



LOCAL RULES FOR E-FILING
IN CIVIL CASES IN HOPKINS COUNTY, TEXAS

Effective the 1st day of January, 2020

FILED
AT 4:11 o'clock P.M.

DEC 09 2019

Cheryl Fletcher

DISTRICT CLERK
HOPKINS COUNTY, TEXAS

TO ALL APPEARING IN THE COURTS OF HOPKINS COUNTY, TEXAS:

The following rules have been adopted by the judges of the 8th and 62nd Judicial District Courts and the Constitutional County Court and County Court-at-Law of Hopkins County, Texas.

1. SCOPE OF THESE RULES

These local rules apply to all civil cases filed in the constitutional county court or county court-at-law of Hopkins County, Texas, and to all civil cases filed in the 8th Judicial District Court or the 62nd Judicial District Court. "Civil" cases also include family and probate cases, per Texas Supreme Court order. "Probate" cases include mental health, guardianship, will contests, and intestacy.

2. AUTHORITY

The legal basis for these local rules is Texas Rule of Civil Procedure 21 as well as an order signed by the Supreme Court of Texas entitled "Order Requiring Electronic Filing in Certain Courts" on December 11, 2012. *See Misc. Docket No. 12-9208*. E-filing became mandatory in civil cases in Hopkins County on January 1, 2016.

3. SELF-REPRESENTED OR "PRO SE" LITIGANTS

Petitions, Pleadings, Motions, and Other Actions

For any legal document which is not a proposed order, for example a petition for divorce, a pro se litigant is encouraged to e-file it but is not required to. If the pro se litigant does not e-file the document, it must be filed in person at the appropriate clerk's office and it may not be filed with the judge at the bench, unless the judge grants an exception for good cause. The basis for this rule is that the clerks' office has a legal duty to collect set fees for certain filings, unless the pro se litigant has been found indigent by the court.

Proposed Orders

A pro se litigant is encouraged to e-file their proposed order(s) but is not required to. A pro se litigant also has the option of presenting the paper original proposed order to the judge at the bench. If a pro se litigant presents a proposed order to the judge, for example a proposed final decree of divorce, and if the judge signs the order, the judge may either (1) bench-mark, sign, and date the signed order and retain it until it can be transferred to the appropriate clerk's office or (2) e-file it. If the judge follows the

procedure under (1), the paper filing is the original and copies may be made at the judge's discretion. If the judge follows the procedure under (2), the e-filed order becomes the original, the judge will ensure that the paper document is destroyed, and the parties will be instructed to contact the appropriate clerk's office for copies of the order.

4. ATTORNEYS

Pleadings.

Attorneys must e-file all pleadings, unless the judge grants an exception for good cause.

Proposed Orders.

Attorneys are encouraged to e-file proposed orders, but are not required to. If an attorney presents a proposed order to the judge in paper form, and if the judge signs the order, the judge may either (1) bench-mark, sign, and date the signed order and retain it until it can be transferred to the appropriate clerk's office or (2) e-file it. If the judge follows the procedure under (1), the paper filing is the original and copies may be made at the judge's discretion. If the judge follows the procedure under (2), the e-filed order becomes the original, the judge will ensure that the paper document is destroyed, and the parties will be instructed to contact the appropriate clerk's office for copies of the order.

5. EXCEPTIONS

- A. Original wills are not to be e-filed. When a party e-files an application to probate a document as an original will, the original will must be filed with the clerk within three business days after the application is filed.
- B. Litigants are not to e-file documents which are under seal, documents which are to be reviewed privately by the judge in camera, or documents which are restricted by law or court order.

6. EMERGENCIES

The judge has the discretion to grant an exception to the e-filing requirements for good cause, such as in an emergency. As a general rule, no filing should be presented to the judge unless a cause number has been assigned to the case and the filing is clearly marked with the assigned cause number. An exception may be made by the judge if an emergency filing is presented to the judge outside of normal business hours and the appropriate clerk's office is not open.

7. EXHIBITS

The judge will ensure that paper documents and other items which have been admitted into evidence as original exhibits will be retained by the court reporter or transferred to the appropriate clerk's office, in accordance with the court's policy.

8. ELECTRONIC DOCUMENTS AS OFFICIAL COURT RECORDS

Pursuant to Texas Rule of Civil Procedure 21(f)(13), the clerk is to designate an electronically filed document or scanned paper document as the official court record. The clerk is not required to keep both paper and electronic versions of the same document. But the clerk must retain an original will filed for probate in a numbered file folder.

9. DOCUMENTS E-FILED BY THE JUDGE

If the judge e-files a document, they will ensure that it is in Portable Document Format (PDF) with a text-searchable feature and that the text is reasonably clear. The judge will e-file the document by the end of the business day following the hearing.

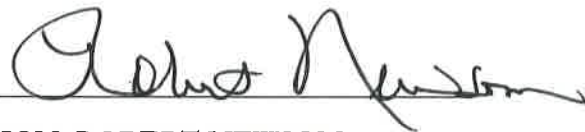
Effective the 1st day of January, 2020



**HON. EDDIE NORTHCUTT
8th JUDICIAL DISTRICT COURT**



**HON. WILL BIARD
62nd JUDICIAL DISTRICT COURT**



**HON. ROBERT NEWSOM
CONSTITUTIONAL COUNTY COURT**



**HON. CLAY HARRISON
COUNTY COURT-AT-LAW**