

FIRST AMENDED STANDING ORDER OF THE 310TH FAMILY DISTRICT COURT OF HARRIS COUNTY REGARDING FAX FILING THROUGH THE DISTRICT CLERK'S FREEFAX SERVICE, AND ELECTRONIC FILING

Upon the Court's own motion, in accordance with the Local Rules of the Harris County Civil District Courts Concerning the Electronic Filing of Court Documents,

1. DESIGNATION OF E-FILE CASES

IT IS ORDERED that as of **Friday, February 10, 2012**, all cases in the 310th Family District Court, shall be and are hereby designated electronic filing ("e-file") cases.¹ It is the intent of the Court that this Order conform with the Harris County Local Rules of the District Courts Concerning the Electronic Filing of Court Documents while still mandating the electronic filing of documents in all cases (except as listed in section 4, below).

2. ELECTRONIC SERVICE

IT IS FURTHER ORDERED that, in TexasOnline E-File cases, each party will register with TexasOnline for receipt of electronic service and those copies of each filing will be electronically served on all parties in the case.

3. LIMITATION ON DISCOVERY FILINGS

IT IS FURTHER ORDERED that this Order does not alter Texas Rule of Civil Procedure 191.4 regarding the filing of discovery materials. Except by a separate, express written Order by this Court, neither the request nor responses shall be filed nor need to be filed. Certificates of written discovery may continue to be filed (electronically), in accordance with this order.

¹ At the current time, the only method of e-file is *via* a Texas On-Line vendor (www.texasonline.com); however, in the future, if other methods of e-filing become available, the Parties are free to use any method available. Further, the Court is not mandating service under Rule 21a by the e-file process. Tex. R. Civ. P. 21a. Although service via the e-file process is highly recommended, service can be accomplished in accordance with Rule 21a. *Id.*

4. FAX FILING THROUGH THE DISTRICT CLERK'S FREEFAX CLIENT;
EXCEPTIONS

IT IS FURTHER ORDERED that as of Friday, February 10, 2012, the Harris County District Clerk shall accept any no-fee or "government due" application, pleading, or other filing, filed on behalf of a governmental entity, which is fax filed through the Harris County District Clerk's FREEFax service.

THE EXCEPTIONS to the types of documents that the District Clerk shall accept for filing through FREEFax service are contained in Section 3.3 of the Harris County Local Rules of the District Courts Concerning the Electronic Filing of Documents, which include: ~~i) citations or writs bearing the seal of the court; ii) returns of citation (returns of service on issuances); iii) bonds; iv) subpoenas; v) proof of service of subpoenas;~~² vi) documents to be presented to a court in camera, solely for the purpose of obtaining a ruling on the discoverability of such documents; vii) documents sealed pursuant to an express order under TEX. R. CIV. P. 76a (however the motion to seal the document(s) shall be accepted by the District Clerk if fax filed); and viii) documents to which access is otherwise restricted by law or court order, including a document filed in a proceeding under Chapter 33, Family Code. Further, the Harris County District Clerk shall reject any FREEFax filing that requires a filing fee, unless such filing fee is "government due." It is ORDERED that these documents shall continue to be filed as paper filings.

IT IS FURTHER ORDERED that the District Clerk shall not accept documents via FREEFax that are not in compliance with the Free Fax rules. All documents shall be filed separately in a PDF format, by document type and specify the exact title (not short form) of your document on the FREEFax filing page. Documents not in compliance with the FREEFax rules will be rejected and an e-mail notification will be sent to the filer.

² TRCP 107(g) was created by Order of the Texas Supreme Court, Misc. Docket N. 11-9250 on December 12, 2011, and took effect January 1, 2012. That new rule states that "The return [of citation] and any document to which it is attached must be filed with the court and may be filed electronically or by facsimile, if these methods of filing are available." Therefore, this Court hereby Orders that returns of citation are no longer required by this Court to be filed in paper form, but may be, instead, filed electronically or via the Harris County District Clerk's FREEfax system.

IT IS ORDERED that the Harris County District Clerk may not charge a service fee for any filing that is filed through the FREEFax Client.

5. NO PAPER FILING RECEIVED; EXCEPTIONS

IT IS FURTHER ORDERED that the District Clerk shall not receive any petitions (aside from the original filing in the case), applications, pleadings, or other documents whatsoever in TexasOnline E-File cases in paper form, except for filings by pro se parties or parties expressly granted a waiver, by signed written order of the Court. If the District Clerk receives a paper filing in a TexasOnline E-File case, ~~the Clerk is ORDERED to return the paper filing to the purported filer~~ TexasOnline E-File case, the Clerk is ORDERED to return the paper filing to the purported filer with a notification that the case is to be E-filed through TexasOnline and that no paper filings can be received, file-stamped, or scanned.

THE EXCEPTIONS to the types of documents that must be electronically filed are contained in Section 3.3 of the Harris County Local Rules of the District Courts Concerning the Electronic Filing of Documents, and are listed above in Section 4.

6. NOTICE OF ORDER

IT IS FURTHER ORDERED that the District Clerk notify all parties in TexasOnline E-File cases, whether original defendants, cross defendants, or otherwise, advising of this Order and of the requirements of the Harris County Local Rules of the district Courts Concerning the Electronic Filing of Court Documents. Such notification may be included with citation issued to any party or, if no citation is to be issued, then sent by any method specified in Rule 21a, Texas Rules of Civil Procedure.

7. SHOW CAUSE OBJECTION

If any party objects to such filing requirements, that party shall file a written objection within 30 days of the date of inception of the action, or, if applicable, within 30 days of the date of their first appearance in the action, and set the matter for hearing before the 310th Family District Court to show cause why the electronic filing requirement is unduly burdensome. Oral hearings should be set by communicating with the Court's Clerk.

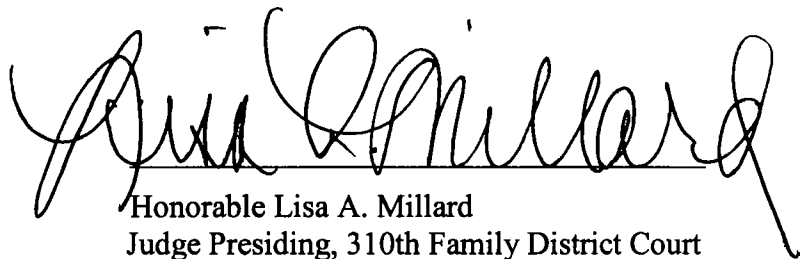
8. COURTESY COPIES OF DOCUMENTS

IT IS FURTHER ORDERED that the procedure for filing any courtesy copies of documents with the Court is as follows: Courtesy copies are NOT required. However, if the electronic files are not readily available online for the Court to view, a courtesy copy should be supplied to the Court.

9. PETITIONER RESPONSIBLE FOR NOTIFYING ALL PARTIES

The Petitioner in the lawsuit shall ensure that all parties, whenever added to the lawsuit, are aware of the existence of this Order, and shall be capable of demonstrating evidence of such written notice to the Court. Notice may in writing, by delivering a copy of the Order to the parties, or by e-mail, directing parties to this Court's website containing the Order.

Signed on 10th of FEB, 2012


Honorable Lisa A. Millard
Judge Presiding, 310th Family District Court