

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 07- 9139

**APPROVAL OF LOCAL RULES GOVERNING FILING BY FACSIMILE IN THE
DISTRICT COURTS AND COUNTY COURT AT LAW OF CHEROKEE COUNTY**

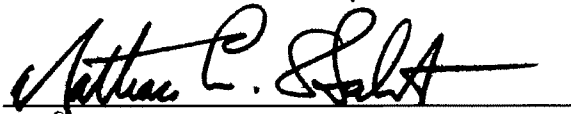
ORDERED that:

Pursuant to Texas Rule of Civil Procedure 3a, the Following Local Rules Governing Filing by Facsimile in the District Courts and County Court at Law of Cherokee County are approved.

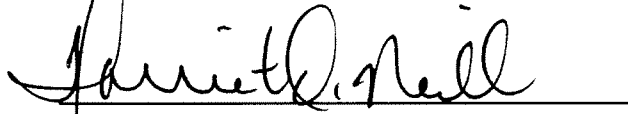
In Chambers, this 27th day of August, 2007.



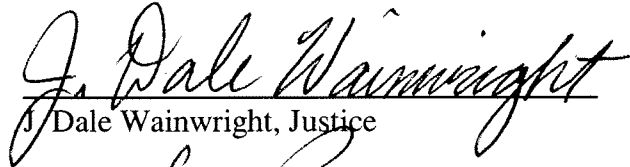
Wallace B. Jefferson, Chief Justice




Nathan L. Hecht, Justice





Harriet O'Neill, Justice



J. Dale Wainwright, Justice


Scott Brister, Justice

David M. Medina, Justice


Paul W. Green, Justice


Phil Johnson, Justice


Don R. Willett, Justice

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

The District Courts and County Court-at-Law of Cherokee County, Texas hereby adopt the electronic filing of documents by the District Clerk of Cherokee County, Texas.

1. The District 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 issuances; (b) bonds; or (c) signed orders or judgments.

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 court costs and fees have been paid. Court costs and fees may be paid by Mastercard, Visa or American Express. Documents tendered to the clerk electronically without payment of court costs and fees, or with incomplete information on the charge authorized or request, or which do not conform to applicable rules will not be filed.

4. A fee schedule for electronic filing shall be adopted annually by the clerk and approved by the 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.

6. Local rules governing implementation of this electronic filing system are hereby adopted as follows:

A. Every document electronically transmitted for filing shall conform to the requirement for filing established by the Texas Rules of Court, ie. shall be in writing, on paper measuring approximately 8 ½ x 11 inches, signed by an attorney of record in his individual name, with his 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.

B. The sender shall maintain the original hard copy with original signature affixed as required by Section 51.806, Texas Government Code.

C. A cover sheet must accompany every transmission and shall;

(1) clearly identify the sender, the documents being transmitted, and the number of pages;

(2) have clear and concise instructions concerning issuance or other request; and

(3) have complete information on the charge card authorization for court costs and fees.

D. The clerk upon receipt of an electronically transmitted document shall verify the completeness of the transmission.

E. The clerk when satisfied that the transmission is complete shall confirm the credit card 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.**

F. If the transmission is found to be incomplete or court costs or fees, if required, are not paid, the clerk will notify the sender as soon as practicable that the transmission has not been filed and the reason.

G. 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.


H. No citation or writ bearing the official seal of the court may be transmitted electronically.

I. 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.

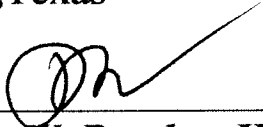
J. Each page of any document received by the clerk will be automatically imprinted with the date and time of receipt. The date and time imprinted on the last page of a document will determine the time of receipt but not time of filing. Transmissions completed during a normal business day before 4:30 p.m. and accepted for filing will be filed on the day of receipt. Transmissions completed after 4:30 p.m., on weekends or holidays will be verified and filed before 10 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.

It is therefore ORDERED that this system for electronic filing of documents in the District Courts and County Court-at-Law of Cherokee 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 be placed upon the Minutes of the District Courts of Cherokee County, Texas.

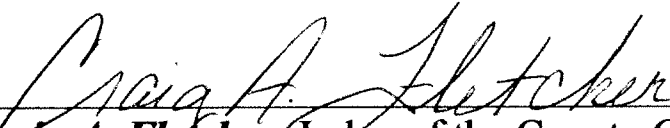
Signed this the 15th day of August, 2007.



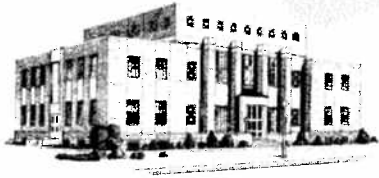
Dwight L. Phifer, Judge of the 2nd Judicial District Court, Cherokee
County, Texas



Bascom W. Bentley, III, Judge of the 369th Judicial District Court,
Cherokee County, Texas



Craig A. Fletcher, Judge of the County Court-at-Law, Cherokee
County, Texas



Cherokee County

RUSK, TEXAS
75785

Justice Nathan L. Hecht
Supreme Court of Texas
P.O. Box 12248
Austin, Texas 78711

Janet Gates, District Clerk
P.O. Drawer "C"
Rusk, Texas 75785
(903) 683-4533
(903) 683-2971 fax
distclerk@cocherokee.org

August 1, 2007

Ref: Fax Filings

Dear Justice Hecht,

Please find the enclosed *Rules Governing the Procedure for the District Court of Cherokee County to receive and File Electronically Transmitted Court Documents and Order Establishing a System for Electronic Filing of Documents in Cherokee County, Texas*. I was not sure if I needed to prepare an Order for the Supreme Court Justices to sign, if that is needed, please feel free to contact me at the above addresses or phone number.

Thank you for your consideration of this request and if further information is needed, don't hesitate to contact my office.

Sincerely,

Janet Gates, District Clerk
Cherokee County, Texas

cc file