

# TRAVIS COUNTY PROBATE COURT NO. 1

## **New e-filing requirements effective Monday, December 7, 2015**

Please read the information below for critically important procedural changes that are necessary because of the Travis County Clerk's new document management system (DMS). **With the new DMS, the clerks will no longer print pleadings for the Court or for a physical file.**

### **1. Rule for e-filing all pleadings that seek to have the Court sign an order, except for new and amended applications to probate a will or to determine heirship:**

- **ALWAYS e-file a proposed order with any pleading requesting that the Court sign an order**, except for new and amended applications to probate a will or to determine heirship. See #2 below for required new procedures for will and heirship applications. **For everything else**, always file *in the same e-filing envelope* both (1) the motion/application that seeks to have the Court sign an order and (2) the proposed order, attached to a cover letter:
  - (1) E-file the motion or application as the first lead document in the e-filing envelope.
  - (2) E-file the cover letter – with the proposed order attached to the cover letter – as another lead document ***in the same e-filing envelope***.
- With the new DMS, the clerks can electronically forward a proposed order to the Court, but they cannot electronically forward the application or motion. *Therefore, if you do not e-file a proposed order, the Court will not automatically know that the pleading has been filed.*
- Because some of these orders will be electronically signed, please adhere to the following guidelines when drafting the e-filed order:
  - (1) Do not add a date line before the signature line at the end of the proposed order. When an order is electronically signed, a date will be automatically added.
  - (2) Do not leave a blank to be filled in with the date the order is signed at the beginning of a proposed order. If you want to begin an order by referring to the date the order will be signed, put "On this day" instead of "On \_\_\_\_\_," since the signature date will provide the needed information.
  - (3) When you have a proposed order that includes a necessary blank – for example an attorney fee order – be sure to leave enough vertical and horizontal space for the blank to be filled in electronically. (Not single spaced, and not too short a line.)
- If changes need to be made to an order, the Court may later request that you email the proposed order to the Court.
- E-file orders in **all non-will, non-heirship cases, even when it's the type of case – like guardianship applications and small estate affidavits – where you know the Court always prepares the order**. The e-filed order lets the Court know the related pleading was filed, so the Court needs attorneys to e-file orders in these cases, even if the e-filed order will not be used. Note: If you **know** the Court won't be using a particular e-filed order, you can e-file a skeletal, dummy order – and note in the order's cover sheet that you realize the Court will prepare the actual order.

### **2. Rule for e-filing new and amended applications to probate a will or to determine heirship:**

- Always email – never e-file – all proposed testimony, oaths, or orders that will be signed after a probate hearing.
- Do add date lines to these pleadings!
- With the new DMS, the Court will not get any *proposed* documents *that are e-filed in will-probate and heirship cases*.
- Note that you do still need to e-file documents that have already been executed (waivers, death certificates, consents, etc.).
- For details about when and how to submit documents for the Court's uncontested probate docket, see the Court's updated handout, "*Guidelines for Submitting Uncontested Probate-Docket Paperwork*": [https://www.traviscountytexas.gov/images/probate/Docs/guidelines\\_uncontested.pdf](https://www.traviscountytexas.gov/images/probate/Docs/guidelines_uncontested.pdf). The instructions should also be helpful for will probate and heirship hearings on the Court's regular docket.

**3. No procedural changes if you are e-filing pleadings that do not directly seek to have the Court sign an order** (waivers, consents, appointments of resident agents, etc.).