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**WALLER COUNTY**

**LOCAL RULES OF THE COUNTY COURT AT LAW**

concerning the

**ELECTRONIC FILING OF COURT DOCUMENTS IN FAMILY LAW CASES**

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**PART 1. GENERAL PROVISIONS**

**Rule 1.1 Purpose**

These rules govern the electronic filing and service of court documents, by any method other than fax filing, in Waller County. These rules are adopted pursuant to Rule 3a of the Texas Rules of Civil Procedure and may be known as the “Waller County Local Rules of the County Court at Law Concerning the Electronic Filing of Court Documents in Family Law Cases.”

**Rule 1.2 Effect on Existing Local Rules**

These rules are adopted in addition to any other local rules of the county courts at law in Waller County. These rules do not supersede or replace any previously adopted local rules.

**Rule 1.3 Electronic Filing Optional Unless Ordered by Court**

(a) Except as provided by subsection (b) below, the electronic filing and serving of court documents is wholly optional.

(b) Upon the motion of a party and for good cause shown, a court may order the parties in a particular case to electronically file and serve court documents that are permitted to be electronically filed under Rule 3.3.

**PART 2. DEFINITIONS**

**Rule 2.1 Specific Terms**

The following definitions apply to these rules:

(a) “Convenience fee” is a fee charged in connection with electronic filing that is in addition to regular filing fees. A Convenience Fee charged by the District Clerk will be considered as a court cost.

- (b) "District clerk" means the Waller County District Clerk, who serves as the clerk for the filing of documents in family law cases in the County Court at Law in Waller County.
- (c) "Digitized signature" means a graphic image of a handwritten signature.
- (d) "Document" means a pleading, plea, motion, application, request, exhibit, brief, memorandum of law, paper, or other instrument in paper form or electronic form. The term does not include court orders.
- (e) "Electronic filing" is a process by which a filer files a court document with the district clerk's office by means of an online computer transmission of the document in electronic form. For purposes of these rules, the process does not include the filing of faxed documents which is described as the "electronic filing of documents" in Section 51.801, Government Code.
- (f) "Electronic filing service provider (EFSP)" is a business entity that provides electronic filing services and support to its customers (filers). An attorney or law firm may act as an EFSP.
- (g) "Electronic order" means a computerized, non-paper court order that a judge signs by applying his or her digitized signature to the order. A digitized signature is a graphic image of the judge's handwritten signature.
- (h) "Electronic service" is a method of serving a document upon a party in a case by electronically transmitting the document to that party's e-mail address.
- (i) "Electronically file" means to file a document by means of electronic filing.
- (j) "Electronically serve" means to serve a document by means of electronic service.
- (k) "Filer" means a person who files a document, including an attorney.
- (l) "Party" means a person appearing in any case or proceeding, whether represented or appearing pro se, or an attorney of record for a party in any case or proceeding.
- (m) "Regular filing fees" are those filing fees charged in connection with traditional filing.
- (n) "Rules" are the Waller County Local Rules of the County Court at Law concerning the Electronic Filing of Court Documents in Family Law Cases.
- (o) "Traditional court order" means a court order that is on paper.
- (p) "Traditional filing" is a process by which a filer files a paper document with a clerk or a judge.

### **Rule 2.2 Application to Pro Se Litigants**

The term "counsel" shall apply to an individual litigant in the event a party appears pro se.

## **PART 3. APPLICABILITY**

### **Rule 3.1 Scope**

(a) These rules apply to the filing of documents in all family law civil cases, including cases that are appeals from lower courts, before the County Court at Law with jurisdiction in Waller County.

(b) These rules apply to the filing of documents in cases before the court referred to in paragraph (a) above that are subsequently assigned to associate judges or any other similar judicial authorities.

### **Rule 3.2 Clerks**

These rules apply only to the filing of documents with the district clerk. These rules do not apply to the filing of documents directly with a judge as contemplated by TEX. R. CIV. P. 74.

### **Rule 3.3 Documents That May Be Electronically Filed**

(a) A document that can be filed in a traditional manner with the district clerk may be electronically filed with the exception of the following documents:

- i) citations or writs bearing the seal of the court;
- ii) returns of citation;
- iii) bonds;
- iv) wills and codicils thereto;
- v) subpoenas;
- vi) proof of service of subpoenas;
- vii) documents to be presented to a court in camera, solely for the purpose of obtaining a ruling on the discoverability of such documents;
- viii) documents sealed pursuant to TEX. R. CIV. P. 76a; and