

MISC. DOCKET NO. 04- 9079


ORDER OF THE SUPREME COURT OF TEXAS

Approving Rules for Electronic Filing of Court Documents

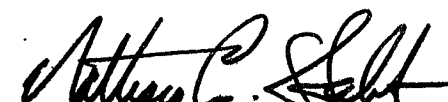
ORDERED that:

Pursuant to Rule 3a of the Texas Rules of Civil Procedure, the following amendment to Local Rule 2.2A for the Probate Court of Galveston County is approved. This approval is temporary pending further orders of the Court.

In Chambers, this 10th day of May, 2004.




Thomas R. Phillips, Chief Justice



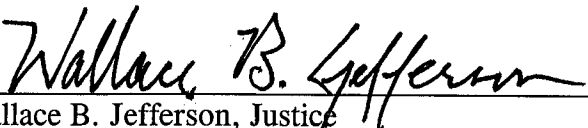
Nathan L. Hecht, Justice




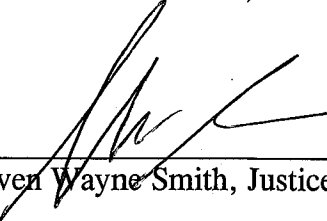
Priscilla R. Owen, Justice

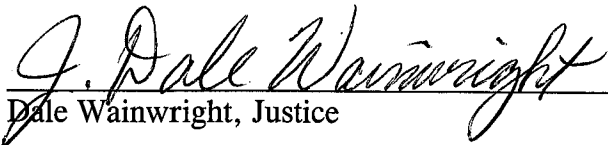


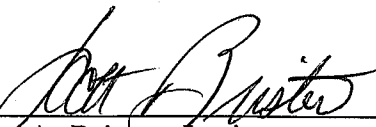
Harriet O'Neill, Justice


Wallace B. Jefferson, Justice


Michael H. Schneider, Justice


Steven Wayne Smith, Justice


Dale Wainwright, Justice


Scott A. Brister, Justice

**AMENDMENT TO LOCAL RULES FOR THE
PROBATE COURT OF GALVESTON COUNTY, TEXAS**

New Rule 2.2A is adopted and added to the local rules for the Probate Court of Galveston County, Texas as approved by the Supreme Court of the State of Texas on March 8, 2000.

Rule 2.2A: Procedure for Filing Electronically Transmitted Court Documents

The following rule, adopted in accordance with Chapter 51, Subchapter I of the Texas Government Code, governs the procedure for the County Clerk of Galveston County ("the clerk") to receive and file electronically transmitted court documents in the Probate Court of Galveston County, Texas.

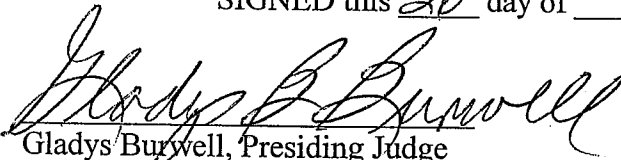
1. The clerk is authorized to accept for filing via electronic transmission any document which might be filed in a court action except:
 - A. Returns of service on issuance
 - B. Bonds and Oaths
 - C. Orders or judgments signed by a Judge
2. Documents electronically transmitted for filing will be received 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.
3. No document electronically transmitted shall be accepted by the clerk for filing until required court costs or fees have been paid. Documents which require no filing fee shall be accepted by the clerk for filing. Documents which require a filing fee to be paid shall be accepted by the clerk if the sender has arranged to pay such fee with a MasterCard or Visa and such arrangements are still valid or through an escrow account established with the clerk in which funds are still readily available to the clerk upon request. If the clerk rejects a filing for non payment of fees, or due to incomplete information on the charge authorization or request, or which do not conform to applicable rules; the document will not be filed and the clerk will notify the sender of that fact as soon as practicable.
4. A fee schedule for electronic filing shall be adopted annually by the clerk and approved by the local court. Senders are responsible for obtaining the current fee schedule adopted by the clerk.
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.

6. Every document electronically transmitted for filing shall conform to the requirements for filing established by the Texas Rules of Civil Procedure, i.e. it shall be on paper measuring approximately 8 1/2 x 11 inches, it shall be signed individually by the party or the party's attorney of record, and it shall contain the individual's State Bar of Texas Identification number, if any, as well as the sender's address, telephone number and telecopier number. The quality of the original hard copy shall be clear and dark enough to transmit legibly. Documents that are received that do not meet these requirements will not be filed and the clerk will notify the sender of that fact as soon as practicable
7. The sender shall maintain the original of the document with original signature affixed as required by Section 51.806 of the Texas Government Code and Rule 45, Texas Rules of Court.
8. 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 of citation or other request; and
 - C. have complete information on the charge authorization or escrow account debit for court costs and fees.
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 availability of funds through credit card authorization or escrow account debit, note the authorization code on the cost receipt and collect the funds. 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. The clerk will notify the sender as soon as practicable if documents are not deemed accepted for filing
11. If the transmission is found to be incomplete or court costs or fees, if required, are not paid, or if, for any other reason documents are not deemed accepted for filing, the clerk will notify the sender as soon as practicable that the transmission has not been filed and give the reason(s) for the failure to file.
12. After filing an electronically transmitted document, the clerk will electronically transmit to the sender an acknowledgment of the filing, together with cost receipt, if any.
13. No citation or writ bearing the official seal of the court may be transmitted electronically.

14. 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.
15. Each page of any document received by the clerk will be automatically imprinted by the clerk's fax machine, with the date and time of receipt. The date and time imprinted on the last page of a document will determine the time of receipt and determine the order of filing. The clerk shall affix the clerks' official date and time stamp and file the documents in the order they were received as reflected by the imprinted date and time. Receipt by the clerk's fax machine of the electronic transmission of a document form with the proper charges authorization constitutes filing. Transmissions completed during the 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, holidays or days the Clerk's Office is closed 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 changes in normal business hours. The sender is also solely responsible for determining whether an electronic transmission has been properly received and filed.
16. Under no circumstances will the clerk be responsible for failure to file or to timely file a document.

It is therefore ORDERED that this system for electronic filing of documents in the Probate Court of Galveston County, Texas be and the same is adopted, 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 become effective and placed upon the Minutes of the Probate Court of Galveston County, Texas.

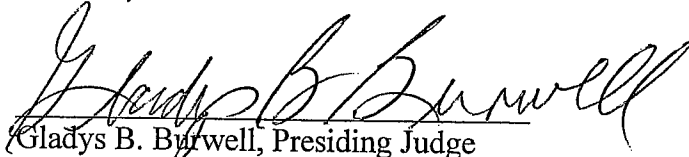
SIGNED this 26th day of June, 2003.


Gladys Burwell, Presiding Judge
Galveston County Probate Court

STATEMENT ADOPTING AMENDMENT TO LOCAL RULES

The Statutory Probate Judge of Galveston County adopts the attached proposed amendment to the local rules and supports its submission to the Texas Supreme Court for approval.

Signed June 26, 2003.


Gladys B. Burwell, Presiding Judge
Galveston County Probate Court

CERTIFICATION

I certify that the Statutory Probate Court of Galveston County has complied with the following:

1. that the amendment to the rules is consistent with the Texas Rules of Civil Procedure or any Rules of the Statutory Probate Courts of Texas;
2. that no time period provided by the Texas Rules of Civil Procedure has been altered by the amendment to the local rules;
3. that the proposed amendment to the local rules shall not become effective until it is submitted and approved by the Supreme Court of Texas;
4. that any proposed local rule or amendment shall not become effective until at least thirty days after its publication in a manner reasonably calculated to bring it to the attention of attorneys practicing before the court or courts for which it is made.
5. that all local rules or amendments adopted and approved in accordance herewith will be made available upon request to members of the bar; and
6. that no local rule, order, or practice of any court, other than local rules and amendments which fully comply with all requirements of this Rule 2.2A, will ever be applied to determine the merits of a matter.

Signed July 28, 2003.

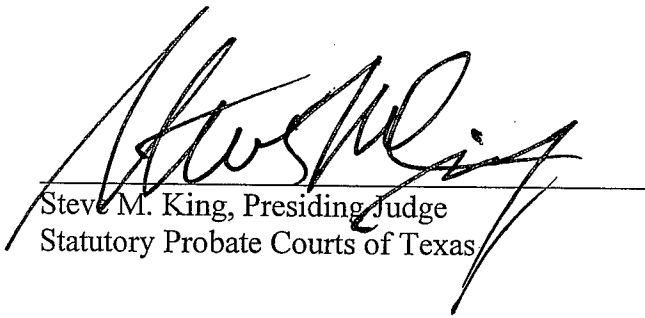


Gladys B. Burwell, Presiding Judge
Probate Court of Galveston County

CERTIFICATION

The undersigned certifies that the Amendment adding Rule 2.2A to the Statutory Probate Court Local Rules of Galveston County which is being submitted to you on behalf of the Statutory Probate Court of Galveston County, Texas is approved by myself in my role as Presiding Judge of the Statutory Probate Courts of Texas.

SIGNED October 28, 2003


Steve M. King, Presiding Judge
Statutory Probate Courts of Texas



STATUTORY PROBATE COURTS STATE OF TEXAS

Steve M. King, Presiding Statutory Probate Judge
100 W. Weatherford St., Room 260
Fort Worth, Texas 76196

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Galveston Co. Probate Court
Weldon S. Copeland, Jr.
Collin Co. Probate Court #1
Nikki T. DeShazo
Dallas Co. Probate Court
Patrick W. Ferchill
Tarrant Co. Probate Court #2
Homero Garza
Hidalgo Co. Probate Court
Guy Herman
Travis Co. Probate Court #1
Max Higgs
El Paso Co. Probate Court
Steve M. King
Tarrant Co. Probate Court #1
Joe H. Loving, Jr.
Dallas Co. Probate Court #3
William C. McCulloch
Harris Co. Probate Court #4
Rory Olsen
Harris Co. Probate Court #3
Robert E. Price
Dallas Co. Probate Court #2
Tom Rickhoff
Bexar Co. Probate Court #2
Polly J. Spencer
Bexar Co Probate Court #1
Don R. Windle
Denton Co. Probate Court
Mike Wood
Harris Co. Probate Court #2

October 28, 2003

Supreme Court of Texas
Supreme Court Building
P.O. Box 12248
Austin, TX 78711-2248

Attn: Chris Grisel, Esq.

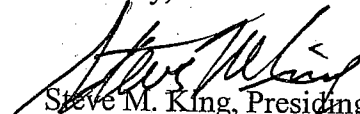
Re: Local Rules For The Probate Court of Galveston County

Dear Mr. Grisel:

Enclosed please find an original and two copies of the amendment adding "Rule 2.2A: Procedure for Filing Electronically Transmitted Court Documents" to the Statutory Probate Court Local Rules of Galveston County. As Presiding Judge of the Statutory Probate Courts of Texas I have certified my approval and hereby submit the amendment to the Supreme Court of Texas for approval and adoption.

Thank you for your consideration in this respect.

Sincerely,


Steve M. King, Presiding Judge
Statutory Probate Courts of Texas

cc: Hon. Gladys Burwell