Memorandum

To: **Supreme Court Advisory Committee**

From: **Rules 300-330 Subcommittee**

Date: **August 13, 2020**

Re: **Amending Rule 306a(3) to permit clerk to give notice electronically**

On May 18, 2020, Chief Justice Hecht referred several items to SCAC, and on May 20, Chip Babcock referred the following item to our subcommittee:

> Rule 306a(3) requires clerks to notify parties "by first-class mail" when a final judgment or other appealable order is signed. The Court asks the Committee to consider whether the advent of e-filing has rendered this language outdated and to recommend any necessary changes. A letter from the Judicial Committee on Information Technology [JCIT] is attached.

According to the JCIT letter,

> We have recently learned that court clerks are sending notice of final judgments or other appealable orders electronically pursuant to Texas Rule of Civil Procedure 21(f)(10). However, Rule 306(a)3 requires that such notice occur by first-class mail. Under Rule 306(a)4 a party is bound by actual knowledge of the judgment regardless of the method of delivery and therefore, in most instances the party receiving electronic notice will have actual knowledge. However, to avoid unnecessary confusion JCIT believes Rule 306(a)3 should be amended to provide that the clerk may serve final judgments or other appealable orders electronically or by first class mail.

We also have memos from district clerks who support this change. And one clerk is already sending all notices electronically under authority of TEX.GOV'T CODE §80.002 (2015), which provides as follows:

> A court, justice, judge, magistrate, or clerk may send any notice or document using mail or electronic mail. This section applies to all civil and criminal statutes requiring delivery of a notice of document.

Also, this issue may be addressed further by the 87th Legislature.[1]

At first glance, the fix seems obvious: simply add the words "or electronically" to Rule 306a(3), as follows:

> 3. Notice of judgment. When the final judgment or other appealable order is signed, the clerk of the court shall immediately give notice to the parties or their attorneys of record by first-class mail or electronically advising that the judgment or order was signed. . . .

As the JCIT points out, this change would be consistent with Rule 21(f)(10), which reads as follows:

> (10) Electronic Notices From the Court. The clerk may send notices, orders, or other communications about the case to the party electronically. A court seal may be electronic.

In the vast majority of cases, this change will be no problem. All attorneys must file electronically. See Rule 21(f)(1). Similarly, pro se parties can file electronically, although they are not required to do so. See Rule 21(f)(2). And when a document is filed electronically, an "email address . . . must be included in the document." *Id.*[2] Thus, under

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[1] *Cf.* TEX.FAM.CODE §161.209 ("A copy of an order of termination . . . is not required to be mailed to parties as provided by Rules 119a and 239a.").

[2] *See also* RULE 57 (attorney must provide email address and pro se party must provide email address "if available"); TEX.CIV.PRAC.& REM.CODE §§ 30.015(a)&(e) (requiring party to provide "written notice of the party's name and current residence or business address" and imposing $50 fine for noncompliance).

the above proposal, the clerk will have the option of "giv[ing] notice . . . electronically" to all parties who have previously filed electronically.

But pro se litigants do not have to file electronically. And a pro se litigant who files electronically may not provide an email address. How will such parties get notice? One approach would be to continue to give notice via first class mail to such parties. This could be done like this:

> 3. Notice of judgment. When the final judgment or other appealable order is signed, the clerk of the court shall immediately give notice to the parties or their attorneys of record by first-class mail or electronically advising that the judgment or order was signed; but if a party that has not previously filed a document electronically, then notice must be given to that party by first class mail. . . .

or like this:

> 3. Notice of judgment. When the final judgment or other appealable order is signed, the clerk of the court shall immediately give notice to the parties or their attorneys of record by first-class mail or electronically advising that the judgment or order was signed; but if a party has not provided an email address, then notice must be given to that party by first class mail. . . .

However, our subcommittee did not examine the wording of such an amendment. Rather we disagreed on the larger question: should any litigant be excepted from electronic notice? And this is the issue that we are submitting to the full committee for consideration. There are arguments pro and con.

Pro--some parties require paper notice.

Some people simply do not have email. And, under the current rule, a pro se party who does not file electronically does not have to provide an email address. And even

if a pro se party has provided an email address, he still may overlook an email notice. Such a party will have been filing paper pleadings (if he has been filing at all). Unlike an attorney (or even a pro se party who has been filing electronically) such a party may not be on the lookout for an email from the clerk. Most people receive a lot of unsolicited email; and some ignore email altogether; and few regularly check their spam filters. Moreover, Rule 306a(3), involves notice of a judgment, and of course, a judgment becomes final in 30 days.

Con--requiring paper notice is inefficient.

Under the JCIT proposal clerks will be able to give all notices via email, thereby saving time and postage. But if some parties still have to be served by first class mail, these gains may be lost. While clerks operate under various case management systems, we know of no system that allows the clerk to quickly determine whether, in a given case, there is a party who has not filed electronically. While the clerk could research the file whenever a judgment is signed, this would be time consuming and reduce the efficiency of the JCIT proposal.

Moreover, we are only talking about a handful of litigants. And if a party does not receive actual notice, it still has a remedy under Rule 306a(4) and ultimately via an equitable bill of review.[3] Finally, paper notice may not be all that efficient.

[3] *See, e.g., Marathon Petroleum Co. v. Cherry Moving Co.*, 550 S.W.3d 791 (Tex.App.—Houston [14th Dist.] 2018, no. pet.).

Also, this issue has some history. In 2013, when Rule 21(f) was first promulgated, the predecessor to current Rule 21(f)(10) read as follows:

> (9) Electronic Notices from the Court. If a party files documents electronically, the clerk may send any required notices, orders, or other communications about the case to the party electronically. A court seal may be electronic.

Rule 21(f)(9)(emphasis added) (Misc.Dkt.No.13-9128). But on Dec. 13, 2013, this provision was renumbered as Rule 21(f)(10) and the underlined language was deleted. The result was the current Rule 21(f)(10), which allows the clerk to send all notices electronically.[4]

Other rules require the clerk to mail notice,

Rule 306a(3) is not the only rule provision requiring the clerk to give notice of judgment by mail. Similar provisions are in Rule 119a (divorce decree),[5] Rule 165a (DWOP order), and Rule 239b (default judgment), each of which presently requires notice by mail. Also, under Rules 297 and 298 findings of fact and conclusions of law must "be mailed to each party." [6]

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[4] Also, as originally promulgated, Rule 21a permitted a document to be served electronically "if . . . the party being served has consented to electronic service." Rule 21a(a)(6)(Misc.Dkt.No.13-9128)(Aug.13, 2013). But under the final version, even "[i]f the email address of the party or attorney . . . is not on file with the electronic filing manager," the document may still be served "by email." Rule 21a(a)(2)(Misc.Dkt.No.13-9165) (Dec.13, 2013).

[5] *See, also.* TEX.FAM.CODE § 6.710.

[6] Also, under Rule 246, the clerk must "inform any non-resident attorney of the date of setting" provided such an attorney submits a "request by mail . . . accompanied a return envelope properly addressed and stamped."

If the Court amends Rule 306a(3) to allow the clerk to give notice "electronically," then it should also consider amending these rules as well. Still, each rule will have particular features. For example, DWOP notices under Rule 165a are usually sent out in bulk. And in a default judgment, under Rule 239a, the defendant may not even know that he has been sued.

Finally, the Court Rules Committee of the State Bar of Texas has proposed several rule changes, including allowing email notice for Rules 165a, 239a, 246, 297, 298 and 306a.

Rule 306a Periods to Run from Signing of Judgment

1. ***Beginning of Periods.*** --The date of judgment or order is signed as shown of record shall determine the beginning of the periods prescribed by these rules for the court's plenary power to grant a new trial or to vacate, modify, correct or reform a judgment or order and for filing in the trial court the various documents that these rules authorize a party to file within such periods including, but not limited to, motions for new trial, motions to modify judgment, motions to reinstate a case dismissed for want of prosecution, motions to vacate judgment and requests for findings of fact and conclusions of law; but this rule shall not determine what constitutes rendition of a judgment or order for any other purpose.

2. ***Date to Be Shown.*** --Judges, attorneys and clerks are directed to use their best efforts to cause all judgments, decisions and orders of any kind to be reduced to writing and signed by the trial judge with the date of signing stated therein. If the date of signing is not recited in the judgment or order, it may be shown in the record by a certificate of the judge or otherwise; provided, however, that the absence of a showing of the date in the record shall not invalidate any judgment or order.

3. ***Notice of Judgment.*** --When the final judgment or other appealable order is signed, the clerk of the court shall immediately give notice to the parties or their attorneys of record by first-class mail advising that the judgment or order was signed. Failure to comply with the provisions of this rule shall not affect the periods mentioned in paragraph (1) of this rule, except as provided in paragraph (4).

4. ***No Notice of Judgment.*** --If within twenty days after the judgment or other appealable order is signed, a party adversely affected by it or his attorney has neither received the notice required by paragraph (3) of this rule nor acquired actual knowledge of the order, then with respect to that party all the periods mentioned in paragraph (1) shall begin on the date that such party or his attorney received such notice or acquired actual knowledge of the signing, whichever occurred first, but in no event shall such periods begin more than ninety days after the original judgment or other appealable order was signed.

5. ***Motion, Notice and Hearing.*** --In order to establish the application of paragraph (4) of this rule, the party adversely affected is required to prove in the

trial court, on sworn motion and notice, the date on which the party or his attorney first either received a notice of the judgment or acquired actual knowledge of the signing and that this date was more than twenty days after the judgment was signed.

6. ***Nunc Pro Tunc Order.*** --When a corrected judgment has been signed after expiration of the court's plenary power pursuant to Rule 316, the periods mentioned in paragraph (1) of this rule shall run from the date of signing the corrected judgment with respect of any complaint that would not be applicable to the original document.

7. ***When Process Served by Publication.*** --With respect to a motion for new trial filed more than thirty days after the judgment was signed pursuant to Rule 329 when process has been served by publication, the periods provided by paragraph (1) shall be computed as if the judgment were signed on the date of filing the motion.

Hon. Rebecca Simmons
Chair, Judicial Committee on Information Technology
P.O. Box 12408 San Antonio, TX 78212

December 6, 2019

Chief Justice Nathan Hecht
Texas Supreme Court
P.O. Box 12248
Austin, Texas 78711
of the Texas Rules of Civil Procedure

Re: Recommendation from JCIT on Rule 306a (3) and Rule 21(f) (10), Texas Rules of Civil Procedure

Dear Chief Justice Hecht,

We have recently learned that court clerks are sending notice of final judgments or other appealable orders electronically pursuant to Texas Rule of Civil Procedure 21(f) (10). However, Rule 306(a) 3 requires that such notice occur by first-class mail. Under Rule 306(a) 4 a party is bound by actual knowledge of the judgment regardless of the method of delivery and therefore, in most instances the party receiving electronic notice will have actual knowledge. However, to avoid unnecessary confusion JCIT believes Rule 306(a) 3 should be amended to provide that the clerk may serve final judgments or other appealable orders electronically or by first class mail.

Sincerely,

Rebecca Simmons

Rebecca Simmons

Chair, Judicial Committee on Information Technology.

cc: Justice Jeffrey S. Boyd

To: Frank Gilstrap

Date: May 26, 2020

Mr. Wilder asked that I forward you the attached information concerning TRCP 306(a) 3. Please let me know if you have any questions or need additional information.

Thank you,

Monica M. Foster
Civil/Family Law Manager
Tarrant County District Clerk's Office
Phone: (817) 884-2575
200 E. Weatherford St.
Fort Worth, TX 76196
MMFoster2@TarrantCounty.com

The District Clerk's office would like to request changes be made to TRCP Rule 306a (3) to allow us to e-mail the final judgment (or notice of final judgment) to attorneys and pro se litigants, rather than sending them out by first class mail. If possible, also require that e-mail addresses be provided for this purpose. This would save the clerks time and the office money for both postage and printing costs. Sending notices via e-mail would also allow us to track what was sent and make it a part of the permanent record for the judge to review.

In State Fiscal Year 2019, there were a total of 42,856 disposed cases in Civil, Tax and Family. In the 8 months of State Fiscal Year 2020, there have been a total of 25,391 cases disposed. This does not take into consideration the number of notices that are required to be sent out in each of these cases. In Civil and Family cases, there are a minimum of 2 notices, however, there could be more. In Civil cases there may be many more than that, since many cases have upwards of 10+ parties.

In addition, our requested change to Rule 306a would eliminate confusion and a seeming conflict with **TRCP RULE 21** (f) (10) which was re-written when e-filing began to read as follows: "Electronic Notices From the Court. The clerk may send notices, orders, or other communications about the case to the party electronically." That rule does not make a distinction between final orders and interim orders.

From: Sharena Gilliland <Sharena.Gilliland@parkercountytx.com>

Sent: Wednesday, May 27, 2020 9:55 AM

To: Frank Gilstrap <fgilstrap@hillgilstrap.com>; LJefferson@jeffersoncano.com; Dorsaneo, William <wdorsane@mail.smu.edu>; rhwallace1009@yahoo.com; watsons@gtlaw.com

Cc: Walker, Marti <mawalker@jw.com>

Subject: RE: Rule 300-330- subcommittee assignment

Good morning all,

I am in agreement with Justice Simmons regarding modifications of Rule 306a(3) to more closely align with Rule 21(f)(10). As Tom Wilder (Tarrant Co. Dist. Clerk) points out in his memo, a lot of time and postage could be saved.

As a courtesy, our office will E-file a copy of all signed orders/judgments to the parties. We are able to note in our case the E-filing envelope number and to whom we sent a copy. (This is not required and not all clerks do this.) If the order/judgment is final or appealable, we also prepare a separate notice and mail it per Rule 306a(3). Our notice is likely similar to what many clerks' send. It states, "Pursuant to Rule 306a(3) of the Texas Rules of Civil Procedure, you are hereby notified that a final judgment or other appealable order was signed on [date]."

Clerks have talked about this Rule. Many would like the option to send notice electronically and be in compliance with the Rule. Some in smaller counties prefer to mail.

I would like to see either a notice or delivery of the signed order/judgment, whether in paper or electronic form, satisfy the requirements and purpose of R.306a. A one page "notice" made sense in a paper world so that clerks did not have to copy and mail the entire order/judgment. But with so many electronic options, sending the full length signed order should suffice as notice. If electronic delivery of the signed order satisfied R.306a(3), this could also help in those situations where clerks are uncertain if an order is appealable.

Mr. Gilstrap noted other rules which might be impacted by a change to Rule 306a(3). Another to add to the list is Rule 119a – Copy of Decree. It states the clerk is to send a copy of the divorce decree or order of dismissal to a party who waived service. However, Family Code §6.710 tweaks Rule 119a and only requires a notice be mailed. A change allowing the option of electronic delivery of the notice or signed order would be helpful.

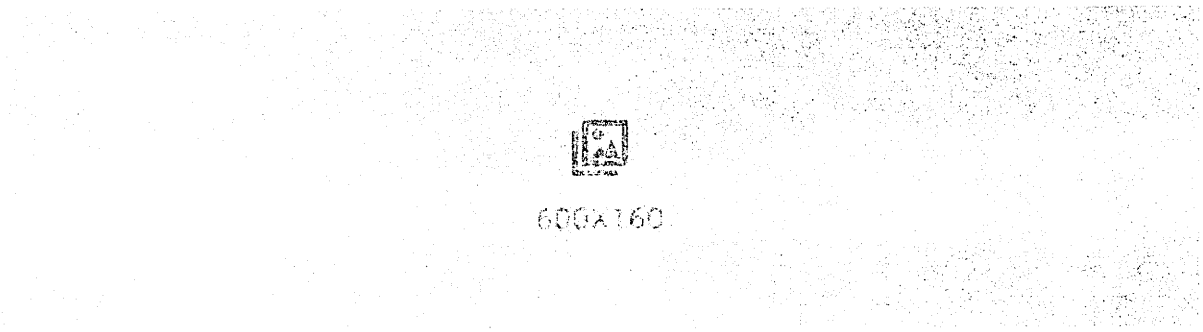
If changes are made to any of the rules providing for electronic delivery of notices or orders, a question that will arise for clerks is what to do with pro se parties who do not include their email addresses on their pleadings. Rule 21(f)(2) requires an email address on pleadings filed electronically but that does not always happen with pro se parties. If some of these rules are changed to allow for electronic notice and if the parties do not have an email address on file, do they not receive notice or does the clerk then have to snail mail notice?

Overall, a change to R. 306a would be a good one but will likely require changes to other rules as well.

Frank Gilstrap

From: Tarrant County District Clerk <dcnewsletter@tarrantcounty.com>
Sent: Wednesday, June 10, 2020 6:04 PM
To: Frank Gilstrap
Subject: Email Notification Change

View online version



Notices Sent Via Electronic Mail

Beginning June 15, 2020, the Tarrant County District Clerk will send all notices and final orders / judgments via electronic mail. We will continue to send via 1st class mail copies to pro se litigants who do not provide an e-mail address.

Pursuant to the Texas Rules of Civil Procedure rule 306(a.)3. and Texas Government Code Sec. 80.002 all notice of final judgement will be sent via electronic mail to the electronic mailbox registered with this office.

As always, your comments and suggestions are appreciated and welcomed.

Best Regards,

Thomas A Wilder

Tarrant County District Clerk

Tom Vandergriff Civil Courts Bldg.

100 N. Calhoun St., 2nd Floor

twilder@tarrantcounty.com

8-16-13

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 13-9128

ORDER ADOPTING TEXAS RULE OF CIVIL PROCEDURE 21c AND AMENDMENTS TO TEXAS RULES OF CIVIL PROCEDURE 4, 21, 21a, AND 502.1, TEXAS RULES OF APPELLATE PROCEDURE 6 AND 9, AND THE SUPREME COURT ORDER DIRECTING THE FORM OF THE APPELLATE RECORD IN CIVIL CASES

ORDERED that:

1. Pursuant to section 22.004 of the Texas Government Code, and in accordance with Misc. Docket No. 12-9206, as amended by Misc. Docket No. 13-9092, Order Requiring Electronic Filing in Certain Courts, the Supreme Court of Texas adopts Rule of Civil Procedure 21c and amends Rules of Civil Procedure 4, 21, 21a, and 502.1, and Rules of Appellate Procedure 6 and 9, effective January 1, 2014.

2. Pursuant to Texas Rule of Appellate Procedure 34.4, the Supreme Court orders that the appellate record in civil cases be in the form specified as attached.

3. The Clerk is directed to:

   a. file a copy of this Order with the Secretary of State;

   b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;

   c. send a copy of this Order to each elected member of the Legislature; and

   d. submit a copy of the Order for publication in the *Texas Register*.

4. These amendments may be changed in response to public comments received before October 31, 2013. Any interested party may submit written comments directed to Marisa Secco, Rules Attorney, at P.O. Box 12248, Austin, TX 78711, or rulescomments@txcourts.gov.

Dated: August 16, 2013.

Wallace B. Jefferson, Chief Justice

Nathan L. Hecht, Justice

Paul W. Green, Justice

Phil Johnson, Justice

Don R. Willett, Justice

Eva M. Guzman, Justice

Debra H. Lehrmann, Justice

Jeffrey S. Boyd, Justice

John P. Devine, Justice

Amendments to Rule 4, Texas Rule of Civil Procedure

RULE 4. COMPUTATION OF TIME

In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday or legal holiday. Saturdays, Sundays and legal holidays shall not be counted for any purpose in any time period of five days or less in these rules, except that Saturdays, Sundays and legal holidays shall be counted for purpose of the three-day periods in Rules ~~21 and~~ 21a, extending other periods by three days when service is made electronically, by registered or certified mail, or by telephonic document transfer. ~~, and for purposes of the five-day periods provided for under Rules 748, 749, 749a, 749b, and 749c.~~

Amendments to Rule 21, Texas Rule of Civil Procedure

RULE 21. FILING AND SERVING PLEADINGS AND MOTIONS

(a) *Filing and Service Required.* Every pleading, plea, motion or application to the court for an order, whether in the form of a motion, plea or other form of request, unless presented during a hearing or trial, ~~shall~~ must be filed with the clerk of the court in writing, ~~shall~~ must state the grounds therefore, ~~shall~~ must set forth the relief or order sought, and at the same time a true copy ~~shall~~ must be served on all other parties, and ~~shall~~ must be noted on the docket.

(b) *Service of Notice of Hearing.* An application to the court for an order and notice of any hearing thereon, not presented during a hearing or trial, ~~shall~~ must be served upon all other parties not less than three days before the time specified for the hearing, unless otherwise provided by these rules or shortened by the court.

(c) *Multiple Parties.* If there is more than one other party represented by different attorneys, one copy of each ~~such~~ pleading ~~shall~~ must be served on ~~delivered or mailed to~~ each attorney in charge.

(d) *Certificate of Service.* The party or attorney of record, ~~shall~~ must certify to the court compliance with this rule in writing over signature on the filed pleading, plea, motion or application.

(e) *Additional Copies.* After one copy is served on a party that party may obtain another copy of the same pleading upon tendering reasonable payment for copying and delivering.

(f) *Electronic Filing.*

(1) Requirement. Except in juvenile cases, attorneys must electronically file documents in courts where electronic filing has been mandated. Attorneys practicing in courts where electronic filing is available but not mandated and unrepresented parties may electronically file documents, but it is not required.

(2) Email Address. The email address of an attorney or unrepresented party who electronically files a document must be included on the document.

(3) Mechanism and Confirmation. Electronic filing must be done through TexFile, the electronic filing manager established by the Office of Court Administration. TexFile will send a filing confirmation notice to the filing party.

(4) Exceptions.

(A) The following documents are not required to be filed electronically:

(i) wills; and

(ii) documents to be presented to a court in camera, solely for the purpose of obtaining a ruling on the discoverability of such documents.

(B) The following documents must not be filed electronically:

(i) documents sealed pursuant to Tex.R.Civ. P. 76a; and

(ii) documents to which access is otherwise restricted by law or court order.

(C) For good cause, a court may permit a party to file other documents in paper form in a particular case.

(5) Timely Filing. A document is considered timely filed if it is electronically filed at any time before midnight (in the court's time zone) on the filing deadline. An

electronically filed document is deemed filed when transmitted to the filing party's electronic filing service provider, except:

(A) if a document is transmitted on a Saturday, Sunday, or legal holiday, it is deemed filed on the next day that is not a Saturday, Sunday, or legal holiday; and

(B) if a document requires a motion and an order allowing its filing, it is deemed filed on the date the motion is granted.

If a document is untimely due to a technical failure or a system outage, the filing party may seek appropriate relief from the court.

(6) Electronic Signatures. A document that is electronically served, filed, or issued by a court or clerk is considered signed if the document includes:

(A) a "/s/" and name typed in the space where the signature would otherwise appear, unless the document is notarized, sworn, or requires the signature of opposing counsel; or

(B) an electronic image or scanned image of the signature.

(7) Format. An electronically filed document must:

(A) be in text-searchable portable document format (PDF);

(B) be directly converted to PDF rather than scanned, if possible;

(C) not be locked; and

(D) otherwise comply with the Technology Standards promulgated by the Judicial Committee on Information Technology and approved by the Supreme Court.

(8) Paper Copies. No paper copies of an electronically filed document must be filed unless otherwise required by local rule.

(9) Electronic Notices From the Court. If a party files documents electronically, the clerk may send any required notices, orders, or other communications about the case to the party electronically. A court seal may be electronic.

(10) Non-Conforming Documents. If a document fails to conform with this rule, the court may strike the document, identify the error to be corrected, and state a deadline for the party to resubmit the document in a conforming format. The substitute document must be deemed filed on the same day as the document that was struck.

(11) Official Record. The clerk may designate an electronically filed document or a scanned paper document as the official court record. The clerk is not required to keep both paper and electronic versions of the same document.

Comment to 2013 Change: Rule 21 is revised to incorporate rules for electronic filing, in accordance with the Supreme Court's order – Misc. Docket No. 12-9206, amended by Misc. Docket No. 13-9092 – mandating electronic filing in civil cases beginning on January 1, 2014. The mandate will be implemented according to the schedule in the order and will be complete by July 1, 2016. The revisions reflect the fact that the mandate will only apply to a subset of Texas courts until that date.

Amendments to Rule 21a, Texas Rule of Civil Procedure

RULE 21a. METHODS OF SERVICE

(a) *Methods of Service.* Every notice required by these rules, and every pleading, plea, motion, or other form of request required to be served under Rule 21, other than the citation to be served upon the filing of a cause of action and except as otherwise expressly provided in these rules, may be served by delivering a copy to the party to be served, or the party's duly authorized agent or attorney of record~~, as the case may be, either~~:

(1) in person; ~~or~~

(2) by agent; ~~or~~

(3) by courier receipted delivery; ~~or~~

(4) by certified or registered mail, to the party's last known address; ~~, or~~

(5) by telephonic document transfer to the recipient's current telecopier number;;

(6) electronically through TexFile using a certified electronic service provider, if the court allows electronic filing and the party being served has consented to electronic service with the party's electronic service provider; or

(7) by such other manner as the court in its discretion may direct.

(b) *Consent to Electronic Service.* Attorneys required to electronically file documents in a court must consent to electronic service.

(c) *When Complete.*

(1) Service by mail shall be complete upon deposit of the paper, enclosed in a postpaid, properly addressed wrapper, in a post office or official depository under the care and custody of the United States Postal Service.

(2) Service by telephonic document transfer after 5:00 p.m. local time of the recipient shall be deemed served on the following day.

(3) Electronic service is complete on transmission of the document to the serving party's electronic filing service provider. TexFile will send confirmation of service to the serving party.

(d) *Time for Action After Service.* Whenever a party has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, electronically, or by telephonic document transfer, three days shall be added to the prescribed period.

(e) *Who May Serve.* Notice may be served by a party to the suit, an attorney of record, a sheriff or constable, or by any other person competent to testify.

(f) *Proof of Service.* The party or attorney of record shall certify to the court compliance with this rule in writing over signature and on the filed instrument. A certificate by a party or an attorney of record, or the return of the officer, or the affidavit of any other person showing service of a notice shall be prima facie evidence of the fact of service. Nothing herein shall preclude any party from offering proof that the notice or instrument was not received, or, if service was by mail, that it was not received within three days from the date of deposit in a postoffice or official depository under the care and custody of the United States Postal Service, and upon so finding, the court may extend the time for taking the action required of such party or grant such other relief as it deems just.

(g) *Procedures Cumulative.* The provisions hereof relating to the method of service of notice are cumulative of all other methods of service prescribed by these rules.

. . .

Comment to 2013 Change: Rule 21a is revised to incorporate rules for electronic service in accordance with the Supreme Court's order – Misc. Docket No. 12-9206, amended by Misc. Docket No. 13-9092 – mandating electronic filing in civil cases beginning on January 1, 2014.

New Rule 21c, Texas Rules of Civil Procedure

RULE 21c. PRIVACY PROTECTION FOR FILED DOCUMENTS.

(a) *Sensitive Data Defined.* Sensitive data consists of:

(1) a social security or other taxpayer-identification number, except for the last three digits or characters;

(2) numbers of bank accounts and other financial accounts, including credit cards, except for the last three digits or characters; and

(3) identification numbers on driver's licenses, passports, and other similar government-issued personal identification cards, except for the last three digits or characters.

(b) *Filing of Documents Containing Sensitive Data Prohibited.* Unless the inclusion of unredacted sensitive data is specifically required by a statute, court rule, or administrative regulation, an electronic or paper document, except for wills and documents sealed pursuant to Rule 76a, containing sensitive data may not be filed with a court unless the sensitive data is redacted.

(c) *Redaction of Sensitive Data; Retention Requirement.* Sensitive data must be redacted by using the letter "X" in place of each omitted digit or character or by removing the sensitive data in a manner indicating that the data has been redacted. The filing party must retain an unredacted version of the filed document during the pendency of the case and any related appellate proceedings filed within six months of the date the judgment is signed.

12-13-13

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 13-9165

ORDER ADOPTING TEXAS RULE OF CIVIL PROCEDURE 21c AND AMENDMENTS TO TEXAS RULES OF CIVIL PROCEDURE 4, 21, 21a, 45, 57, AND 502; TEXAS RULES OF APPELLATE PROCEDURE 6, 9, AND 48; AND THE SUPREME COURT ORDER DIRECTING THE FORM OF THE APPELLATE RECORD

ORDERED that:

1. Pursuant to section 22.004 of the Texas Government Code, and in accordance with Misc. Docket No. 12-9206, as amended by Misc. Docket Nos. 13-9092 and 13-9164, Order Requiring Electronic Filing in Certain Courts, the Supreme Court of Texas adopts Rule of Civil Procedure 21c and amends Rules of Civil Procedure 4, 21, 21a, 45, 57, and 502 and Rules of Appellate Procedure 6, 9, and 48.

2. Pursuant to Texas Rule of Appellate Procedure 34.4, the Supreme Court orders that the appellate record be in the form attached as Appendix C.

3. By order dated August 16, 2013, in Misc. Docket No. 13-9128, the Court proposed the adoption of Rule of Civil Procedure 21c and amendments to Rules of Civil Procedure 4, 21, 21a, and 502; Rules of Appellate Procedure 6 and 9; and Appendix C to the Rules of Appellate Procedure. The Court also invited public comment. Following public comment, the Court made revisions to the rules and to the appendix. This order incorporates those revisions and contains the final version of the rules and appendix, effective January 1, 2014.

4. These rules supersede all local rules and templates on electronic filing, including all county and district court local rules based on e-filing templates; the justice court e-filing rules, approved in Misc. Docket No. 07-9200; the Supreme Court e-filing rules, approved in Misc. Docket No. 11-9152; the appellate e-filing templates, approved in Misc. Docket 11-9118; and local rules of courts of appeals based on those templates.

5. The Clerk is directed to:

a. file a copy of this order with the Secretary of State;

b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;

c. send a copy of this order to each elected member of the Legislature; and

d. submit a copy of the order for publication in the *Texas Register*.

Dated: December 13th, 2013.

Nathan L. Hecht, Chief Justice

Paul W. Green, Justice

Phil Johnson, Justice

Don R. Willett, Justice

Eva M. Guzman, Justice

Debra H. Lehrmann, Justice

Jeffrey S. Boyd, Justice

John P. Devine, Justice

Jeffrey V. Brown, Justice

Amendments to Rule 4, Texas Rule of Civil Procedure

RULE 4. COMPUTATION OF TIME

In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday. Saturdays, Sundays, and legal holidays shall not be counted for any purpose in any time period of five days or less in these rules, except that Saturdays, Sundays, and legal holidays shall be counted for purpose of the three-day periods in Rules 21 and 21a, extending other periods by three days when service is made by ~~registered or certified~~ mail. ~~or by telephonic document transfer, and for purposes of the five-day periods provided for under Rules 748, 749, 749a, 749b, and 749c.~~

Amendments to Rule 21, Texas Rule of Civil Procedure

RULE 21. FILING AND SERVING PLEADINGS AND MOTIONS

(a) *Filing and Service Required.* Every pleading, plea, motion, or application to the court for an order, whether in the form of a motion, plea, or other form of request, unless presented during a hearing or trial, ~~shall~~ must be filed with the clerk of the court in writing, ~~shall~~ must state the grounds therefor, ~~shall~~ must set forth the relief or order sought, and at the same time a true copy ~~shall~~ must be served on all other parties, and ~~shall~~ must be noted on the docket.

(b) *Service of Notice of Hearing.* An application to the court for an order and notice of any hearing thereon, not presented during a hearing or trial, ~~shall~~ must be served upon all other parties not less than three days before the time specified for the hearing, unless otherwise provided by these rules or shortened by the court.

(c) *Multiple Parties.* If there is more than one other party represented by different attorneys, one copy of each ~~such~~ pleading ~~shall~~ must be served on ~~delivered or mailed to~~ each attorney in charge.

(d) *Certificate of Service.* The party or attorney of record, ~~shall~~ must certify to the court compliance with this rule in writing over signature on the filed pleading, plea, motion, or application.

(e) *Additional Copies.* After one copy is served on a party, that party may obtain another copy of the same pleading upon tendering reasonable payment for copying and delivering.

(f) *Electronic Filing.*

(1) Requirement. Except in juvenile cases under Title 3 of the Family Code, attorneys must electronically file documents in courts where electronic filing has been mandated. Attorneys practicing in courts where electronic filing is available but not mandated and unrepresented parties may electronically file documents, but it is not required.

(2) Email Address. The email address of an attorney or unrepresented party who electronically files a document must be included on the document.

(3) Mechanism. Electronic filing must be done through the electronic filing manager established by the Office of Court Administration and an electronic filing service provider certified by the Office of Court Administration.

(4) Exceptions.

(A) Wills are not required to be filed electronically.

(B) The following documents must not be filed electronically:

(i) documents filed under seal or presented to the court in camera; and

(ii) documents to which access is otherwise restricted by law or court order.

(C) For good cause, a court may permit a party to file other documents in paper form in a particular case.

(5) Timely Filing. Unless a document must be filed by a certain time of day, a document is considered timely filed if it is electronically filed at any time before midnight (in the court's time zone) on the filing deadline. An electronically filed document is deemed filed when transmitted to the filing party's electronic filing service provider, except:

(A) if a document is transmitted on a Saturday, Sunday, or legal holiday, it is deemed filed on the next day that is not a Saturday, Sunday, or legal holiday; and

(B) if a document requires a motion and an order allowing its filing, the document is deemed filed on the date that the motion is granted.

(6) Technical Failure. If a document is untimely due to a technical failure or a system outage, the filing party may seek appropriate relief from the court. If the missed deadline is one imposed by these rules, the filing party must be given a reasonable extension of time to complete the filing.

(7) Electronic Signatures. A document that is electronically served, filed, or issued by a court or clerk is considered signed if the document includes:

(A) a "/s/" and name typed in the space where the signature would otherwise appear, unless the document is notarized or sworn; or

(B) an electronic image or scanned image of the signature.

(8) Format. An electronically filed document must:

(A) be in text-searchable portable document format (PDF);

(B) be directly converted to PDF rather than scanned, if possible;

(C) not be locked; and

(D) otherwise comply with the Technology Standards set by the Judicial Committee on Information Technology and approved by the Supreme Court.

(9) Paper Copies. Unless required by local rule, a party need not file a paper copy of an electronically filed document.

(10) Electronic Notices From the Court. The clerk may send notices, orders, or other communications about the case to the party electronically. A court seal may be electronic.

(11) Non-Conforming Documents. The clerk may not refuse to file a document that fails to conform with this rule. But the clerk may identify the error to be corrected and state a deadline for the party to resubmit the document in a conforming format.

(12) Original Wills. When a party electronically files an application to probate a document as an original will, the original will must be filed with the clerk within three business days after the application is filed.

(13) Official Record. The clerk may designate an electronically filed document or a scanned paper document as the official court record. The clerk is not required to keep both paper and electronic versions of the same document unless otherwise required by local rule. But the clerk must retain an original will filed for probate in a numbered file folder.

Comment to 2013 Change: Rule 21 is revised to incorporate rules for electronic filing, in accordance with the Supreme Court's order – Misc. Docket No. 12-9206, amended by Misc. Docket Nos. 13-9092 and 13-9164 – mandating electronic filing in civil cases beginning on January 1, 2014. The mandate will be implemented according to the schedule in the order and will be completed by July 1, 2016. The revisions reflect the fact that the mandate will only apply to a subset of Texas courts until that date.

Amendments to Rule 21a, Texas Rule of Civil Procedure

RULE 21a. METHODS OF SERVICE

(a) *Methods of Service.* Every notice required by these rules, and every pleading, plea, motion, or other form of request required to be served under Rule 21, other than the citation to be served upon the filing of a cause of action and except as otherwise expressly provided in these rules, may be served by delivering a copy to the party to be served, or the party's duly authorized agent or attorney of record~~, as the case may be, either~~ in the manner specified below:

(1) Documents Filed Electronically. A document filed electronically under Rule 21 must be served electronically through the electronic filing manager if the email address of the party or attorney to be served is on file with the electronic filing manager. If the email address of the party or attorney to be served is not on file with the electronic filing manager, the document may be served on that party or attorney under subparagraph (2).

(2) Documents Not Filed Electronically. A document not filed electronically may be served ~~either~~ in person, ~~or by agent or by courier receipted delivery or by certified or registered~~ mail~~, to the party's last known address~~, by commercial delivery service, ~~or~~ by fax, ~~telephonic document transfer to the recipient's current telecopier number,~~ by email, or by such other manner as the court in its discretion may direct.

(b) *When Complete.*

(1) Service by mail or commercial delivery service shall be complete upon deposit of the ~~paper~~ document, postpaid and properly addressed, in the mail or with a commercial

delivery service.~~, enclosed in a postpaid, properly addressed wrapper, in a post office or official depository under the care and custody of the United States Postal Service.~~

(2) Service by fax is complete on receipt. Service completed after 5:00 p.m. local time of the recipient shall be deemed served on the following day.

(3) Electronic service is complete on transmission of the document to the serving party's electronic filing service provider. The electronic filing manager will send confirmation of service to the serving party.

(c) *Time for Action After Service.* Whenever a party has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, ~~or by telephonic document transfer,~~ three days shall be added to the prescribed period.

(d) *Who May Serve.* Notice may be served by a party to the suit, an attorney of record, a sheriff or constable, or by any other person competent to testify.

(e) *Proof of Service.* The party or attorney of record shall certify to the court compliance with this rule in writing over signature and on the filed instrument. A certificate by a party or an attorney of record, or the return of the officer, or the affidavit of any other person showing service of a notice shall be prima facie evidence of the fact of service. Nothing herein shall preclude any party from offering proof that the document ~~notice or instrument~~ was not received, or, if service was by mail, that ~~it~~ the document was not received within three days from the date that it was deposited ~~of deposit~~ in the mail~~a postoffice or official depository under the care and custody of the United States Postal Service~~, and upon so finding, the court may extend the time for taking the action required of such party or grant such other relief as it deems just.

(f) *Procedures Cumulative.* These provisions ~~hereof relating to the method of service of notice~~ are cumulative of all other methods of service prescribed by these rules.

. . .

Comment to 2013 Change: Rule 21a is revised to incorporate rules for electronic service in accordance with the Supreme Court's order – Misc. Docket No. 12-9206, amended by Misc. Docket Nos. 13-9092 and 13-9164 – mandating electronic filing in civil cases beginning on January 1, 2014.

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May 11, 2020

Chief Justice Nathan L. Hecht
Supreme Court of Texas
PO Box 12248
Austin, Texas 78711

VIA EMAIL nathan.hecht@txcourts.gov

Justice Jane Bland
Supreme Court of Texas
PO Box 12248
Austin, Texas 78711

VIA EMAIL jane.bland@txcourts.gov

Dear Chief Justice Hecht and Justice Bland:

I hope this communication finds the Court well. On behalf of the State Bar of Texas Court Rules Committee, I am pleased to submit the attached proposals:

1. Attachment 1: Proposed Amendment to Texas Rule of Appellate Procedure 34.5 to provide a timeline for provision of any omitted items which are considered mandatory under TRAP 34.5(a) or which have been timely requested under Rule 34.5(b), as well as to add supersedeas bond to mandatory items under TRAP 34.5(a);

2. Attachment 2: Proposed Amendment to suite of Texas Rules of Civil Procedure to provide that certain notices and orders from the court must be sent to parties electronically; and

3. Attachment 3: Proposed Amendment to TRCP 106 to provide that service by certified mail must be accompanied by a return receipt.

We hope that you will not hesitate to contact the Committee if we can be of assistance regarding the attached proposals, or any other matter.

Sincerely,

/s/ Giana Ortiz

Giana Ortiz

1304 West Abram
Arlington, Texas 76013
Local 817-861-7984
Metro 817-261-8880
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ATTACHMENT 2

STATE BAR OF TEXAS COURT RULES COMMITTEE
PROPOSED AMENDMENT TO
TEXAS RULES OF CIVIL PROCEDURE 165a

I. Exact Language of Existing Rule

RULE 165a. DISMISSAL FOR WANT OF PROSECUTION

1. Failure to Appear. A case may be dismissed for want of prosecution on failure of any party seeking affirmative relief to appear for any hearing or trial of which the party had notice. Notice of the court's intention to dismiss and the date and place of the dismissal hearing shall be sent by the clerk to each attorney of record, and to each party not represented by an attorney and whose address is shown on the docket or in the papers on file, by posting same in the United States Postal Service.

.II. Proposed Amendments to Existing Rule

RULE 165a. DISMISSAL FOR WANT OF PROSECUTION

1. Failure to Appear. A case may be dismissed for want of prosecution on failure of any party seeking affirmative relief to appear for any hearing or trial of which the party had notice. Notice of the court's intention to dismiss and the date and place of the dismissal hearing shall be sent by the clerk to each attorney of record, **to the email address on file with the electronic filing manager,** and to each party not represented by an attorney and whose address is shown on the docket or in the papers on file, ~~by posting same in the United States Postal Service.~~ **By email or first-class mail if no email address is on file with the court.**

III. Brief Statement of Reasons for Requested Amendments and Advantages Served by Them

As electronic filing and provision of an email address by attorneys is now mandatory, the Committee believes that service of notice of dispositive settings is effectively, timely, and efficiently provided by email and/or electronic service. This will also reduce the workload on the various clerks' offices and reduce the cost of postage expended on notices by the courts.

STATE BAR OF TEXAS COURT RULES COMMITTEE

PROPOSED AMENDMENT TO

TEXAS RULES OF CIVIL PROCEDURE 239a

I. Exact Language of Existing Rule

RULE 239a. NOTICE OF DEFAULT JUDGMENT

At or immediately prior to the time an interlocutory or final default judgment is rendered, the party taking the same or his attorney shall certify to the clerk in writing the last known mailing address of the party against whom the judgment is taken, which certificate shall be filed among the papers in the cause. Immediately upon the signing of the judgment, the clerk shall mail written notice thereof to the party against whom the judgment was rendered at the address shown in the certificate, and note the fact of such mailing on the docket. The notice shall state the number and style of the case, the court in which the case is pending, the names of the parties in whose favor and against whom the judgment was rendered, and the date of the signing of the judgment. Failure to comply with the provisions of this rule shall not affect the finality of the judgment.

.II. Proposed Amendments to Existing Rule

RULE 239a. NOTICE OF DEFAULT JUDGMENT

At or immediately prior to the time an interlocutory or final default judgment is rendered, the party taking the same or his attorney shall certify to the clerk in writing the last known mailing address**, and if known email address,** of the party against whom the judgment is taken, which certificate shall be filed among the papers in the cause. Immediately upon the signing of the judgment, the clerk shall ~~mail~~ **send** written notice thereof to the party against whom the judgment was rendered at the **mailing** address and **email address** shown in the certificate, and note the fact of such mailing on the docket. The notice shall state the number and style of the case, the court in which the case is pending, the names of the parties in whose favor and against whom the judgment was rendered, and the date of the signing of the judgment. Failure to comply with the provisions of this rule shall not affect the finality of the judgment.

III. Brief Statement of Reasons for Requested Amendments and Advantages Served by Them

As electronic filing and provision of an email address by attorneys is now mandatory, the Committee believes that service of notice of dispositive rulings is effectively, timely, and efficiently provided by email and/or electronic service. Moreover, where parties may be self-represented, the abundance of electronic communication by email may ensure easier and more effective access to the dispositive ruling.

STATE BAR OF TEXAS COURT RULES COMMITTEE

PROPOSED AMENDMENT TO

TEXAS RULES OF CIVIL PROCEDURE 246

I. Exact Language of Existing Rule

RULE 246. CLERK TO GIVE NOTICE OF SETTINGS

The clerk shall keep a record in his office of all cases set for trial, and it shall be his duty to inform any non-resident attorney of the date of setting of any case upon request by mail from such attorney, accompanied by a return envelope properly addressed and stamped. Failure of the clerk to furnish such information on proper request shall be sufficient ground for continuance or for a new trial when it appears to the court that such failure has prevented the attorney from preparing or presenting his claim or defense.

.II. Proposed Amendments to Existing Rule

RULE 246. CLERK TO GIVE NOTICE OF SETTINGS

The clerk shall keep a record ~~in his office~~ of all cases set for trial, and it shall be ~~his~~ **the clerk's** duty to inform any ~~non-resident attorney~~ **party or attorney** of the date of setting of any case upon request by mail **or email.** ~~from such attorney~~**. The request for notice of setting shall state the email address or mailing address where the notice should be sent.** ~~accompanied by a return envelope properly addressed and stamped.~~ Failure of the clerk to furnish such information on proper request shall be sufficient ground for continuance or for a new trial when it appears to the court that such failure has prevented the **party or** attorney from preparing or presenting his claim or defense.

III. Brief Statement of Reasons for Requested Amendments and Advantages Served by Them

As electronic filing and provision of an email address by attorneys is now mandatory, the Committee believes that service of notice of dispositive settings is effectively, timely, and efficiently provided by email and/or e-service. This will also reduce the workload on the various clerks' offices and reduce the cost of postage expended on notices by the courts. Additionally, the rule is broadened from "non-resident attorney" to any party or attorney.

STATE BAR OF TEXAS COURT RULES COMMITTEE

PROPOSED AMENDMENT TO

TEXAS RULES OF CIVIL PROCEDURE 297

I. Exact Language of Existing Rule

RULE 297. TIME TO FILE FINDINGS OF FACT AND CONCLUSIONS OF LAW

The court shall file its findings of fact and conclusions of law within twenty days after a timely request is filed. The court shall cause a copy of its findings and conclusions to be mailed to each party in the suit. If the court fails to file timely findings of fact and conclusions of law, the party making the request shall, within thirty days after filing the original request, file with the clerk and serve on all other parties in accordance with Rule 21a a "Notice of Past Due Findings of Fact and Conclusions of Law" which shall be immediately called to the attention of the court by the clerk. Such notice shall state the date the original request was filed and the date the findings and conclusions were due. Upon filing this notice, the time for the court to file findings of fact and conclusions of law is extended to forty days from the date the original request was filed.

.II. Proposed Amendments to Existing Rule

RULE 297. TIME TO FILE FINDINGS OF FACT AND CONCLUSIONS OF LAW

The court shall file its findings of fact and conclusions of law within twenty days after a timely request is filed. The court shall cause a copy of its findings and conclusions to be ~~mailed to each party in the suit~~ **sent by email to all parties and attorneys of record** ~~in the suit.~~**, or by mail if no email address is on file with the court.** If the court fails to file timely findings of fact and conclusions of law, the party making the request shall, within thirty days after filing the original request, file with the clerk and serve on all other parties in accordance with Rule 21a a "Notice of Past Due Findings of Fact and Conclusions of Law" which shall be immediately called to the attention of the court by the clerk. Such notice shall state the date the original request was filed and the date the findings and conclusions were due. Upon filing this notice, the time for the court to file findings of fact and conclusions of law is extended to forty days from the date the original request was filed.

III. Brief Statement of Reasons for Requested Amendments and Advantages Served by Them

As electronic filing and provision of an email address by attorneys is now mandatory, the Committee believes that service of notice of dispositive rulings is effectively, timely, and efficiently provided by email and/or e-service.

STATE BAR OF TEXAS COURT RULES COMMITTEE

PROPOSED AMENDMENT TO

TEXAS RULES OF CIVIL PROCEDURE 298

I. Exact Language of Existing Rule

RULE 298. ADDITIONAL OR AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

After the court files original findings of fact and conclusions of law, any party may file with the clerk of the court a request for specified additional or amended findings or conclusions. The request for these findings shall be made within ten days after the filing of the original findings and conclusions by the court. Each request made pursuant to this rule shall be served on each party to the suit in accordance with Rule 21a. The court shall file any additional or amended findings and conclusions that are appropriate within ten days after such request is filed, and cause a copy to be mailed to each party to the suit. No findings or conclusions shall be deemed or presumed by any failure of the court to make any additional findings or conclusions.

.II. Proposed Amendments to Existing Rule

RULE 298. ADDITIONAL OR AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

After the court files original findings of fact and conclusions of law, any party may file with the clerk of the court a request for specified additional or amended findings or conclusions. The request for these findings shall be made within ten days after the filing of the original findings and conclusions by the court. Each request made pursuant to this rule shall be served on each party to the suit in accordance with Rule 21a. The court shall file any additional or amended findings and conclusions that are appropriate within ten days after such request is filed, and cause a copy to be **sent by email to all parties and attorneys of record, or by mail if no email address is on file with the court.** ~~mailed to each party to the suit.~~ No findings or conclusions shall be deemed or presumed by any failure of the court to make any additional findings or conclusions.

III. Brief Statement of Reasons for Requested Amendments and Advantages Served by Them

As electronic filing and provision of an email address by attorneys is now mandatory, the Committee believes that service of notice of dispositive rulings is effectively, timely, and efficiently provided by email and/or e-service.

STATE BAR OF TEXAS COURT RULES COMMITTEE

PROPOSED AMENDMENT TO

TEXAS RULES OF CIVIL PROCEDURE 298

I. Exact Language of Existing Rule

RULE 306a. PERIODS TO RUN FROM SIGNING OF JUDGMENT

3. Notice of Judgment. When the final judgment or other appealable order is signed, the clerk of the court shall immediately give notice to the parties or their attorneys of record by first-class mail advising that the judgment or order was signed. Failure to comply with the provisions of this rule shall not affect the periods mentioned in paragraph (1) of this rule, except as provided in paragraph (4).

.II. Proposed Amendments to Existing Rule

RULE 306a. PERIODS TO RUN FROM SIGNING OF JUDGMENT

3. Notice of Judgment. When the final judgment or other appealable order is signed, the clerk of the court shall immediately give notice **of such judgment or order** ~~to parties or their attorneys~~ **to all parties and attorneys of record by email, or by mail if no email address is on file with the court** ~~of record by first-class mail advising that the judgment or order was signed~~. Failure to comply with the provisions of this rule shall not affect the periods mentioned in paragraph (1) of this rule, except as provided in paragraph (4).

III. Brief Statement of Reasons for Requested Amendments and Advantages Served by Them

As electronic filing and provision of an email address by attorneys is now mandatory, the Committee believes that service of notice of dispositive rulings is effectively, timely, and efficiently provided by email and/or e-service.