To: County and District Clerks
Date: 6/18/2024
Re: [Supreme Court Order Misc. Docket No. 24-9030](#) and Court of Criminal Appeals Misc. Docket no. 24-004

On May 28, 2024, the Supreme Court and Court of Criminal Appeals approved amendments to the Texas Rules of Civil Procedure 21, 165a, 239a, 246, 298, 299, 299a, and 306a; Texas Rule of Appellate Procedure 9.2; and Rule 2.7 of the statewide rules governing electronic filing in criminal cases.

Summary: The order provides that orders, notices, and other court documents be served on parties to the case using the eFile system. (See link above for the order)

Additionally, the order mandates district and county clerks to integrate their local case management systems with re:SearchTX using the following implementation schedule:

    a. Courts in counties with a population of 250,000 or more – October 1, 2024;
    b. Courts in counties with a population of 60,000 to 249,999 – March 1, 2025;
    c. Courts in counties with a population less than 60,000 – November 1, 2025.

Clerks who believe they cannot comply with the mandate may petition the Supreme Court for an extension. The request should include the reasoning the date cannot be met along with a plan and anticipated completion date of integration.

Prior to integration, clerks are excused from complying with the requirement of using the electronic filing system for delivery of documents, however, **clerks must send orders and judgments to the parties electronically within 24 hours after the order or judgment is signed.**

FAQ's will be added and maintained at txcourts.gov.
For legal advice, we recommend you consult with you County Attorney.

Respectfully,
Texas Office of Court Administration

Frequently Asked Questions and Answers:

1. Once I'm integrated with re:SearchTX, do I have to electronically send out orders?
   No, once integrated, re:SearchTX will send electronic notification to the attorneys and parties that the order is available. re:SearchTX has been added to the definition of "Electronic Filing System" so in this case, by integrating and using re:SearchTX, you're using the "Electronic Filing System" as approved by the Supreme Court.

2. It might be a while before I get integrated, do I still have to eFile orders?
   No. Prior to integrating with re:SearchTX you can send out orders to the attorneys and parties via email within 24 hours of signing the order. If you need an extension from the mandated timeline for integration, you must petition the Supreme Court providing the reasoning, a plan, and an anticipated date of integration.

3. When I integrate, will it only be civil cases, or will it include criminal as well?
   The order was a joint order from the Supreme Court and Court of Criminal Appeals. Tyler Technologies has been informed that the integration will be for both civil and criminal.

4. I'm concerned about what gets out there – how does that work?
   JCIT has promulgated, and the Supreme Court and Court of Criminal Appeals have adopted, role-based security.
   a. **Attorneys of record will have free access to the documents on the cases they have filed.**
   b. **Public access is limited to documents that do not contain sensitive data, and any document type that is explicitly included in the JCIT standards.**

   Integration can be configured from a date forward to remove any access from historical or previously filed documents that may not have been marked as containing sensitive data or confidential within the case management system.

5. Once I integrate, does this mean the state now has all my records?
   No. Once integrated, re:SearchTX no longer stores your eFiled documents. When a document is needed, re:SearchTX asks your CMS in near real-time for a copy of the document, considering security settings before released.

6. I'm in a small county and never contemplated that my documents would ever be made available to the public. Therefore, we don't have any documents marked sealed or secured – everyone in the clerk's office can see all documents and the staff determines what they can/cannot share. How do we deal with that?
   Work with your CMS vendor to go ahead and set up case/document security in your CMS (all vendors provide this). Note the date you start properly securing cases/documents – and Tyler can use that as a "date forward" date – showing documents only after your date-forward date.

7. Once I become integrated, am I required to continue my other existing document access systems?
   Nothing prohibits you from continuing or discontinuing any other document access system.

8. When re:SearchTX sells documents, how much do they cost? Who gets that money?
   Documents are sold to the public at $0.10/page with a minimum of $1. The money collected goes back to the county of origin. Tyler will complete an electronic transfer (ACH) of the money to the county quarterly or will send a check annually if ACH is not set up. For judges/judge staff, clerks, attorneys on the case, documents are provided at no charge.

9. How do I get integrated with re:SearhTx? Who should I contact?
   If you're a Tyler customer, contact your support account manager. For non-Tyler customers, please have your CMS vendor contact the Tyler EFM Support and Consulting Team. Tyler will sequence the integrations based on your county's population.

10. Once Tyler engages with my office to integrate, how long does it take from start to finish?
    Assuming your CMS provider is also ready, it usually takes between 4-6 weeks to integrate.

11. If an attorney or party to the case does not have an email address in re:SearchTx, on the filing document, or included in the clerks case management system, do I have to send copies through the postal system?
    Rule 21 (f) 10 provides "Notes and Comments" which states that the clerks should use an alternative method to send orders, notices, and documents to that party. This could be accomplished by placing a copy in the mail or hand-delivering a copy to the party in court.

12. Does Rule 306a remove the requirement of sending a Notice of the judgment or must I now send a Notice and a copy of the Judgment?
    Providing a copy of the judgment eliminates the need to provide notice.