

**ELECTRONIC FILING RULES FOR THE COURTS OF APPEALS**  
**AND SUPREME COURT OF TEXAS**

Unless otherwise stated, all references to a rule herein are to the Texas Rules of Appellate Procedure.

**RULE 1. CLERK’S RECORD**

**Rule1.1. Preparation of Electronic or Paper Clerk’s Record.**

The trial court clerk must prepare and file the clerk’s record in accordance with Rules 34.5 and 35. Even if more than one notice of appeal or request for inclusion of items is filed, the clerk should prepare only one record in a case. To prepare the clerk’s record, the trial court clerk must:

- (a) gather the documents required by Rule 34.5(a) and those requested by a party under Rule 34.5(b);
- (b) start each document on a new page;
- (c) include the date of filing on each document;
- (d) arrange the documents in ascending chronological order, by date of filing or occurrence;
- (e) start the page numbering on the front cover of the first volume of the clerk’s record and continue to number all pages consecutively — including the front and back covers, tables of contents, certification page, and separator pages, if any — until the final page of the clerk’s record, without regard for the number of volumes in the clerk’s record, and place each page number at the bottom of each page;
- (f) prepare, label, and certify the clerk’s record as required by this rule;
- (g) as far as practicable, include the date of signing by the judge on each order and judgment;
- (h) include on the front cover of the first volume of the clerk’s record, whether filed in paper or electronic form, the following information, in substantially the following form:

**CLERK'S RECORD**  
VOLUME \_\_\_\_ of \_\_\_\_

Trial Court Cause No. \_\_\_\_\_

In the \_\_\_\_\_ (District or County) Court  
of \_\_\_\_\_ County, Texas,  
Honorable \_\_\_\_\_, Judge Presiding

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\_\_\_\_\_, Plaintiff(s)

vs.

\_\_\_\_\_, Defendant(s)

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Appealed to the  
(Supreme Court of Texas at Austin, Texas,  
or Court of Criminal Appeals of Texas at Austin, Texas,  
or Court of Appeals for the \_\_\_\_\_ District of Texas, at \_\_\_\_\_, Texas).

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Attorney for Appellant(s):

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone no.: \_\_\_\_\_

Fax no.: \_\_\_\_\_

E-mail address: \_\_\_\_\_

SBOT no.: \_\_\_\_\_

Attorney for: \_\_\_\_\_, Appellant(s)

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Name of clerk preparing the clerk's record: \_\_\_\_\_

- The State of Texas )  
County of \_\_\_\_\_ )  
I, \_\_\_\_\_, Clerk of the \_\_\_\_\_ Court of \_\_\_\_\_ County, Texas do  
hereby certify that the documents contained in this record to which this  
certification is attached are all of the documents specified by Texas Rule of  
Appellate Procedure 34.5(a) and all other documents timely requested by a party  
to this proceeding under Texas Rule of Appellate Procedure 34.5(b).

GIVEN UNDER MY HAND AND SEAL at my office in \_\_\_\_\_, County,  
Texas this \_\_\_\_ day of \_\_\_\_\_.

signature of clerk \_\_\_\_\_  
name of clerk \_\_\_\_\_  
title \_\_\_\_\_

If the clerk's record is filed in electronic form, the trial court clerk's login and password serves as the clerk's signature on the certification page. The clerk also must include either a scanned image of the clerk's signature or "/s/" and the clerk's name typed in the space where the signature would otherwise appear.

Unless otherwise approved by the court for exceptional circumstances, the clerk's record must be filed in electronic form. When filing a clerk's record in electronic form, the trial court clerk must:

- (a) scan each image in black and white with a resolution of 300 dots per inch (dpi) when filing electronic documents created as scanned images;
- (b) create electronic bookmarks to mark the first page of each document in the clerk's record;
- (c) limit the size of each computer file to 100 MB or less;
- (d) file each computer file in text-searchable Portable Document Format (PDF), compatible with the latest version of Adobe Reader;
- (e) include the following elements in the computer file name, exemplified as FortBend-DC-09-29-CLR-Vol001.pdf:
  - (1) county name without spaces between words;
  - (2) a hyphen;
  - (3) the trial-court cause number, preferably in the format the trial court uses for cause numbers;
  - (4) a hyphen;
  - (5) "CLR-Vol";
  - (6) the volume number as three digits with leading zeroes if needed;
  - (7) a period; and
  - (8) "pdf";
- (f) if there are multiple volumes in a clerk's record, use volume numbers pursuant to 1.2(e)(6) to identify the sequential order of the volumes (e.g., FortBend-DC-09-29-CLR-Vol001.pdf, FortBend-DC-09-29-CLR-Vol002.pdf, etc.);
- (g) if filing a sealed document, include a hyphen, the number of the sealed document, and the term "Sealed" after the term "CLR" in the computer file name (e.g., FortBend-DC-09-29-CLR-1Sealed.pdf, FortBend-DC-09-29-CLR-2Sealed.pdf), and file each sealed document separately from the remainder of the clerk's record;
- (h) if filing a supplement to the clerk's record, include a hyphen, the number of the supplement, the term "Supp," and another hyphen after the term "CLR" in the computer file name (e.g., FortBend-DC-09-29-CLR-1Supp-Vol001.pdf, FortBend-DC-09-29-CLR-2Supp-Vol001.pdf); and
- (i) submit each computer file to the Texas Appeals Management and E-filing System web portal using the instructions provided on the appellate court's website.

- (j) Documents cannot be "locked" by the filer as this may prevent the application of the electronic file stamp. Locked documents and documents that do not conform to these rules will be rejected and the filer will be required to resubmit the filing.

### **Rule 1.3. Filing a Paper Clerk's Record.**

When filing a paper record with the appellate court's prior approval, the trial court clerk must:

- (a) bind the documents together in one or more volumes with a top bound, two-inch capacity, two-and-three-quarter-inch, center-to-center removable fastener and no other binding materials, like wax, ribbon, glue, staples, tape, etc.;
- (b) include no more than 500 pages in each volume, or limit the thickness of each volume to a maximum of two inches;
- (c) include only one-sided copies in the clerk's record;
- (d) number the first volume "1" and each succeeding volume sequentially;
- (e) if practicable, make a legible copy of the documents on opaque, white, 8½ x 11 inch paper; and
- (f) place each sealed document in a securely sealed, manila envelope that is not bound with the other documents in the clerk's record.
- (g) In the event of a material violation of this rule 1 in the preparation or filing of the clerk's record, on motion of a party or on its own initiative, the appellate court may require the trial court clerk to amend the clerk's record or to prepare a new clerk's record in proper form — and provide it to any party who has previously made a copy of the original, defective clerk's record — at the trial clerk's expense. A supplement to a clerk's record must also be prepared in conformity with this rule.

### **RULE 2. ELECTRONIC REPORTER'S RECORD.**

- (a) The court reporter or court recorder must prepare and file the reporter's record in accordance with Rules 34.6 and 35 and the Uniform Format Manual for Texas Reporters' Records, and the court's local rules. Even if more than one notice of appeal or request for preparation of the record is filed, the court reporter or court recorder should prepare only one record in the case.
- (b) If proceedings were recorded stenographically, in lieu of filing the reporter's

record of the proceedings on paper, the court reporter must file the reporter's record in an electronic format via the Texas Appeals Management and E-filing System web portal and in accordance with Section 8 of the Uniform Format Manual for Texas Reporters' Records, the court's local rules, and the guidelines posted on the appellate court's website.

- (c) Except as otherwise provided by this rule, the confidential, secure username and password that the e-filer must use to e-file a document constitute the e-filer's signature on the document, in compliance with signature requirements in the Texas Rules of Appellate Procedure. When a signature is provided in this manner, the e-filer must also include an "/s/" and the e-filer's name typed in the space where the e-filer's signature would otherwise appear. The e-filer must not allow the e-filer's username or password to be used by anyone other than an agent who is authorized by the e-filer. No other signature type is permitted.
- (d) Documents cannot be "locked" by the filer as this may prevent the application of the electronic file stamp. Locked documents and documents that do not conform to these rules will be rejected and the filer will be required to resubmit the filing.
- (e) In exhibit volumes, the filer must create bookmarks to mark the first page of each exhibit document.
- (f) In the event of a material violation of this rule in the preparation of a reporter's record, on motion of a party or on the court's own initiative, the appellate court may require the court reporter or court recorder to amend the reporter's record or to prepare a new reporter's record in proper form — and provide it to any party who has previously made a copy of the original, defective reporter's record — at the reporter's or recorder's expense. A court reporter who fails to comply with the requirements of the Uniform Format Manual for Texas Reporters' Records is also subject to discipline by the Court Reporters Certification Board.

### **RULE 3. ELECTRONIC FILING OF DOCUMENTS**

- (a) **Electronic filing required.** Electronic filing is required for all civil cases in the appellate courts and for all criminal cases in the courts of appeals. All attorneys must electronically file (e-file) any document that may be filed with the appellate court in paper form, except a document under seal or subject to a motion to seal. An attorney may file a motion in connection with a particular case requesting permission to file documents in paper form. An appellate court may permit an attorney to file in paper form in a particular case, but may not grant a blanket

exemption to these rules for an attorney or entity. Persons not represented by an attorney may e-file documents, but e-filing is not required.

- (b) **E-filing mechanism.** E-filing must be done through the Electronic Filing Manager (EFM) established by the Office of Court Administration (OCA). OCA contracts with the EFM to provide an electronic filing interface for Texas courts. Directions for electronically filing document through the EFM are on the courts' websites. This is a summary. To use the EFM, a person must first register with an Electronic Filing Service Provider (EFSP). An EFSP provides electronic filing services and support for filers. A list of approved EFSPs is on the EFM's website. The EFSP will provide the registrant with a confidential, secure username and password to use when e-filing a document. This username and password will also function as a signature on each e-filed document, and will authorize payment of all filing fees and service fees. A document to be e-filed must be transmitted to the EFSP, which will send the document to the EFM, which in turn will send the document to the clerk. The e-filer will receive by email an immediate acknowledgment of the e-filing, a confirmation of the clerk's acceptance of the filing, and a file-stamped copy of the document. If applicable, fees charged by the EFM for the e-filing of a document are in addition to any filing fees and are costs of court.
- (c) **Electronic service.** A party who has registered to e-file documents through an EFSP may electronically serve (e-serve) documents through that EFSP on any other party who has consented to e-service by registering for the e-service option with an EFSP. Directions may be found on the EFM's website.
- (1) Service through an EFSP is complete on transmission to the e-served person's EFSP. The e-filer's EFSP will send proof of service to the e-filer. Fees that an EFSP charges for e-service are not costs of court.
  - (2) If an e-filer must serve a copy of a document on a party who has not consented to e-service, the e-filer must comply with the service requirements in Texas Rule of Appellate Procedure 9.5 and, on the same day the document is e-filed, must send the document to:
    - (A) the party's lead counsel by email if the e-filer has an email address for the lead counsel; or
    - (B) if the party is not represented by counsel, to the party by email if the e-filer has the party's email address.

**(d) Format of e-filed document.** An e-filed document must be formatted as follows:

- (1) An e-filed document must be formatted in accordance with Rule 9.4.
- (2) An e-filed document must be in text-searchable portable document format (PDF) compatible with the latest version of Adobe Reader. An EFSP will convert each e-filed document from its original form into a PDF file that complies with this rule.
- (3) Records filed in original proceedings and appendix materials may be scanned if necessary, but scanning creates larger file sizes with images of lesser quality and should be avoided when possible. An appendix must be combined into one computer file with the document it is associated with, unless the resulting computer file would exceed the EFM's size limits for the document. If a record filed in an original proceeding or an appendix contains more than one item, it should include a table of contents and either bookmarks to assist in locating each item or separator pages with the title of the item immediately following and any number or letter associated with the item in the table of contents.
- (4) A scanned document must be made searchable using optical-character-recognition software, such as Adobe Acrobat, and have a resolution of 300 dots per inch (dpi).
- (5) An e-filed document may contain hyperlinks to another part of the same document, an external source cited in the document, an appendix item associated with the document, an embedded case, or a record cite. Hyperlinks within an appendix item are also permitted.
- (6) An e-filed document must not contain a virus or malware. The e-filing of a document constitutes a certification by the e-filer that the document has been checked for viruses and malware.
- (7) The court may reject an e-filed document for nonconformance with this rule.



**(e) Signatures on e-filed documents.**

- (1) Except as otherwise provided by this rule, the confidential, secure username and password that the e-filer must use to e-file a document constitute the e-filer's signature on the document, in compliance with signature requirements in the Texas Rules of Appellate Procedure. When a signature is provided in this manner, the e-filer must also include an "/s/" and the e-filer's name typed in the space where the e-filer's signature would otherwise appear. The e-filer must not allow the e-filer's username or password to be used by anyone other than an agent who is authorized by the e-filer.
- (2) If a document must be notarized, sworn to, or made under oath, the e-filer must e-file the document as a scanned image containing the necessary signature(s).
- (3) If a document requires the signature of an opposing party, the e-filer must scan the signature page and include in the e-filed document the scanned signature page containing the image of the opposing party's signature.
- (4) When an e-filer e-files a scanned image of a document pursuant to paragraph (2) or (3) of this rule, the e-filer must retain the original document from which the scanned image was made until the case in which the document was filed is resolved. If the original document is in another party's possession, that party must retain the original document until the case in which the document was filed is resolved.
- (5) If an e-served document was also e-filed and the person who completes a certificate of service under Texas Rule of Appellate Procedure 9.5(e) is different from the person who e-filed the document, the person who completes the certificate of service must sign the certificate by including an "/s/" and his or her name typed in the space where his or her signature would otherwise.

**(f) No locked documents.** Documents cannot be "locked" by the filer as this may prevent the application of the electronic file stamp. Locked documents and documents that do not conform to these rules will be rejected and the filer will be required to resubmit the filing.

**(g) Time of e-filing.** A document will be considered filed timely if it is e-filed at any time before midnight (in the court's time zone) on the date on which the document is due.

- (1) An e-filed document is deemed filed when the e-filer transmits the document to the e-filer's EFSP, unless the document is transmitted on a Saturday, Sunday, or legal holiday or requires a motion and an order allowing its filing.
- (2) If a document is transmitted on a Saturday, Sunday, or legal holiday, it will be deemed filed on the next day that is not a Saturday, Sunday, or legal holiday.
- (3) If a document requires a motion and an order allowing its filing, it will be deemed filed on the date the motion is granted.
- (4) If an e-filed document is untimely due to a technical failure or a system outage, the e-filer may seek appropriate relief from the court.

- (h) Paper copies.** An e-filer is not required to file any paper copies of an e-filed document unless otherwise provided by a local rule. All paper copies must comply with Texas Rule of Appellate Procedure 9 and must be the printed version of the e-filed document bearing the electronic file stamp. The appendix to a paper copy need only include the content required by the Texas Rules of Appellate Procedure.
- (i) Casemail registration.** Lead counsel must register for Casemail and follow the instructions for receiving notices for cases in which they represent a party.
- (j) Construction of rules.** This rule must be liberally construed so as to avoid undue prejudice to any person who makes a good-faith effort to comply with requirements in this rule.

#### **RULE 4. REDACTION OF INFORMATION.**

- (a)** Unless the court orders otherwise, a document other than a clerks' record or reporters' record, including the contents of any appendices, must not contain a social security number; a birth date; a home address; the name of any person who was a minor when the underlying suit was filed; a driver's license number, passport number, tax identification number, or similar government-issued personal identification number; or a bank account number, credit card number, or other financial account number. The filer must redact all of this information in accordance with the redaction guidelines posted by the Supreme Court's Clerk on

the Supreme Court's website; however, the document may contain a reference to this information as long as the reference does not include any part of the actual information (e.g., "passport number"). For good cause, the court may order redaction of additional information.

- (b) The filing of a document constitutes a certification by all attorneys of record for the party filing the document that the document complies with paragraph (a) of this rule.
- (c) If a filer believes any information described in paragraph (a) of this rule is essential to a document or that the document would be confusing without the information, the filer may submit the information to the court in a reference list that is in paper form and under seal. The reference list must specify an appropriate identifier that corresponds uniquely to each item listed. Any reference in the document to a listed identifier will be construed to refer to the corresponding item of information. If the filer provides a reference list pursuant to this rule, the front page of the document must indicate that the reference list has been, or will be, provided.
- (d) On its own initiative, the court may order a sealed reference list in any case. The court may also order that a document be filed under seal in paper form, without redaction. The court may later unseal the document or order the filer to provide a redacted version of the document for the public record.

#### **RULE 5. COMMUNICATION AND SERVICE OF DOCUMENTS BY THE COURT.**

- (a) All documents e-filed or filed by an attorney must include the filer's email address and the opposing party(s) email address (if known or ascertainable), in addition to any other information required by the Texas Rules of Appellate Procedure. If the filer's email address changes, the filer must provide the clerk and, if applicable, the EFM and the e-filer's EFSP with the new email address within one business day of the change.
- (b) The clerk may send notices or other communications about a case via email in lieu of mailing paper documents.
- (c) The opinions and judgments of the appellate courts are available on the courts' websites. The requirement in Rules 48.1-.2 and 63 for delivery of a copy of the opinion and judgment to the trial judge, trial court clerk, regional administrative judge, the State Prosecuting Attorney, and all parties to the appeal is satisfied by

an email notification, letter, or postcard notice containing the opinion and judgment or a link to the opinion and judgment.

**RULE 6. SUSPENSION OF RULES FOR ELECTRONIC FILINGS.**

Upon receipt of a motion or on its own initiative, an appellate court may, to expedite a decision or for other good cause, suspend a rule pertaining to the filing of electronic documents in a particular case and order a different procedure in accordance with the Texas Rules of Appellate Procedure.