

E-FILING IS E-EFFECTIVE AND E-EFFICIENT

For a number of years, Texas courts have allowed e-filing lawsuits. Over the last few years, several of our local justices of the peace courts in counties in and around the Houston area have allowed the e-filing of evictions. Here is some information to help you get started.

What law allows e-filing?

Section 191.009 of the local government code provides that a county clerk may accept instruments by electronic filing and record the instruments electronically if the filing or recording complies with rules adopted by the Texas State Library and Archives Commission. An instrument that is filed electronically in compliance with these rules is considered to have been filed in compliance with any law relating to the filing of instruments with a county clerk.

How does e-filing work?

According to efiletexas.gov, after selecting a certified electronic filing service provider, filers logon to their providers website to file case-related documents online to any court in Texas. Filing service providers check submissions for completeness, calculate fees, and electronically deliver the submitted documents to participating courts and notify all parties of the submission. Court clerks receive the electronically filed documents and associated fees for processing and acceptance, review the documents, accept the filings or return them for corrections, and provide an electronic timestamp notification to the filer for the accepted documents.

Are courts required to accept e-filing?

No. It is up to the court whether they want to accept e-filing.

Many courts in counties in and around the Houston area accept e-filing of eviction cases.

I want to e-file. How do I get started?

The first thing you will need to do is select a certified electronic filing service provider. E-filing in Texas is facilitated by electronic filing service providers or web portals operated by independent companies that collect filings from filers and transmit them to efiletexas.gov.

An electronic filing service provider provides an online service to help you file your documents, and acts as the intermediary between you and the Efiletexas.gov system. According to Efiletexas.gov, each electronic service provider offers a variety of additional services and you should evaluate which provider meets your filing needs.

Once you register with a service provider, you do not need to re-register should you choose to use another provider. You may simply login with your existing username and password.

A list of certified electronic filing service providers can be found at <http://www.efiletexas.gov/service-providers.htm>.

When can I use efiletexas.gov?

Efiletexas.gov is available 24 hours a day, 7 days a week. Courts generally review filings during their office hours. Most filings are reviewed by the court within four business hours.

Can I use efiletexas.gov if I am not a lawyer?

Yes. Parties without lawyers are eligible to use any electronic filing service provider for e-filing.

Do I have to register to use efiletexas.gov?

Yes. All users must register prior to using efiletexas.gov. Registration is available on the efiletexas.gov website that contains a list of electronic filing service providers.

When is an electronically filed document considered filed or recorded?

The Local Government Code provides that an electronic document or other instrument that is recorded electronically is considered to be recorded in compliance with the law as of the county clerk's business day on which the electronic document or other instrument is filed electronically. An electronic document is required to be recorded as timely as an instrument filed by any other means.

Will I have to pay an extra fee if I electronically file an eviction?

No. The Local Government Code provides that the fee to file or record an electronic document is the same as the fee for filing by other means. A county clerk may not charge an additional fee for filing electronically.

How do I e-file an eviction?

Once you have selected a certified electronic filing service provider, you can usually go on the court website to obtain a copy of the form petition the court requires you to file. Although the law requires certain things to be included in an eviction petition, there are no state-wide required petition forms. You will need to go on the website of the JP of the precinct in which your property is located. Keep in mind that in Harris County, no matter where the property is located, there are two JPs that can serve your property. Select one of the JPs, go on that JP's website and fill out the eviction petition form.

Once you fill out the form, you will send the document to your electronic filing service provider, pay the appropriate fees and have the service provider file the document with the court.

Once filed the case will proceed as if you filed the eviction by hand delivering the petition to the clerk.

Can the county clerk adopt other procedures and requirements than provided by state law?

Yes. A participating county clerk may adopt other procedures and requirements as long as they are consistent with the state law in order to implement the electronic filing and recording program of the participating county clerk.