



**FELICIA PITRE
DALLAS COUNTY DISTRICT CLERK**

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**Dallas County District Clerk
eFiling FAQ's**

1. How will plea papers and plea packets be handled after eFiling Mandate goes into effect?

The Court of Criminal Appeals commentary to Part 1 of the *Statewide Rules Governing Electronic Filing in Criminal Cases* (Misc. Docket No. 17-9039) hereafter referred to as “the Rules”, reads as follows:

“These rules do not apply to court reporters, charging instruments, exhibits filed in a hearing or trial, or documents, such as plea paperwork, filed directly with a judge, and do not mandate electronic filing of these items.”

The final draft of the Rules specified ‘plea paperwork’ in response to the comments the Court received from around the state.

2. What about so-called “first-part plea papers” that are currently being filed with the clerk prior to the defendant’s appearance?

The “first-part plea papers”, if the court requires you to file them in advance, **MUST** be filed electronically. The clerk will no longer be keeping the paper source record in the clerk’s office. Attorneys should therefore bring their own copies to court.

3. How will I handle Motions and Orders issued by the judge at hearing?

The sense here is that anything that is handled in the courtroom *and filed directly with the judge* “day-of” should be accepted by the clerk. Ideally the judge will hand those documents off to her coordinator and then to the clerk. We anticipate that judges will likely ask attorneys to run them over to the clerk’s window as is common practice. It would be helpful if attorneys asked the judge to initial the motions submitted to ensure compliance with the Rules.

The clerk’s office is not “the enforcer.” However the clerk will not accept paperwork that clearly should have been filed electronically pursuant to the Rules. Clerks will not accept paperwork filed by defendants who are otherwise represented by an attorney as if they were “pro se.”

4. How do I handle business records?

The eFile Texas portal has an attachment function permitting the filer to attach exhibits to the lead document. Attorneys should be careful, however, as often times those business records contain medical information or sensitive data that Part 4 of the Rules require the attorney to redact prior to filing. In such cases, the attorney is required to retain in her possession the un-redacted source record for the pendency of the case.

5. How do I eFile documents or business records under seal, or documents where access is restricted by law or court order?

You don't. Rule 1.3 prohibits the electronic filing of such records:

*(1) documents filed under seal or presented to the court in camera; and
(2) documents to which access is otherwise restricted by these rules, law, or court order.*

6. What about business record affidavits? Do they have to be eFiled?

Whether filing the records themselves or no, the affidavits must ALWAYS be filed electronically.

7. How do I sign pleadings?

Signatures on pleadings are /s/ followed by typed name OR scanned or electronic image of signature Rule 1.4(a)(1)(2) Agreed and have been communicated to clerks.

8. What if I have a document that must be signed by opposing counsel, or notarized or sworn to?

These documents may be filed electronically as scanned images and need not be text searchable.

9. How do I handle pass-slips?

At present because of the separation of docketing functions from the clerk's, the pass-slips (which are actually motions for continuance) are obtained by the clerk directly from the court's coordinator. Ideally they should be filed as motions and start with the clerk, but at this point it's simply not feasible to change the system until after implementing some sort of work-flow thru Techshare. Therefore we will continue to accept the paper pass slips from the coordinator, scan them, and apply to the record.

10. How do I make my documents "text-searchable"?

All efiled documents must be text searchable. Filers need only "save to" or "print to" as .pdf from their word processing software. They will need Adobe or some other Adobe-

type software with “OCR” capability in order to make a scanned image “text searchable.”

11. Do I need to have my email address on all pleadings?

Yes. If not, the document will be returned to you for correction.

12. If my document is returned for correction, do I get “credit” for the original file mark?

Yes, but only if you return the corrected document within 48 hours of notification.