



## **eFiling Update December 23, 2013**

Excerpts from the Supreme Court of Texas December 13, 2013 Order  
Adopting Texas Rule of Civil Procedure  
<http://www.supreme.courts.state.tx.us/>

### **Rule 21. Filing and serving pleadings and motions**

#### *(f) Electronic Filing*

1. Required (as mandated)
2. Attorney's email address must be on any document
3. Must be filed via EFM and EFSP certified by Office of Court Administration (see: [www.efiletexas.gov](http://www.efiletexas.gov))
4. Exceptions
  - (A) Wills (see: (12) below)
5. Timely Filings. Unless document must be filed by a certain time of day, considered timely if electronically filed by midnight (of Court's time zone). Document deemed filed when transmitted to EFSP.
  - (A) Document transmitted on Saturday, Sunday or legal holiday is deemed filed on the next day not a Saturday, Sunday or legal holiday.
  - (B) If document requires a motion and an order allowing its filing, the document is deemed filed on the date the motion is granted.



6. Technical Failure. If a document is untimely due to a technical failure or a system outage, the filing party may seek appropriate relief from the court. **Editorial by Court File America: there is a difference between an individual EFSP being down (other EFSP's are available for filing using your existing log in & password) and the EFM being down (no electronic filings are possible).**
7. Electronic Signatures. “/S/” and name typed in the space (is acceptable).
8. Format.
  - (A) be in text-searchable portable document format (PDF)  
**Editorial: this covers the pleading, plea, motion or order only and not attachments/exhibits, i.e. invoices (do not have to be OCR'ed).**
  - (B) be directly converted to PDF rather than scanned, if possible
  - (C) not locked: and
  - (D) otherwise comply with Technology Standards set by JCIT  
**Editorial: better be 8 ½ by 11 paper.**
- (9) Paper Copies. Only if required by local rule.
- (10) Electronic Notices From Court. The Clerk can send them to you electronically with an electronic court seal.
- (11) Non-Conforming Documents. The Clerk may not refuse to file a document that fails to conform with this rule. ***But*** the Clerk may identify the error to be corrected and state a deadline for the party to resubmit the document in a conforming format. **Editorial: the protocols for this have yet to be worked out and identified.**



- (12) Original Wills. If electronically file application to probate a document as an original will, the original must be filed with Clerk within three business days.
- (13) Official Record. Clerk my designate an electronically filed document or scanned paper document as the official court report. But must retain an original will...in a numbered file folder.

## **Rule 21a Methods of Service**

### (a) Methods of Service

- (1) Documents Filed Electronically. A document electronically filed under Rule 21 must be served electronically through the electronic filing manager if the email address of the party or attorney to be served is on file with the electronic filing manager. If email address is not with the electronic filing manager, serve per subparagraph 2. **Editorial: remember that the electronic filing manager (EFM) is the State of Texas' eFilingTexas.gov. Currently eFilingTexas.gov is working on 1) developing a list of all Texas attorneys with email addresses and 2) developing a method for the various EFSP's to access this list.**
- (2) Served: in person, mail, commercial delivery service, fax, or email

### (b) When Complete

- (3) **Electronic service is complete on transmission of the document to the serving party's electronic filing service provider. The electronic filing manager will send confirmation of service to the serving party. Editorial: Service is complete when you hit "submit" and the EFM, eFilingTexas.gov, will send (email) you confirmation. REMEMBER: above is subject to the current voluntary system of receiving electronic service and the development of the proposed EFM state wide attorney list.**