

Upshur County, Texas E-Filing Business Processes

E-Filing in Upshur County:

The Upshur County District Clerk's office is mandated to begin e-File on January 1, 2015. The mandate covers all civil filings submitted to the District Clerk's office, excluding qualified Emergency Filings and pleadings submitted by Pro Se litigants. The Supreme Court Mandate setting forth this mandate may be viewed at www.supreme.court.state.tx.us.

Texas Systems of E-Filing:

The Texas model of e-Filing is based on an outside vendor (Tyler Technologies / e-File Texas) functioning as the Electronic File Manager (EFM). Tyler Technologies/e-File Texas is responsible for the security, storage, functioning and financial transactions for the State of Texas. Electronic File Service Providers (EFSPs) are entities that contract with the filers (Attorneys and Pro Se litigants) to transmit the document or pleading to the e-File Texas for filing of pleadings in the District / County Clerk's Office. There is a list of EFSPs on the e-File Texas website.

Submitting a Pleading for Filing:

Pleadings must be submitted for filing in accordance with the following specifications:

Documents must be in a word searchable PDF format;

Documents must be 8 1/2 by 11 inches;

Documents must be single item PDFs (Exhibits for a Pleading should be incorporated into the Pleading PDF, but proposed Order should not be incorporated into the Pleading PDF);

Proposed Orders must be submitted as a separate PDF item. (Do not submit proposed orders as a part of the Pleading PDF or behind a transmittal letter);

Documents must be in 300 DPI resolution. (For scanned documents, this will require an updated scanner); and,

Audio/Video items material must conform to the JCIT standards.

The Filer submits the e-Filing through an EFSP. The EFM has a number of training videos for you so that you can train as to how to submit a filing. The website address is:

<http://efile.txcourts.gov>. **Filings will be rejected for Correction if incomplete information.**

You must use real names in the style and the body of your pleading (FC102.008). Upshur County District Clerk's records are not published on the Internet (TRCP21c). You have the option of choosing "sensitive data" to be included on your document and at the time of filing.

The Filer should insert the parties, names, addresses, court information and county in the EFSP software just as it is in the petition. If it is a pending case, the Filer must insert the cause number, and the Pleading will be referred to as a subsequent filing. Depending on which EFSP is used, the Filer may receive a message that says "No Case Found". The Filer should check and make sure that the cause number is correct, the county is correct and then proceed. Each document submitted in an envelope must be a separate and complete document. Multiple documents cannot be submitted together; provided, exhibits and attachments are to be included as part of the PDF document to which they are to be incorporated. The Filer may include multiple documents in an envelope; provided, all documents must be separate pleadings to be filed in the same cause number. If the Filer wishes to submit an order through e-Filing, any transmittal letter must be a separate document from the proposed order. After the order is signed by the Court, the Court will forward the order to the Clerk and the Clerk will accept it for filing. No certified copies can be emailed.

Motions needing hearing dates:

Upon receipt of confirmation that a submitted pleading has been accepted, the Filer should call the Court Administrator to schedule a hearing date and time. If a TRO or Protective Order is being requested, the Filer must adhere to local rules for TRO or Protective Order for hearings.

Confidential Information:

DO NOT SEND CONFIDENTIAL INFORMATION THROUGH E-FILING. If the Filer possesses a document with confidential information, the Filer should obtain an order sealing document prior to filing. The Filer must notify clerk if confidential information is submitted for filing so proper statutes are followed in redaction. If the Filer is submitting sensitive information, and cannot obtain an order sealing it, file over counter.

Orders:

Order of the court final decrees, final judgment, etc. (Minutes of the court) will be handled in paper form or e-File. Party will submit order to judge and after approval and signature order will be filed with the clerk and scanned into e-File into case management system. All orders are to be brought immediately to the district clerk's office after signing of the order to ensure document is filed in the case management system.

Fees:

When submitting a document for e-Filing, the case type and document type will determine fees charged. EFSP screens will allow Filer to select additional services or pay additional fees. It is important that your party names and addresses be as they are in the original suit so that it is not rejected automatically or at least can be matched to a case. The correct statutory fees are to be added by the filer and are subject to rejection. If you are unsure of the correct fees, please call the Upshur County District Clerk's office at 903-843-5031. When a submission with fees is made, a

"hold" will be placed on the amount of funds needed for the transaction. Submissions may be rejected/returned for incorrect fees. Selecting the correct case type and/or document type, and the submission of correct fees are critical for the approval of the submission.

In addition to court costs Filer will be charged a fee of \$2.00 per envelope by the Upshur County District Clerk's office. Gov't Code 72.031

Issuance and County Service Fees (Citation, Notices, etc.)

If issuance is requested the Filer will need to give instructions on how service is to be obtained by a separate e-Filed cover letter. Citations will not be prepared until instructions are provided to the clerk. The District Clerk will only accept fees for service by law enforcement or certified mail. The payment of process server will be strictly between the Filer (party requesting the service) and process server.

If a service document is needed, you will need to include payment of copies upon request of issuance for sufficient copies of the documents through the e-Filing system---- EXCEPT FOR EXPUNCTIONS AND FORECLOSURES. YOU MAY PROVIDE COPIES FOR THE ISSUANCE WITH EXPUNCTIONS AND FORECLOSURES, UNLESS FILER CHOOSES TO PAY FOR COPIES AT \$1.00 PER PAGE. THE SERVICE COPIES WILL NEED TO BE DELIVERED TO THE DISTRICT CLERK'S OFFICE WITHIN 5 BUSINESS DAYS OF FILING FOR THE ISSUANCE ON EXPUNCTIONS AND FORECLOSURES. Texas Rules of Civil Procedure Rule 99. (d) If you require the issuance be mailed back to you, YOU MUST PROVIDE A SELF-ADDRESSED ENVELOPE WITH CORRECT POSTAGE OR ISSUANCE WILL BE HELD UNTIL PROPER FEES ARE PAID.

If you do need issuance after filing ... procedure will be file subsequent pleading requesting issuance with appropriate fees.

NOTICE---PLEASE DO NOT FILE DUPLICATE RETURNS OF SERVICE. IF PROCESS SERVER IS MAKING A RETURN TO THE COURT THEN WE DO NOT WANT THE ATTORNEY'S COURTESY COPY FOR THE FILE.

Time for Process e-Filing:

WHEN SUBMITTING A FILING THROUGH E-File, please allow 24 hours for the e-Filing to be processed. If the Filer is appearing in court prior to the 24 hour processing time, the Filer will need to provide a courtesy copy of the filing to the Court. Thank you for your attention and cooperation.

The Upshur County District Clerk's Office goal is to always maintain a courteous, and professional and helpful office to assist Attorney's and the public with their needs, If we can be of assistance please do not hesitate to contact our office.

We are here to accommodate the public.