



New Changes to Texas Rules of Civil Procedure



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Many attorneys and law firms know that as of January 1, 2014, courts in the most populous counties in Texas “went paperless.” The Texas Supreme Court enacted revisions to the Texas Rules of Civil Procedure (TRCP) and mandated that lawyers in civil cases electronically file (“e-file”) all their court documents. E-filing is already required in Bexar, Collin, Dallas, Denton, El Paso, Fort Bend, Harris, Hidalgo, Tarrant, and Travis Counties, but e-filing will be mandatory in all Texas counties by 2016. While the majority of the TRCP amendments dealt with e-filing and service, some longstanding rules were also revised. Below is a brief overview of the major revisions:

- **Service by fax no longer extends deadlines by three days.** The Texas Supreme Court amended Rules 4 and 21a to remove the rule allowing a party to add three days to any deadline when service of the document was made by fax. The three-day deadline extension only applies when service is accomplished by regular mail. Now, when served via fax, the response deadline is simply what the TRCP prescribe, without the three-day addition. But remember, faxes received after 5 p.m. are deemed served the following day.

- **Service by email is now permitted.** Rule 21a was amended to allow service of certain documents by email. Documents that are not filed with the court (*i.e.*, discovery requests and responses) now may be served by email. Oddly enough, Rule 21a(b) does not address when service of non-filed documents by email is “complete.” Thus, it appears serving your discovery responses via email any time before midnight would be timely.

- **Include Your Email on Pleadings and Motions.** Parties using electronic filing and service must include their email address in the signature block on their pleadings or motions.

- **Electronically filed documents are timely if filed any time before midnight on the filing deadline.** The document is deemed filed when transmitted to the e-filing service provider. The Court foresaw that problems may arise with this new system, and thus, you may seek relief from the court if a document is untimely due to a technical failure or system outage.

- **Protecting Privacy in Filed Documents.** Rule 21c was enacted to protect sensitive information in electronically filed documents. “Sensitive data” includes social security or other tax-payer identification numbers, bank or financial account numbers, driver’s license numbers, passport numbers, and other personal identification card numbers. It also includes the birth date, home address, and the name of any person who was a minor when the suit was filed. You must redact sensitive data in accordance with Rule 21c before electronically filing documents containing these types of information.