

Subject:

FW: Supreme Court Mandate Rules

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From: Wilson, Dianne [mailto:Dianne.Wilson@co.fort-bend.tx.us]

Sent: Wednesday, April 24, 2013 3:29 PM

To: Blake Hawthorne; Rebecca Simmons

Subject: Supreme Court Mandate Rules

My letter to the Supreme Court Rules Committee:

It is critical that the Rules address "paper on demand". The rule should allow the judge to print any court document as needed or to require the filer to produce a courtesy copy

As needed, a judge can ask the clerk in the courtroom to print a document but at no time should a Clerk of Court be required to produce and maintain all the cases for a judge. This defeats the propose of the eFile mandate.

Over the past few years, I have had one of my CCL judges issue warrants for my arrest twice. Once because File Folder #2 was not given to him at same time as folder #1 and he refused to wait the few minutes for my staff to go to the office and retrieve the second file folder. Instead he issued a warrant for my arrest. It happened again over a document that was not in the file folder. Both times the County Attorney intervened on my behalf. neither time did I have to go to jail.

The District Clerk and I both anticipate that one or mores of our judges will file a mandamus or issue a warrant for our arrest when we do not produce all of the cases in paper form on 1/2/14. Our DA and CA have been placed on alert come 1/1/14 when the Mandate and Rules are in place.

In the late 90's I declared the electronic court record as the official record. Immediately, the judges passed a Local Rule that requires me to provide and maintain the original filings for their benefit. I would like to see this eliminated through the eFile Mandate Rules. I have been imaging and electronically archiving all documents filed in my office since 1993. Every paper records in courts; real and personal property; vitals and other records have been imaged and electronically archived with a disaster back up in two locations. My office has been paperless over 13 years except for the Local Rules that requires me to maintain a paper copy of all court documents.

By allowing Clerks of Court to not maintain paper as the official record and only offer print on demand will be a huge cost savings for my county and for most counties. If I must convert all eFiled documents to paper, it will cost Fort Bend County about \$500,000 more than is currently allocating.

The Appellate Courts judges are authorized to print on demand or to require the filer to produce a paper courtesy copy. The County Clerks and the District Clerks of Texas request the same wording in the Rules: the judges print a document or at the judge's request, the filer presents a courtesy copy.

Thank you for your consideration

Dianne Wilson
County Clerk
Fort Bend County
Serving Fort Bend since 1983

Sent from my iPad