

Frequently Asked Questions for E-filing (FAQ)

1. When is the mandatory “go live” date for Potter County?

January 1, 2015 is the mandatory date for civil case filings for Potter County. Criminal case filing mandate is July 1, 2018 Potter County District Clerk has been permissively E filing since 2004.

2. What case types are included/excluded from the mandate?

All Civil, Family, Probate and Criminal-related civil filings and such as expunctions are included. Criminal case filings begin July 1, 2018. Juvenile cases and cases filed under seal are not included in this mandate.

3. What is an “envelope” that is referenced with eFileTexas.gov?

An envelope can be considered a file folder for a specific case. Go to eFileTexas.gov for the training in filing.

4. Which filings are considered an emergency?

Per the Supreme Court rules, no filings constitute an emergency, unless there is a power outage or some other catastrophic event. When the attorney E-files a TRO or Protective Order, you may call the clerk’s office to make us aware of your pending arrival to get a TRO or Protective Order signed. Alternatively, the attorney may come to the office at the District Clerk’s office. The clerks can then work that filing first to assure it is ready for the Court to review. If a filing is something deemed expedited, contact the clerk in advance.

5. How will pro-se clients file documents?

Pro-se filers are not required to e-file; however, they may e-file if they choose to. Pro-se filers should bring the documents to the clerk’s office for processing.

6. What happens if documents are mailed in to the clerk’s office after the mandate kicks in?

The documents received by mail from an attorney or their representative on a case in which they represent a party will be returned by mail unfiled.

7. If an eFiling Service Provider (EFSP) is used, will the filer get a file-marked copy back?

Yes, once a document is accepted, the filer will receive a file-marked copy back through the EFSP of their choice. The Attorney of Record may enroll on Potter County’s Public Access Portal to view all documents filed in their cases. Only Attorneys of Record

will be able to view documents due to the issue of not allowing sensitive data being displayed on internet web site, TRCP 21c. Attorneys of Record may also opt into being notified by e-mail when any document in their cases are filed.

8. Do documents need to be in PDA format?

Yes, the Supreme Court rules require all documents be filed in a searchable PDF format.

9. Do attorneys have to use eFileTexas.gov as their Electronic Filing Service Provider (EFSP)?

No, attorneys may choose their EFSP. A list of certified EFSP can be found by visiting eFileTexas.gov. Click on “Choose an e-filing service provider”. From that screen, you can compare the features of the various EFSP’s. A filer may have more than one service provider EFSP.

10. How will affidavits of inability and filings from court appointed attorneys be handled?

There is a “waiver” option on the payment type that will waive all fees using eFileTexas.gov. There must be a supporting affidavit attached when filing as an indigent. If you have trouble setting up a waiver account, contact your EFSP for instructions. The waiver button should be used for all criminal filings.

11. How will the clerks return citations for service?

There are several options for attorneys. Attach an instruction letter detailing your method.

- a. The clerk prepares the citation, e-mails the citation to the attorney. The attorney prints the citation and copy of the petition, which has been returned to the attorney via e-filing and completes service to the opposing party.
- b. The clerk prepares the citation, attaches a copy of the petition and forwards to the process server, constable or sheriff. The filer must pay \$.50 per page for the copies.
- c. The clerk prepares the citation, attaches a copy of the petition. If instructed the citation will be held at the clerk’s office for the attorney or process server to pick up and complete service. The cost for copies of the petition are \$.50 per page.
- d. Fees are not charged for criminal citations.

12. Will process services have to e-file their returns and will they have to pay?

Process servers may e-file returns, but they are not required to do so because they are not attorneys. They may set up an e-file account and select the “waiver” option to e-file. If the attorney returns the service, it must be filed by e-filing.

13. If an attorney needs to file a pleading during a hearing, will he submit a paper document to file on the bench?

No, pleadings are to be e-filed prior to the hearing. Note: documents received on a weekend or holiday will be processed on the first working day following the weekend or holiday. Therefore, the document may not be in the file. The date on the document as submitted is the day it is e-filed. The attorney may need to bring a courtesy copy for the court.

14. How Proposed Orders are submitted to the court Potter County uses Tyler Odyssey as the Case Management System (CMS) for all document management. The filer must e-file the Proposed Order under "Proposed Order" from their e-filing system. The "Proposed Order" must be the lead document. The document will be sent to the court via an internal queue within Odyssey. Once the Judge signs the Order, it will be returned to the District Clerk's office at which time it will be file marked. The attorney of record can access the signed Order via Potter County Public Access Portal. The Attorney of Record must be registered with Public Access Portal to be able to view documents. For security, only the Attorney of Record will be able to view documents.

<https://portal.mypottercounty.com/Portal>

15. How do attorneys obtain a copy of the "Signed Order"

Attorneys of Record have the permission to access documents on the Potter County Public Access Portal. For security, the feature to view documents is only available for Attorneys of Record.

If you are not the Attorney of Record or need a certified copy, send via mail a letter requesting copy of the order with payment \$.50 per page (uncertified) and \$1 per page (certified) and a self-addressed stamped envelope. Clerk will mail back the copy.

- a. Upload a request for copy of signed order through e-filing. Pay for the copy at \$.50 per page (uncertified) and \$1 per page (certified) plus cost of postage. Clerk will mail.
- b. Request copy of signed order through e-filing. Copy will be e-mailed to attorney at cost of \$5 per document. Note: Do not e-mail request to clerk.

16. How will mediators e-file?

Mediators, process servers, and any court appointed attorney may file for a "Waiver" account with e-FileTexas.gov

17. Is a new "envelope" necessary for every document?

No, multiple filings may be filed using the same envelope provided the documents are being filed into the same case during the same transaction.

18. Once an envelope has been filed and accepted, can the filer continue to file into the same envelope?

No, filings may be filed into the same case but a new envelope will be generated.

18. If a document filed is “returned for correction” and it is up against a deadline, will the deadline be waived?

The filer may alert the clerk, as there are avenues to maintain the original submission date. This is not done manually and must be requested by the filer. The filer also may present the Judge with the original submission receipt date received at the time of filing. It is then the Judge’s discretion to determine whether the filing deadline requirements have been met.

19. When filing a new petition, should the filer electronically file the petition or the civil case filing cover sheet first?

The petition will need to be filed first as a “lead document” so that the petition will receive the file mark. The civil case cover sheet should then be filed as a “lead document” using the filing code of “Affidavit of Indigency”. A “request for issuance” should also be filed as a “lead document” using the filing code of “Affidavit of Indigency,” so that it will receive a file mark and be recorded in the event section of Odyssey as well as in the document section. Please note that the clerk will change the affidavit of indigency codes to the appropriate codes when they review it.

20. If a filing is “returned for correction”, will the filer still be charged the credit card convenience fee?

That will be up to your service provider if this fee will be waived when a document is returned.

21. Are e-filed documents considered the court’s original copy?

Any electronically filed document is deemed to be the original upon acceptance.

22. Are attachments okay to use?

No, with the exception of the following: Documents filed as “attachments” should be large documents where the lead document exceeds the maximum page count of 300 pages. Notify the clerk if the lead document has many pages as the document may not all download. There are ways to compress the document. Refer to #41.

23. Should exhibits be filed as attachments?

Exhibits along with any documents pertaining to a single filing, must be scanned in with the pleadings as one PDF file, not as an attachment. As with all documents, they must be in a searchable PDF format and page numbered.

24. Do minor children need to be added as parties to a case?

Yes, minor children must be added as parties when filing a new case. The full name is required as per e-filing regulations. The document will be returned for correction if it only contains initials of the children.

25. When you accept an e-filing, how long is it before the County receives the fee?

The fees are displayed in the county's bank account immediately. However, it may take 2-4 hours for the funds to clear your bank.

26. If the judge needs to sign a proposed order, does it have to be printed out by the filer?

Filer may e-file a Proposed Order under the category "Proposed Order". The document will be forwarded to the court via a queue by an internal process in the clerk's office. The Proposed Order will not be file marked until the Order is signed and returned to the clerk's office. At that time, the document will be an "Order". The Attorney of Record may access the document via the Public Access Portal or pay for a copy.

27. What is the process for collecting the \$2 transaction fee?

The fee is assessed automatically. The \$2 transaction fee authorized by statute by Potter County to support the e-filing system. The \$2 transaction fee will not be assessed for criminal e-filings.

28. Is there a way to edit the "Electronically Filed" stamp in the EfileTexas.gov?

Yes, Electronic File Stamps can be configured to be editable so that the clerk can edit the stamp prior to acceptance. The date of submission is the day you send the document. The file stamp date is the date of acceptance from the clerk. If a document is returned for correction or there are time sensitive issues, the file stamp can be changed to indicate the date of submission. Contact the clerk for this process.

29. What gets file-marked with the automatic stamp?

The first page of the lead document will be file-marked. Attachments are not date stamped.

30. Many Pro-se filers do not have credit/debit bankcards. They are unbanked. Does Chase accept prepaid cards? Yes, Master Card and Visa prepaid cards are accepted.

31. What happens when the debit/credit card is denied or the filer has insufficient funds in the account? Will the e-filed document be processed?

No. When a filer hits “submit”, their account is “held” for the filing. If there are insufficient funds, the filing process stops and the filer will receive a “Declined” message.

32. If the filer files under the wrong filing type for something, which the fee is \$100, the clerk reviews the filing and upgrades it to a different filing type that costs \$150, and the credit card is over the limit, or fails, what happens?

When the filer charges the filing code, the card is authorized for the original amount. If the card is declined, the reviewer will get the following message, “Could not perform payment processing because the account has been declined.” Due to this message, it is recommended for the reviewer to modify the filing fee if it is equal to or less than the original filing amount. If the correct fee is higher, the reviewer will “Return for Correction”. The filer should ensure that there are sufficient funds available and that the account has not expired.

33. What is the difference between the submission date and the accepted date?

The submission date is the date/time a filer submits their documents anytime including weekends and holidays. The accepted date is when the clerk/reviewer accepts the filing. Documents filed on weekends and holidays will be marked submitted on that date, but will be accepted on the first working date. If there are timeliness issues, documents returned for correction can have the original submitted date placed on the file mark. Contact the clerk for this procedure.

34. Will attorneys receive an auto-reply of a service notification once the document is accepted?

Yes. If both attorneys have consented to e-Service and are listed on the case contact list. Once the clerk accepts the document, copies will automatically be delivered to all parties selected from the case contacts. This is not “service of petitions, but a complimentary return of copies to the filer and those people listed in your “Serve” area.

35. Are Kiosks required?

No. At this time, Potter County will not have kiosks for filers.

36. When are documents deemed filed?

Filings are deemed filed on the day of submission. The acceptance date is the date the reviewer processes the filing. The only exception to this is if the filing is

submitted on Saturday, Sunday or a legal holiday. The submission date will remain on the weekend, but the acceptance date will be the following business day. You will receive a receipt of submission. This receipt can be used as proof of timely filing for the Judge.

37. What if I am filing a civil suit with multiple plaintiffs?

The fees listed are for filing a civil suit with multiple plaintiffs, the filing fees increase an additional plaintiff:

\$75 for a suit with at least 11 but not more than 25 plaintiffs

\$100 for a suit with at least 26 but not more than 100 plaintiffs

\$125 for a suit with at least 101 but not more than 500 plaintiffs

\$150 for a suit with of at least 501 but not more than 1000 plaintiffs

\$200 for a suit with more than 1000 plaintiffs

When filing a civil case with more than 10 plaintiffs, you must add the fee for the additional plaintiffs by choosing the appropriate option under Optional Services.

38. What if sensitive data is required by statute to be included?

Refer to Rule 21c (a). When sensitive data is required to be contained in the document, i.e. Children's names and birthdates, the document must have as a header. "This Document Contains Sensitive Data". This alerts the clerk that the document should not be made available to the public via the internet.

39. Do I have to e-file?

Yes, pursuant to the Supreme Court Order dated December 11, 2012 – directed to attorneys. Electronic filing requirements and exceptions are listed in the Supreme Court e-filing rules. Potter County is mandated for civil filings for January 1, 2014. The criminal e-filing mandate is July 1, 2018

40. What Internet Browser is compatible with eFileTexas.gov

Contact your EFSP or eFileTexas.gov. Internet explorer is available but needs Silverlight installed.

41. How do I file a voluminous document/pleading (ex. Motion for Summary Judgment consisting of 700 pages)?

The appropriate maximum page count that is allowed per filing to be processed at one time in eFileTexas.gov is 300 pages. In order to file a 700 page pleading, the filer needs to separate the document into maximum 300 page attachments and a 100-page attachment. Include the title of the pleading in filing the comments. There are ways to

compact a large document. Contact the clerk for this procedure. Filers should notify the clerk of large documents so they will not be returned for correction.

42. My motion requires a hearing date and time setting. How is that handled?

The Motion should be filed as the “lead document. The Court Coordinator should be contacted for setting of a hearing date.

43. Do I have to file a Civil Case Information Sheet?

Yes, according to TRCP 76(a), a Civil Case Information Sheet must be filed with a new Case/Petition. The Petition should be sent as the “lead document”. The Civil Case Information Sheet should also be filed as a “lead document” to the original petition. Please refer to #19 for filing instructions.

44. What if I am not sure about which Case Type to select when filing the Civil Case Information Sheet?

Select what you believe to be the closest match. If the clerk believes something else fits better, the clerk can modify according to the filing type.

45. Do I need to e-file a Request for Issuance form or a cover letter?

Yes, the clerk needs instructions for filing. You may use a cover letter or a Request for Issuance form that is found on the Potter County Clerk’s website at [http://w5.co.potter.tx.us/districtclerk/forms/Request for Issuance.pdf](http://w5.co.potter.tx.us/districtclerk/forms/Request%20for%20Issuance.pdf) Please refer to #20 for filing instructions

46. Do I need to file the cover letter separately?

Yes, the cover letter and/or request for issuance for a New Petition is to be e-Filed as a “lead document” using the filing code of Affidavit of Indigency in order to receive a file mark and be recorded in the event section of Odyssey as well as in the document section. Please note that the clerk will change the affidavit of indigency codes to the appropriate codes when they review it.

On subsequent filings, the cover letter needs to be filed as a “Lead Document”.

47. What if I am not sure if my document requires a filing fee?

Filing fees have been configured to coordinate with the e-filing type of the case or subsequent filing. You may also contact the clerk’s office to confirm the amount prior to filing. If a filing fee is not paid when submitted, the clerk will “return the document for correction”.

48. I need to file an Answer and Counterclaim/Cross Action. How is that handled?

If you are including the Counterclaim/Cross Action as part of your Answer, you must select Counterclaim or Cross Action in order to pay the required filing fee. If the filing fee is not paid, the filing will be returned for correction. If you are filing two documents, file the Answer and the Counterclaim or Cross Action separately as “lead documents” by selecting the proper filing code for each document. Type the entire title of the document using proper case and filing description or other comment field depending upon your EFSP to ensure accuracy.

49. How is a pleading handled that requires immediate attention (i.e. TRO or Protective Order)?

You may file as a Proposed Order by personally delivering proposed order to the Court as in # 15. You may want to notify the clerk in advance that the expedited item is being e-filed. On the other hand, you may want to personally present the document to the Judge. You may also e-file under “Proposed Order” When signed by the Judge, the document will be returned to the clerk via internal process in Odyssey. The clerk will enter the Order under the appropriate filing code using the date of the Judges signature. Proper service will be issued and processes as instructed by the filer. Instructions need to be listed on the E-Filing Log. If you do not get the confirmation back of the process being completed in a timely fashion, call the clerk’s office.

50. If cases have been consolidated, which case number should be used to e-file documents?

All documents should be filed using the consolidated case number.

51. What if I am filing a case with Affidavit of Indigency? How are the fees handled?

You will choose the payment selection as provided by your EFSP for exempting filing fees as “Waiver”. A completed Affidavit of Indigency is required, the filing will be returned for correction if the affidavit is not included.

52. What if I need service by a Constable / Sheriff and/or Request for Issuance

If a constable/sheriff requires service, note on your Cover Letter. You will need to add in Optional Service, the service fee. If the fee is not included, the filing will be returned for correction.

53. When requesting serving/issuance (ex. Citation, Precept, Show Cause, TRO), how do I provide the copy of the Petition/Document that is to be attached to the petition?

This process may vary from county to county. However, Potter County has these options:

- a. Clerk will prepare Citation, etc. If clerk attaches a copy of the document, you will need to pay for the copy to be attached to the issuance/service at \$.50 per page
- b. You may request to receive an e-mail copy of the citation. You may print a copy of the petition/document, which was returned when the document was originally filed, attach it to the e-mailed process and forward the documents to a process server or constable/sheriff.

54. How do I pay for a copy of the pleading to be attached?

The fee for a copy of a pleading on file is a charge per page. If you choose the clerk to prepare the copies, you should follow the procedures for payment of copies as set forth by your EFSP for copies. If a citation or process is requested and copies are not paid for at the time of filing, your service will be returned to you electronically for processing.

55. How do I file a document with an existing case number (ex. Motion to Modify, Original Answer or Amended Petition)?

Do not click on NEW CASE. You will need to enter your case number. Then press GO. If you do not have a case number, select Advanced Search to locate your case.

56. Can I file multiple documents in the same case?

Yes, multiple documents in the same case may be filed in one envelope. Each document must be submitted using the appropriate Filing Code and must have a "lead document" attached.

57. Can I file one document for multiple (different) cases in one envelope?

No, if a document needs to be filed in multiple cases, it must be e-filed in each case (separate envelopes).

58. Do I need to enter a "filing description" for each document submitted?

Yes.

59. What is the "Service" tab used for?

This tab is not to be used for personal process service. This tab is used to e-mail a copy of what has been filed back to the attorney and those who are listed under the "Service" tab. Make sure that you include in that tab your paralegal, runner, or anyone else that needs to be aware of the progress of the case.

60. How do I search for a case on the Portal?

To search for a case, enter the actual case number followed by *. Do not enter in the letter "court number". All the cases with that number will be listed and you can choose the case where you are attorney of record.

<https://portal.mypottercounty.com/Portal>

61. Can I e-file Magistrate Cases (Probable Cause Cases)?

Documents that need to be filed in magistrate cases should not be e-filed. You may file these documents over the counter.

62. Can Documents filed *ex parte*, in camera or under sealed be e-filed?

Any Documents filed *ex parte*, in camera or under seal in camera or under seal **should not be e-filed.** These documents should be filed over the counter in your usual manner.
