



### **Issue:**

Expanded internet services and e-filing

### **Procedure:**

Courts may allow defendants and/or attorneys to file documents through web portals or email, and may take submissions for several types of court business through a web page.

### **Considerations:**

- In 2015, the Texas legislature passed S.B. 1116. This bill created Chapter 80 of the Government Code, which provides that “A court, justice, judge, magistrate, or clerk may send any notice or document using mail or electronic mail.”<sup>2</sup>
- Although this does not affect the way in which a court must accept filings, it does suggest that electronic submissions are the way of the future. In fact, the Texas Supreme Court has mandated that all courts that accept civil filings must do so electronically by 2016,<sup>3</sup> and the Court of Criminal Appeals has mandated e filing in all cases in appellate, district, statutory county, and constitutional county courts by 2020.<sup>4</sup> This seems to suggest that mandatory e-filing for criminal cases is more likely a question of “when” than “if.”
- To stay ahead of the curve, municipal courts may consider trying some e-filing options. This could include filing of documents by email, forms on web pages, or use of an e-filing portal or cloud-based file sharing service.<sup>5</sup>

### **Authority**

1. For more information on this bill, see *The Recorder*, Vol. 24, No. 5 (August 2015)
2. Sec. 80.002, Government Code
3. Texas Supreme Court, Misc. Docket No. 12-9206
4. In fact, the Court of Criminal Appeals has mandated e filing in all criminal cases in appellate courts, district courts, statutory county courts, and constitutional county courts by January 1, 2020. Court of Criminal Appeals of Texas, Misc. Docket No. 16-003.
5. The Office of Court Administration e-filing portal is online at <http://www.efiletexas.gov/>, and includes links to several service providers. The proposed rules for e-filing in criminal cases were published in Texas Supreme Court, Misc. Docket No. 15-9205. These rules only apply to the specified courts, not to municipal courts, but may present a framework for appropriate e-filing procedures.