

E-FILE

The Supreme Court of Texas entered an order requiring that all civil/family/probate pleadings filed by attorneys be e-Filed. (Criminal e-Filing will begin starting in 2016 based on county size.) Pro-Se Litigants are not required to e-File at this time. Counties are mandated to go live by a specific date based upon population. Leon County is mandated to go live with e-Filing July 1, 2016. We have made the decision to go live earlier as a convenience to the public and to have time to address any issues that may arise before our mandated go live date.

FEES

Filing fees for pleadings as well as a convenience fee will be accessed. You will be required to have a credit card on file. If you have e-Filed with other counties, you should already have this information set up.

Do I have to e-file?

E-filing will be mandatory in Leon County on July 1, 2016 for almost all documents filed by ATTORNEYS. Exceptions can be found in the Texas Rules of Civil Procedure. Self-represented litigants may e-file, but it is not mandatory. We are currently in a permissive state.

What format does my document have to be in?

Documents must conform to the JCIT Technology Standards. <http://www.efiletexas.gov/>
http://www.efiletexas.gov/documents/Technology_Standards_020915.pdf

What is an "Envelope" that is referenced with efiletexas.gov and E-filing?

An envelope is the filing or collection of filings pertaining to the same case in which you submit to the court at one time to be filed. It can be thought of as in the manner when you take an envelope of all your filings to the clerk's office; or by mailing your filings to the clerk's office in an envelope for a particular case.

How do I submit a Pleading for Filing?

The Filer submits the eFiling through 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>.

You put 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 you put in the cause number. If the case is a pending case with a cause number then it will be referred to as a subsequent filing. Depending on which EFSP is used you may receive a message that says "No Cases Found". You 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 complete document in and of itself. It cannot be 2 documents submitted together. It cannot be a document and an exhibit or attachment. You may have multiple documents in an envelope; however, they all must be separate pleadings filed in the same cause number.

When you are submitting a document the case type and document type will determine your fees. Optional screens will appear that allow you to select additional services or pay additional fees. Selecting the correct case type is important in order to have your submission approved.

How do I submit an Order?

If you wish to submit an order through eFiling the first page needs to be a letter telling the clerk to submit the order to the Court for signature. The order will be sent to the Court. After the order is signed by the Court, the court will file the order with the Clerk and the Clerk will process it. By submitting the letter as the first page only the letter will be file-marked initially. You may request a copy of the signed order for a \$1 per page charge to be emailed back to requester. No certified copies can be emailed.

Do I have to file a Civil Case Information Sheet?

Yes, according to TRCP 76(a), a Civil Case Information Sheet must be filed with a new case/Petition. This should be filed as an attachment or separate document and not the first page of the pleading to ensure the pleading receives a file mark. You may file it as the last page of your document.

I need to file an Answer and Counterclaim/Cross Action. How is that handled?

If you are including the Counterclaim/Cross Action as part of your Answer, you must select Counterclaim or Cross Action in order to pay the required filing fee. If the filing fee is not paid, the filing will be returned for correction. If you are filing two documents, file the Answer and the Counterclaim or Cross Action separately as lead documents by selecting the proper filing code for each document. Type the entire title of the document using proper case under filing description or other comment field depending on your EFSP to ensure accuracy.

What will the process be for filing TROs and Ex Parte Order?

Our processes have not changed. The only difference will be the manner in which you submit your filing. Your original pleadings and associated documents will be e-filed. After that, you may contact the court as usual. You are encouraged to contact our office immediately after submitting your filings in order to fast track your submission.

When filing a case with an Affidavit of Indigence/Pauper's Oath or where an attorney has been court appointed to represent a litigant, how are the fees handled?

You will have a "waiver" option for those instances where you are not required to make a payment. Check with your ESFP to verify they provide the "waiver" option. Affidavits of Indigence will continue to follow current screening processes. You should not use the waiver option without including one of the following with your filing: • Affidavit of Inability to Pay – Affidavits will be screened for eligibility. • IOLTA Certificate • Copy or Order of Appointment (copies of appointment orders should be an attachment to your lead document)

How do I file a document with an existing case number (ex. Motion to Modify, Original Answer, and Amended Petition)?

Do not click on NEW CASE. You will need to enter your case number. Then press Go. If you do not have a case number, select Advanced Search to locate the case.

Can I file multiple documents in the same case?

Yes, multiple documents in the same case may be filed in one envelope. Each document must be submitted using the appropriate Filing Code and must have a "lead document" attached.

Can I file one document for multiple (different) cases in one envelope?

No, if a document needs to be filed in multiple cases, it must be e-filed in each case (separate envelopes)

In regard to sensitive data under TRCP 21c (a), is the rule referring to any date of birth, and address and names of minors?

The Texas Supreme Court has received many inquiries about this rule. According to information provided by the Texas Supreme Court, this rule applies to the birth date, home address, and name of a minor when the suit was filed. It does not apply to the birthdate or home address of an adult.

What is "sensitive data" and how does it affect my filings?

Sensitive data is defined in Rule 21c of the new Texas Rules of Civil Procedure that were effective January 1, 2014. You, as the filer, must remove all sensitive data from filings you submit, regardless of whether they are e-filed or paper filed. If you must include the sensitive data, you are required to notify the clerk of court as specified in Rule 21c. If you file a document with sensitive data and fail to provide notice as required, the clerk of court may return the filing for correction. For more information on Rule 21c, click [here](#).

What is e-service?

E-service as defined by the rules (Rule 21a) is a way, within an existing case, for a litigant or attorney to serve a copy of a filing on opposite parties via the e-filing system. E-service is an added option under Rule 21a. Process service is for serving citation issued by the clerk of court via personal service or, if permitted, certified mail that is prepared and sent by the clerk, constable, sheriff, or other person authorized by the court to serve process. Process service cannot be performed electronically.

How do I remit a copy of the Petition/Document that is required to be attached to the process (i.e. issuance of citation(s))?

Significantly, the responsibility to get the citation and a copy of the petition served on the defendant belongs to the plaintiff. As noted in TRCP 99(a), "the party requesting the citation shall be responsible for obtaining service of the citation and a copy of the petition". The clerk's only responsibility is to "issue a citation and deliver the citation as directed by the requesting party." See TRCP 99(a).

The clerk can print a copy of the petition at a fee of \$1.00 per page. The clerk would then attach the citation to the petition as in the traditional filing world. The citation and petition would then be delivered to the person who will serve process or a SASE would need to be provided to return the service to you.

OR

The plaintiff's attorney can have a hard copy of the petition delivered to the clerk's office at some time after the petition has been e-Filed. This delivery could be in person, through the mail, or by a commercial delivery service such as FedEx. The clerk would then attach the copy of the petition to the

citation and deliver the document to the person who will serve process or you may provide a SASE for the service to be returned to you.

You can deliver the copies of the Petition/Document by mail or personal delivery to Leon County District Clerk at PO Box 39, 139 E. Main Street, Centerville, TX 75833. If you choose to provide copies to the clerk's office citations/issuance will not be processed until copies are received in the district clerk's office. Please ensure that the "case number" and "court number" are listed on the document and indicate that said document is a "copy" for the service process along with correct service information. Please submit the service request forms with your filings.

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.

When requesting issuance through the e-Filing system:

The request form MUST be a separate lead document (it is not an exhibit to another document, so please do not add it as an attachment to another lead document).

Select the Filing Code: On new suits select "Application" and on subsequent filings select "Request"

Select the correct Issuance Fee under "Optional Services:

If requesting issuance's to be served by certified mail or through the Leon County Sheriff, the fees for a copy of the pleading to be served must be paid. Select "Copy(is)" under optional services. If Leon County Sheriff's office is to serve the issuance, please select the appropriate service fee under "Optional Services". Upload the "Request" and DO NOT attached the pleading to be served.

How do I know if my e-filed document has been submitted?

When you submit a filing, your service provider (EFSP) should display a message that it has been submitted. If you do not see that message shortly after your filing has been uploaded and sent, please contact your EFSP to confirm its submission.

WHEN SUBMITTING A FILING THROUGH E-File, please allow 24 hours for the filing to be processed. If you are appearing in court prior to the 24 hour processing time you will need to provide a courtesy copy of the filing to the Court.

Order of the court final decrees, final judgment, etc.(minutes of the court) will be handled in paper form. Party will submit order to judge and after approval and signature order will be filed with the clerk and scanned into eFile 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.

Request for Issuance forms are available on the District Clerk website. Please use these forms as they provide the District Clerk's Office with all the information needed to fulfill your request.