



## **DALLAS COUNTY DISTRICT CLERK NEW STATEWIDE RULES FOR E-FILING**

The e-filing mandate issued by the Supreme Court went into effect on January 1, 2014. In an effort to prepare for the mandate, the Dallas County District Clerk's Office went live with TexFile on November 13, 2013. TexFile has since been rebranded to eFileTexas.Gov. Listed below are highlights of the rules and standards for electronic filing in Texas.

Please refer to the Texas Rules of Civil Procedure, Rule 21(f) and version 1.4 of the Technology Standards released by the Judicial Committee on Information Technology (JCIT).

### **TRCP Rule 21(f) (8) Format**

An electronically filed document must:

- (A) be in text-searchable portable document format (PDF);
- (B) be directly converted to PDF rather than scanned, if possible;
- (C) not be locked; and
- (D) otherwise comply with the Technology Standards set by the Judicial Committee on Information Technology and approved by the Supreme Court.

### **TRCP Rule 21c. Privacy Protection for Filed Documents**

Pursuant to Rule 21c of the Texas Rules of Civil Procedure, documents containing sensitive data must be redacted by the filer prior to submission. If the inclusion of the sensitive data is required, the filer must give notice to the clerk by:

- (1) Designating the document as containing sensitive data when the document is electronically filed; or
- (2) If the document is not electronically filed, by including on the upper left-hand side of the first page, the phrase: "NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA."

*While TRCP Rule 21c (1) does not require the phrase: "NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA" on the upper left-hand corner of the first page for*

*documents that are electronically filed, it is preferred. Doing so will add an extra layer of precaution for the clerk processing said documents.*

*TRCP 21c(a): Sensitive data includes:*

- \* Driver's license number, passport number, social security number, tax identification number, or similar government-issued personal identification number;*
- \* Bank account number, credit card number, or other financial account number; and*
- \* The birth date, home address, and name of any person who was a minor when the suit was filed. This does not apply to the birth date or home address of an adult.*

### **JCIT Technology Standards, v1.2 – Section 3.1**

- A. An e-filed document must be in text-searchable PDF, using fonts specified in the PDF specification, on 8.5 x 11 page size, with the content appropriately rotated.
- B. When possible, the document should be generated directly from the originating software using a PDF distiller.

*Most word processing software packages now "print" to PDF; older versions may not have that capability. Scanning your completed pleadings should be avoided when possible because it creates larger file sizes with text images of lesser quality.*

- C. Prior to being filed electronically, a scanned document must have a resolution of 300 DPI. Preferably, scanned documents should be made searchable using OCR technology.

*A scanned document must be made text searchable using optical character recognition software (OCR), which you may have to purchase. Some scanners and scanning software may have that capability. All scanned documents must have a text resolution of 300 dots per inch (dpi) for black and white documents. Any documents filed with color images must have a minimum resolution of 600 dpi.*

- D. An e-filed document may not contain any security or feature restrictions including password protection or encryption and may not contain embedded multi-media video, audio, or programming.
- E. Documents may not contain package PDFs. PDFs should not be embedded inside of another PDF. **Each document must be a single PDF.** An appellate court may require that multiple PDF documents be combined into a single PDF document and bookmarks used to separate content appropriately. The content of the document should not depend on bookmarks.

For example: Original petitions for divorce require that a copy of the Family Courts Standing Order be attached to the petition. When e-filing, the petition and standing order should be attached as one PDF. The standing order should not be an “attachment” to the PDF when e-filing in the portal.

*While JCIT standards no longer requires the combining of multiple documents pertaining to a single filing into a single PDF with bookmarks separating content, for the efficiency of court processes and the judiciary, it is preferred.*

*When combining documents, multiple documents pertaining to a single filing should be combined into a single PDF with bookmarks separating the content, unless the resulting document exceeds the EFM’s size limit for documents of 35 megabytes. For example, the lead document and attachments should be combined into one PDF; and/or pleadings with exhibits should be combined into one PDF. The contents of the one PDF document that includes exhibits or appendices should contain bookmarks to each exhibit or appendix item. The bookmarks should be clearly labeled so as to identify the exhibit or appendix item. Whenever possible, scanning of exhibits should be avoided.*

*If the envelope size exceeds the 35 megabyte limit, the document will have to be split. When splitting the document, the remaining split documents should be loaded as a second lead document using the same filing code (as long as the filing code does not contain a fee) or a non-fee filing code. In the comments, indicate the description. For example: Comments: Motion to Dismiss, Part 2 of 3, etc. We have several clerks in a court processing documents. In order to avoid confusion, it would be best to contact the clerk of the court to inform them of a split filing prior to submission.*

*Documents should contain page numbering for the entire filing. When including one or more appendices to a filing, each should be numbered individually and then the entire document should be numbered as a whole.*

- F. Any e-filed document filename should contain only alphanumeric characters that are part of the Latin1\_General character set. No special characters are allowed and the length of the filename should be restricted to 50 characters.

#### **NOTE FROM THE DISTRICT CLERK**

In order to get the most out of e-filing, filers are encouraged to upgrade their existing word processing and document management software in order to facilitate compliance with the new requirements and standards conveniently and easily. Filers may also consider purchasing software products specifically designed to manage PDF files. Filers who become comfortable using more advanced document processing features will be able to avoid additional transaction fees by filing directly through the eFileTexas.Gov portal. Filers who are uncomfortable with using more robust word processing and document preparation functionality are encouraged to

“shop around” for an e-filing Service Provider which offers document management and preparation services.

### **CASE MANAGEMENT SYSTEM REQUIREMENTS**

Pleadings filed with the District Clerk’s Office must be submitted to the clerk via the e-filing portal either directly through the eFileTexas.Gov web access or through your e-filing service provider. In the Dallas County District Clerk’s Office, the e-filing portal is integrated with the clerk’s case management system. In order to make this process as efficient as possible and reduce processing time and user error, the following requirements and guidelines have been implemented by the Clerk:

- **All information entered into the eFileTexas.gov portal must be completed in all caps!** Please do not use lower or mixed case letters.
- All parties to the case must be added with complete address information. Parties do not need to be added each time a pleading is filed unless it is a new party being added to the case.
- Documents may not contain multiple filings in the same document. The file-mark will only appear on document submitted as lead documents. For example:
  1. The filing of a motion with the order at the bottom of the motion. You must file a motion as one lead document and a proposed order as a separate lead document.
  2. The filing of an answer and counterclaim - you must file the answer as one lead document and the counterclaim as a separate lead document.
  3. The filing of Counter Claim/Intervention/Third Party – Each of these actions contains a separate filing fee. You may file each action separately using the same filing code. If necessary to file one document with any of these actions combined, you will need to submit the same document multiple times until all filing fees have been satisfied.
  4. A fiat should be filed as a separate Notice of Hearing and should not be part of the pleading, but should contain the name of the pleading associated to it. For example, Notice of Hearing on Motion for Continuance.
  5. Case cover sheets and cover letters should be submitted as attachments to the lead document.

### **REASONS FOR ITEMS RETURNED**

If the District Clerk’s Office returns a filing for correction, you will be notified in the form of one of the following pre-determined reasons. Please take a moment to review the list below and

ensure you and your staff are familiar with them to avoid future inconvenience. Most are not new and self-evident, but others represent new standards:

Sealed Documents	Documents filed under seal or presented to the court in camera cannot be eFiled.	TRCP 21(f)(4)
Vexatious Litigant	Filer has been found to be a vexatious litigant and has not presented an order from the local administrative judge permitting the filing.	CPRC § 11.103
Insufficient Fees	Fees submitted are insufficient. Please resubmit your filing with the correct case type/filing type. Clerk is to provide a short summary as to what fees were not included.	TRCP 99(d) and Gov't Code §51.318(b)(7) and (8) Gov't Code § 51.317(a) Local Gov't Code §118.052; §118.121; or §118.131
Insufficient Funds	Credit Card was declined. Please resubmit with a valid method of payment.	TRCP 99(d) and Gov't Code §51.318(b)(7) and (8) Gov't Code § 51.317(a) Local Gov't Code §118.052; §118.121; or §118.131
Document Addressed to Wrong Clerk	The document is addressed to a court for which this clerk's office does not accept filings. Please correct or re-file with the appropriate clerk's office.	
Incorrect/Incomplete Information	Please resubmit using the correct <ul style="list-style-type: none"> <li>• Cause number</li> <li>• Case Type</li> <li>• Case Category</li> <li>• Filing Code</li> <li>• Party Names on document(s)</li> <li>• Attorney/Party email</li> </ul>	

	address(es)	
Incorrect Formatting	<p>Please resubmit the document</p> <ul style="list-style-type: none"> <li>• By rotating the document so that the file mark will appear in the upper right corner</li> <li>• In text searchable PDF</li> <li>• Directly converted to PDF if possible</li> <li>• With a 300 dpi resolution</li> <li>• With a page size of 8.5" x 11"</li> <li>• With no embedded fonts</li> </ul>	TRCP 21 (f)(8)
PDF Documents Combined	You have submitted multiple documents for filing in a single PDF. The file-mark will only appear on documents submitted as lead documents. Please file all lead documents as separate PDF documents.	
Illegible/Unreadable	Please resubmit in a format that is legible.	
Sensitive Data	<p>Please resubmit in five (5) business days with all sensitive data redacted.</p> <ul style="list-style-type: none"> <li>• DL, SSN, Passport Number, Tax ID Number, Government Issued ID Number</li> <li>• Bank Account Number, Credit Card Number, Financial Account Number</li> <li>• Birth Date, Home</li> </ul>	<p>TRCP 21c (a-f)</p> <p>NOTE: Family Code §102.008 and §105.006 require identification of children by name and DOB</p>

	Address and name of any person who was a minor when the suit was filed.	
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Section 4.6.3 of the latest JCIT Tech Standards has included standard optional services. These include the ability to pay for Records requests (certified copies, exemplified copies, etc.) and postage fees through the e-filing portal.

Family attorneys will now be able to file into cases initiated by the Attorney General's Office.

As we continue with this transformation, we would greatly appreciate your feedback on how the system can be improved to ensure it is as convenient for you and your staff as possible. That's the whole purpose of electronic filing. Please let us know if you have any questions or comments about these requirements now and in the months ahead. There may be some rough patches to come as we roll out the eFiling mandate and the new eFileTexas.Gov service, but we are confident that within a short period of time you will be very happy with the new system.

Please submit your questions or comments to:

GENERAL QUESTIONS:

Dallas County District Clerk's Office

Phone: 214/653-6807 or 6748

TexFileDistrictClerk@dallascounty.org

Felicia Pitre, District Clerk

Phone: 214-653-7301 or Felicia.Pitre@dallascounty.org

Nina Mountique, Chief Deputy District Clerk

Phone: 214-653-7445 or Nina.Mountique@dallascounty.org

Civil, Family, Family Juvenile and Court Clerk contact information may be found at:

<http://www.dallascounty.org/department/districtclerk/civil-courtclerkcontact.html>