case and any related appellate proceedings filed within three years of the date the judgment is signed.
- 7.1 If an electronic or paper document must contain sensitive data, the filing party must state on the upper left-hand side of the first page in the following form, "NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA." This notice is not required if the only sensitive data contained in the document is exempt from redaction under Texas Rules of Appellate Procedure 9.10.

Obligation of Registered E-File Users:

8. Parties or attorneys who register to use the electronic filing system shall notify the e-filing system and clerk within 10 days of any change in firm name, delivery address, fax number or email address.


HONORABLE JOHN STEVENS