

Kimberly M. Buchanan, CPA  
Tarrant County Auditor

Linda R. Castillo  
First Assistant County Auditor



Office of the Tarrant County Auditor  
100 E. Weatherford, Room 506  
Fort Worth, Texas 76196-0103

Phone (817) 884-1205  
Fax (817) 884-1104

**RECEIVED**

By Opinion Committee at 2:58 pm, Aug 05, 2024

**RQ-0556-KP**

August 5, 2024

Honorable Ken Paxton  
Texas Attorney General  
Post Office Box 12548  
Austin, Texas 78711-2548

Re: Request for Attorney General Opinion of Applicability of highest state courts' Orders for District Clerk to integrate case management software system with re:SearchTX

Dear Attorney General Paxton:

Pursuant to Tex. Gov't Code § 402.042(a)(8), the Tarrant County Auditor seeks an opinion on behalf of the Honorable Tom Wilder, District Clerk of Tarrant County. On behalf of the District Clerk, I request an opinion on the following questions:

1. Does Texas Government Code § 74.024 confer the authority on the Supreme Court to order how district clerks and county clerks operate their respective offices, including requiring all clerks to integrate their case management systems with re:SearchTX?
2. Do the highest Courts' orders violate the separation of powers doctrine by improperly infringing on the Legislature's conveyance of public access authority to district clerks through Texas Loc. Gov't Code §191.008(a) and Tex. Gov't Code §51.304?

#### FACTS

The Texas Supreme Court and the Texas Court of Criminal Appeals (jointly referred to hereafter as the "Courts") have issued Orders that require all state district clerks and county clerks to integrate their respective case management software systems with Tyler Technologies' proprietary "re:SearchTX" database by a date certain, depending on the population of the county, so that anyone with access to re:SearchTX can search the database for any document eFiled in participating courts across all 254 Texas counties. *See* Tex. Sup. Ct. Misc. Docket No. 24-9030 (May 28, 2024) and Tex. Crim. App. Misc. Docket No. 24-004 (May 28, 2024) (hereafter referred to jointly as "Courts' Orders"), *attached as Exhibit "A"*.

The Tarrant County District Clerk (hereafter the "District Clerk") does not wish to integrate Tarrant County's Justice Information Management System ("JIMS") case management software system with re:SearchTX because the ordered integration is fundamentally detrimental to Tarrant County's case management of court records, uneconomical for Tarrant County, and presents a security risk making it difficult to guard against physical loss and *alteration* [emphasis added].

Specifically, the District Clerk believes that the integration of JIMS with re:SearchTX would have the following detrimental effects on his office:

1. Technical unknowns exist with integrating 30+ year old legacy technology (JIMS) with re:SearchTX, and the potential impact on JIMS remains unknown.
2. The cost to integrate re:SearchTX with JIMS now, even though Tarrant County expects to replace JIMS in the near term, would be prohibitive and would cause Tarrant County to pay twice for the integration, first with JIMS and then with its successor case management software system.
3. Integration involves capture of JIMS case documents in response to a re:SearchTX lookup request. This will create potential JIMS system response time delays.
4. Integration of eFileTexas and JIMS for eFiling requires longer than 3 months to complete (before October 1, 2024, deadline).

Furthermore, the District Clerk does not wish to deploy his office's resources on the integration of Tarrant County's JIMS case management software system with re:SearchTX's database when the District Clerk does not agree that such a course of action is proper for the management of Tarrant County's court records.

In 1995, the Tarrant County Commissioners Court authorized the establishment and operation of a computerized electronic information system pursuant to Section 191.008(a), and the District Clerk and County Clerk entered into a four-way agreement with the county's Sheriff and Criminal District Attorney to create a system that provides the public with web-based access to filed court records in the Tarrant County courts. *See Agreement to Provide Dial-In Access to Court Records, attached as Exhibit "B."* This information can be accessed through the internet, and the portal is known as the "District Clerk Subscriber Access," or "DCSA." It is available on a subscription basis that costs \$50.00 for a one-time set-up fee and then \$35.00 per month per license, and each license permits up to five separate users. DCSA has approximately 1,800 subscribers and security standards are set to protect identities, information, and County operations. *See Letter Agreement between Tarrant County Clerk and District Clerk, attached as Exhibit "C."* *See also Exhibit "D," attached hereto* (sequential evolution of Tarrant County's Section 191.008(a) agreement).

### STATUTORY PROVISIONS

The Legislature authorized a county's commissioners court to implement a computerized electronic information system through which the county may offer direct access to the courts' records on a contractual basis. Section 191.008(a) of the Local Government Code states:

***The commissioners court of a county by order may provide for the establishment and operation of a computerized electronic information system*** through which [*commissioners court*] may provide ***on a contractual basis*** direct access to information that relates to all or some county and precinct records and records of the district court and courts of appeals having jurisdiction in the county, that is public information, and that is stored or processed in the system. The commissioners court may make records available through the system ***only if the custodian of the records agrees in writing to allow public access under the section to the records.***

*See* Tex. Att'y Gen. Op. No. GA-0203, at 3; Tex. Loc. Gov't Code § 191.008(a). The commissioners court may create such a computerized system ***only*** if the county clerk and the district clerk, as records custodians, agree in writing to such a system.

Similarly, the Legislature enacted Section 51.304 of the Texas Government Code, which states that:

“The district clerk may, pursuant to the clerk’s duty to record the acts and proceedings of the court, provide a plan for the storage of records, acts, proceedings, minutes of the court, and registers, records, and instruments for which the clerk is responsible by law, by microfilm, image processing technology, or other process that correctly and legibly reproduces or that forms a medium for copying or reproducing or by optical data storage. The plan must be in writing and provide for the maintenance, retention, security, retrieval, and reproduction of stored records.”

*See* Tex. Gov’t Code § 51.304(a). The statute further states that the plan must “provide for the *permanent retention* of records, including *security provisions* to guard against physical loss, *alteration*, and deterioration.” *Id.*, at § 51.304(b)(5) [emphasis added].

The district clerk is an independently elected county official whose office was created by the Texas Constitution, and the elected officer is not subject to removal by the courts, except by a jury in a limited statutory proceeding. *See* Tex. Loc. Gov’t Code § 87.012(6). Furthermore, the District Clerk is the custodian of all district court pleadings and papers that are part of any cause of action, whether civil or criminal. In addition to the constitutional designation for the district clerk, elected county officers are designated as the “records management officers” for their respective offices and are delegated preeminent authority to develop and administer the records management program for their offices. Tex. Att’y Gen. Op. No. JM-1224 (1990) at 10 (*citing* Tex. Loc. Gov’t Code § 203.003(2)).

The clerk’s sphere of authority encompasses authority over both (1) records in the clerk’s office; and (2) resources in and personnel employed in the clerk’s office. Tex. Att’y Gen. Op. No. GA-0203, at 3. Therefore, a district clerk has the authority to determine how to use resources allocated to the clerk’s office to accomplish the clerk’s constitutional and statutory duties. Tex. Att’y Gen. Op. No. JC-0214 (2000) at 5; Tex. Att’y Gen. Op. No. GA-0203, at 4. This includes the authority to determine how personnel in the clerk’s office will spend their time on office projects. Tex. Att’y Gen. Op. No. GA-0203, at 4; Tex. Att’y Gen. Op. No. GA-0037 (2003) at 3. *See also* Tex. Att’y Gen. Op. No. JC-0239 (2000) at 4. The District Clerk has authority to determine how to use the resources allocated to his office to accomplish his constitutional and statutory duties. Tex. Att’y Gen. Op. No. JC-0214 (2000) at 5; Tex. Att’y Gen. Op. No. GA-0203, at 4; Tex. Att’y Gen. Op. No. GA-0037 (2003) at 3; Tex. Att’y Gen. Op. No. JC-0239 (2000) at 4.

#### CONCLUSION

The questions presented in this request are whether the Courts’ can order how clerks operate their respective offices, including requiring all district clerks to integrate their case management systems with re:SearchTX and whether the Courts’ orders violate the separation of powers doctrine by improperly infringing on the Legislature’s conveyance of public access authority to clerks.

Sincerely,



Kimberly M. Buchanan, C.P.A.  
Tarrant County Auditor

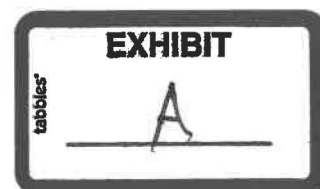
# Supreme Court of Texas

Misc. Docket No. 24-9030

## Final Approval of Amendments to Texas Rules of Civil Procedure 21, 165a, 239a, 246, 297, 298, 299, 299a, and 306a; Texas Rule of Appellate Procedure 9.2; and Rule 2.7 of the Statewide Rules Governing Electronic Filing in Criminal Cases

### ORDERED that:

1. On September 8, 2023, in Misc. Dkt. No. 23-9071, the Court preliminarily approved amendments to Texas Rules of Civil Procedure 21, 165a, 239a, 246, 297, 298, 299, 299a, and 306a; Texas Rule of Appellate Procedure 9.2; and Rule 2.7 of the Statewide Rules Governing Electronic Filing in Criminal Cases, effective immediately. The Court invited public comment and directed the Judicial Committee on Information Technology (“JCIT”) to study and make recommendations on copying court orders, notices, and other documents in civil cases to re:SearchTX.
2. The comment period expired on January 1, 2024. JCIT submitted its recommendations on March 5, 2024. Those recommendations are attached as Exhibit 1 to this Order.
3. Following the comment period and the receipt of JCIT’s recommendations, the Court made revisions to the rules. Those revisions are shown in redline. This Order incorporates the revisions and contains the final version of the amended rules, effective immediately.
4. This Order also mandates district and county clerks to integrate their local case management systems with re:SearchTX. Integration will be mandatory according to the following implementation schedule based on the counties’ 2020 Federal Census population:
  - a. Courts in counties with a population of 250,000 or more – October 1, 2024;
  - b. Courts in counties with a population of 60,000 to 249,999 – March 1, 2025;
  - c. Courts in counties with a population less than 60,000 – November 1, 2025.

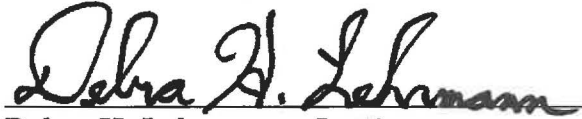


5. Clerks who believe they cannot comply with paragraph 4 of this Order by the implementation date specified may petition the Supreme Court for an extension, which may be granted for good cause shown. The petition must explain why an extension is needed and propose an alternative integration date.
6. Before integration, clerks are excused from complying with Texas Rule of Civil Procedure 21(f)(10) and Rule 2.7 of the Statewide Rules Governing Electronic Filing in Criminal Cases. However, clerks must send orders and judgments to the parties electronically within 24 hours after the order or judgment is signed.
7. For purposes of the Texas Rule of Civil Procedure, the Statewide Rules Governing Electronic Filing in Criminal Cases, and the Texas Rules of Appellate Procedure, re:SearchTX and the Texas Appeals Management and E-filing System (“TAMES”) are approved e-filing systems.
8. 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 this Order for publication in the *Texas Register*.

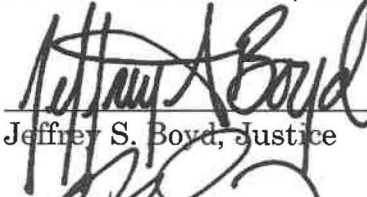
Dated: May 28, 2024.




Nathan L. Hecht, Chief Justice



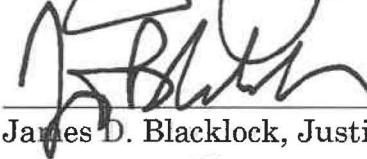
Debra H. Lehrmann, Justice



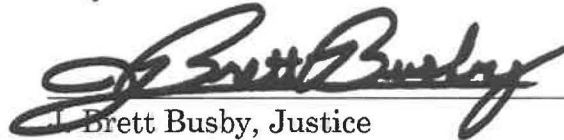
Jeffrey S. Boyd, Justice



John P. Devine, Justice



James D. Blacklock, Justice



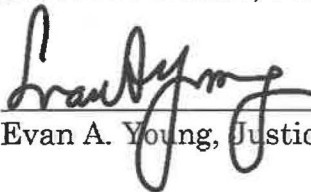
Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice

# Court of Criminal Appeals of Texas

---

---

Misc. Docket No. 24-004

---

---

## Final Approval of Amendments to Texas Rule of Appellate Procedure 9.2 and Rule 2.7 of the Statewide Rules Governing Electronic Filing in Criminal Cases

---

---

**ORDERED** that:

1. On September 8, 2023, the Court of Criminal Appeals (in Misc. Dkt. No. 23-004) and the Supreme Court of Texas (in Misc. Dkt. No. 23-9071) preliminarily approved amendments to Texas Rule of Appellate Procedure 9.2 and Rule 2.7 of the Statewide Rules Governing Electronic Filing in Criminal Cases and invited public comment.
2. Following the comment period, the Courts revised the rules. Those revisions are shown in redline. This Order incorporates the revisions and contains the final version of the amended rules, effective immediately.
3. By the accompanying Texas Supreme Court order, district and county clerks are ordered to integrate their local case management systems with re:SearchTX as set out in that order.
4. By the same accompanying Texas Supreme Court order, for purposes of the Texas Rules of Civil Procedure, the Texas Rules of Appellate Procedure, and the Statewide Rules Governing Electronic Filing in Criminal Cases, the Texas Appeals Management and E-filing System (TAMES) and re:SearchTX are approved e-filing systems.
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 this Order for publication in the *Texas Register*.

Dated: May 28, 2024.

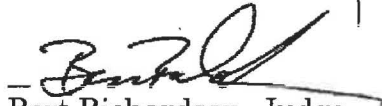




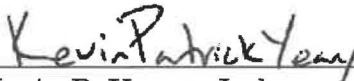
Sharon Keller, Presiding Judge



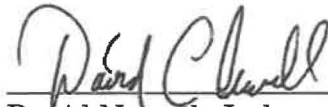
Barbara P. Hervey, Judge



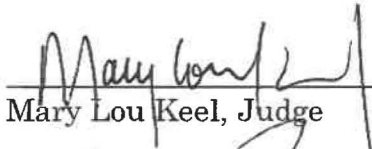
Bert Richardson, Judge



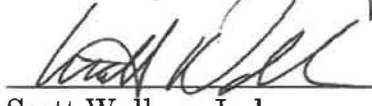
Kevin P. Yeary, Judge



David Newell, Judge



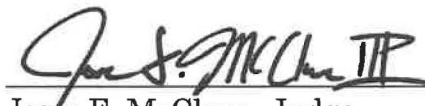
Mary Lou Keel, Judge



Scott Walker, Judge



Michelle Slaughter, Judge



Jesse F. McClure, Judge

## TEXAS RULES OF CIVIL PROCEDURE

### RULE 21. FILING AND SERVING PLEADINGS AND MOTIONS

\*\*\*

(f) Electronic Filing.

\*\*\*

(10) Electronic Orders, Notices, and Other Documents From the Court.

- (A) Except as provided in (B), the clerk must send orders, notices, and other documents to the parties electronically through an electronic filing ~~service provider certified by the Office of Court Administrationsystem approved by the Supreme Court~~. A court seal may be electronic.
- (B) The clerk need not send orders, notices, or other documents electronically:
- (i) when sealed or when access is otherwise restricted by law or court order; or
  - (ii) when an unrepresented party has not provided an e-mail address.

\*\*\*

#### Notes and Comments

\*\*\*

Comment to 2023 changes: Rule 21(b) is amended to clarify requirements for notices. Rule 21(f)(10) is amended to implement section 80.002(b) of the Government Code. Clerks are encouraged to coordinate and work with other court staff to effectuate this rule. Nothing in Rule 21(f)(10) prohibits the court from sending orders, notices, and documents to parties by additional methods and the clerk is strongly encouraged to use additional methods when a party is unrepresented. If a party has not provided an e-mail address and consequently compliance with Rule 21(f)(10) is impossible, then the clerk should use an alternative method to send orders, notices, and documents to that party.

## **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 must be sent by the clerk to the parties as provided in Rule 21(f)(10). At the dismissal hearing, the court must dismiss for want of prosecution unless there is good cause for the case to be maintained on the docket. If the court determines to maintain the case on the docket, it must render a pretrial order assigning a trial date for the case and setting deadlines for the joining of new parties, all discovery, filing of all pleadings, the making of a response or supplemental responses to discovery and other pretrial matters. The case may be continued thereafter only for valid and compelling reasons specifically determined by court order. The clerk must send any order to the parties as provided in Rule 21(f)(10). Failure to send notices and orders as required by this rule does not affect any of the periods mentioned in Rule 306a except as provided in that 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 must certify to the clerk in writing the last known email address and 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 a default judgment, the clerk must send written notice thereof to the party against whom the judgment was rendered as provided in Rule 21(f)(10) and to the mailing address shown in the certificate, and note the fact of such mailing on the docket. The notice must 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 does not affect the finality of the judgment.

## **RULE 246. CLERK TO GIVE NOTICE OF SETTINGS**

The clerk must keep a record of all cases set for trial and, upon written request, must send the parties the date of setting as provided in Rule 21(f)(10). Failure of the clerk to send such information on proper request is sufficient ground for continuance or for a new trial when it appears to the court that such failure has prevented a party from preparing or presenting the party's claim or defense.

## **RULE 297. TIME TO SEND FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Within twenty days after a timely request is filed, the court must send its findings of fact and conclusions of law to the parties as provided in Rule 21(f)(10).

If the court fails to send timely findings of fact and conclusions of law, the party making the request must, 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 must be immediately called to the attention of the court by the clerk. Such notice must 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 send findings of fact and conclusions of law is extended to forty days from the date the original request was filed.

### **Notes and Comments**

Comment to 1990 change: To revise the practice and times for findings of fact and conclusion of law. See also Rules 296 and 298.

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

After the court sends 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 must be made within ten days after the court sends the original findings and conclusions. Each request made pursuant to this rule must be served on each party to the suit in accordance with Rule 21a.

Within ten days after such request is filed, the court must send any additional or amended findings and conclusions to the parties as provided in Rule 21(f)(10). No findings or conclusions shall be deemed or presumed by any failure of the court to make any additional findings or conclusions.

## **RULE 299. OMITTED FINDINGS**

When findings of fact are sent by the trial court they must form the basis of the judgment upon all grounds of recovery and of defense embraced therein. The judgment may not be supported upon appeal by a presumed finding upon any ground of recovery or defense, no element of which has been included in the findings of fact; but when one or more elements thereof have been found by the trial court, omitted unrequested elements, when supported by evidence, will be supplied by presumption

in support of the judgment. Refusal of the court to make a finding requested is reviewable on appeal.

**RULE 299a. FINDINGS OF FACT TO BE SEPARATELY SENT AND NOT RECITED IN A JUDGMENT**

Findings of fact must not be recited in a judgment. If there is a conflict between findings of fact recited in a judgment in violation of this rule and findings of fact made pursuant to Rules 297 and 298, the latter findings will control for appellate purposes. Findings of fact must be sent as a document or documents separate and apart from the judgment.

**Notes and Comments**

Comment to 1990 change: To require that findings of fact be separate from the judgment and that such separate findings of fact are controlling on appeal.

**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 must immediately send the judgment or order to the parties as provided in Rule 21(f)(10). If the judgment awards monetary damages, the ~~notice~~judgment must state: "If you are an individual (not a company), your money or property may be protected from being taken to pay this judgment. Find out more by visiting [www.texaslawhelp.org/exempt-property](http://www.texaslawhelp.org/exempt-property). / Si usted es una persona física (y no una compañía), su dinero o propiedad pudieran estar protegidos de ser embargados como pago de esta deuda decretada en juicio en contra suya. Obtenga mayor información visitando el sitio [www.texaslawhelp.org/exempt-property](http://www.texaslawhelp.org/exempt-property)." 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).

\*\*\*

## TEXAS RULES OF APPELLATE PROCEDURE

### Rule 9. Documents Generally

\*\*\*

#### 9.2. Filing

\*\*\*

##### (c) *Electronic Filing.*

\*\*\*

##### (7) Electronic Orders, Notices, and Other Documents From the Court.

###### (A) In Civil Cases.

(i) Except as provided in (ii), the clerk must send orders, notices, and other documents to the parties electronically through ~~an electronic filing service provider certified by the Office of Court Administration or~~ an electronic filing system approved by the Supreme Court. A court seal may be electronic.

(ii) The clerk need not send orders, notices, or other documents electronically:

(a) when sealed or when access is otherwise restricted by law or court order; or

(b) when an unrepresented party has not provided an e-mail address.

###### (B) In Criminal Cases.

(i) The clerk may electronically send notices and other documents to the parties. A court seal may be electronic.

- (ii) Except as provided in (iii), the clerk must send orders to the parties electronically through ~~an electronic filing service provider certified by the Office of Court Administration~~ or an electronic filing system approved by the Supreme Court. A court seal may be electronic.
- (iii) The clerk need not send orders electronically:
  - (a) when sealed or when access is otherwise restricted by law or court order; or
  - (b) when an unrepresented party has not provided an e-mail address.

\*\*\*

### Notes and Comments

\*\*\*

Comment to 2023 Change: Rule 9.2(c)(7) is amended to implement section 80.002 of the Government Code. Nothing in Rule 9.2(c)(7) prohibits the clerk from sending orders, notices, and documents to parties by additional methods other than through ~~an electronic filing service provider certified by the Office of Court Administration~~ or an electronic filing system approved by the Supreme Court. Indeed, the clerk is strongly encouraged to use additional methods when a party is unrepresented. If a party has not provided an e-mail address and consequently compliance with Rule 9.2(c)(7) is impossible, then the clerk should use an alternative method to send orders, notices, and documents to that party.

**STATEWIDE RULES GOVERNING ELECTRONIC FILING  
IN CRIMINAL CASES**

**PART 2. FILING MECHANISM**

\*\*\*

**Rule 2.7 Electronic Orders, Notices, and Other Documents from the Court**

- (a) **Notices and Other Documents.** The clerk may electronically send notices and other documents to the parties. A court seal may be electronic.
- (b) **Orders from the Court.** Except as provided in (c), the clerk must send orders to the parties electronically through an electronic filing service provider certified by the Office of Court Administration system approved by the Supreme Court of Texas.
- (c) **Exceptions to Electronic Delivery of Orders from the Court.** The clerk need not send orders electronically:
  - (1) when sealed or when access is otherwise restricted by law or court order; or
  - (2) when an unrepresented party has not provided an e-mail address.

\*\*\*

**Comment to Rule 2.7:** This rule is amended to implement section 80.002 of the Government Code. Nothing in Rule 2.7(b) prohibits the clerk from sending orders by additional methods, and the clerk is strongly encouraged to use additional methods when a party is unrepresented. If a party has not provided an e-mail address and consequently compliance with Rule 2.7(b) is impossible, then the clerk should use an alternative method to send orders to that party.



# **Exhibit 1**

## JCIT Subcommittee Recommendation – Orders on re:SearchTX

The Supreme Court has directed JCIT to study and make recommendations on copying court orders, notices, and other documents in civil cases to re:SearchTX. See Misc. Docket No. 23-9071 ¶ 5 (Preliminary Approval of Amendments to Texas Rules of Civil Procedure 21, 165a, 239a, 246, 297, 298, 299, 299a, and 306a; Texas Rule of Appellate Procedure 9.2; and Rule 2.7 of the Statewide Rules Governing Electronic Filing in Criminal Cases).

As amended to implement Texas Government Code section 80.002(b), Texas Rule of Civil Procedure 21(f) (10) generally requires the clerk to send orders, notices, and other documents to the parties electronically through an Office of Court Administration-approved electronic filing service provider (“EFSP”). But when an order, notice, or other document is sent using an EFSP’s “service only” option rather than by e-filing, the document is not captured into the re:SearchTX database. Thus, despite a clerk’s compliance with Rule 21(f)(10), orders, notices, and other documents pertinent to a case may or may not be found in re:SearchTX, depending on how the clerk sent them to the parties.

The goal of re:SearchTX is to establish a robust system that would allow parties and the public access to public records, including orders, notices, and other court-generated documents. JCIT has the following recommendations that would facilitate the copying of court orders, notices, and other documents in civil cases into re:SearchTX.

Integration of the clerks’ respective Case Management Systems (“CMS”) with re:SearchTX presents the easiest solution. All CMS software currently in use statewide can integrate with re:SearchTX on the back end. This option would allow clerks’ offices to docket and store documents using their current systems and processes while maintaining appropriate security. Through integration, once a docket entry and document are uploaded into the CMS, they would automatically appear in re:SearchTX within the permissions provided by existing technology standards. Additionally, if a case or specific documents are sealed, re:SearchTX would recognize and follow the security level provided by the CMS. A date-forward view of dockets and document entries could also be implemented on a case-by-case basis in the event a jurisdiction did not previously have security implemented in its CMS.

For notifications to parties, Tyler Technologies has committed to making its case alerts in re:SearchTX, which currently come at an additional cost to attorneys, free for parties and attorneys on the case. The case alerts combined with the clerk’s integration, means that orders and notices would appear on re:SearchTX when docketed by the clerk and parties/attorneys would be notified, accomplishing the letter and intent of the law and Supreme Court orders.

The integration of CMS systems supports public access to court records and provides an easily accessible backup for court records in the event of a natural disaster. The federal Public Access to Court Electronic Records (“PACER”) system has been extremely beneficial to the administration of justice and public access, and the integration solution would help make the Texas eFiling system similar to PACER, as originally intended.

**Recommendation 1 - Require clerks to integrate with re:SearchTX according to a reasonable schedule.** Integration would allow clerk offices to continue operating in the same way they do today with no extra

steps involved. A reasonable schedule of integration is set forth below. An exception process should be put into place for clerk's offices needing additional time to integrate. Of the 20 most populous Texas counties, all district and county clerks, except for Harris DC and Tarrant DC, use Tyler's CMS and are able to integrate with re:SearchTX. Integration capability for Harris DC and Tarrant DC is in process.

If the Supreme Court adopts this recommendation, clerks should be required to integrate on the following schedule, a detailed version of which is attached:

- Top 20 most populous counties: within five months of the Supreme Court's order adopting this recommendation.
- Counties with a population over 60,000: within ten months of the Supreme Court's order adopting this recommendation.
- All other counties: within eighteen months of the Supreme Court's order adopting this recommendation.

**Recommendation 2 – Include re:SearchTX as part of the definition of an e-filing system in the Final Approval Order.** Texas Government Code section 72.031(a) gives the Supreme Court the power to determine what is included in the definition of the eFiling system. The Court has previously defined the Texas Appeals Management and E-filing System ("TAMES") as an approved e-filing system for purposes of Texas Rule of Appellate Procedure 9.2. *See, e.g.*, Misc. Docket No. 23-9071 ¶ 4. Doing so has allowed notices generated through TAMES to serve as notices from the appellate clerk in compliance with TRAP 9.2(7), which imposes a requirement substantially similar to new TRCP 21(f)(10). Including re:SearchTX within the definition of an e-filing system would benefit trial court clerks much the same way.

JCIT recommends including the following language in the Final Order approving the amendment to TRCP 21:

For purposes of Texas Rule of Civil Procedure 21(f)(10), re:SearchTX is an approved e-filing system.

If recommendations 1 and 2 are adopted, trial court clerks using integrated CMSs would be compliant with amended Rule 21(f)(10).

**Recommendation 3 – Consistent with the intent of Texas Government Code section 80.002, until a clerk's office is integrated, orders shall be sent to parties and attorneys electronically within two business days of the clerk receiving the order, without request from the parties or attorneys, and at no cost to the parties or attorneys.** This recommendation would act as a stopgap to ensure that parties and attorneys receive timely notice of court orders until full integration is accomplished. This recommendation should be implemented within 30 days of adoption by the Supreme Court.

AGREEMENT TO PROVIDE DIAL-IN ACCESS TO COURT RECORDS

WHEREFORE, the Texas Open Records Act (Chapter 552, Government Code) (hereinafter the "Act") provides that certain information maintained by or for a governmental body is public information;

WHEREFORE, the Act does not apply to the judiciary or records kept by or for the judiciary, including those court records kept or maintained by the District Clerk, County Clerk, Sheriff and/or Criminal District Attorney of Tarrant County, Texas, including those records maintained on computer;

WHEREFORE, certain records of the Tarrant County judiciary are maintained on computer, including certain criminal records of the district and county courts that are contained in a combined database named CJMAST;

WHEREFORE, Section 191.008 of the Local Government Code provides that the commissioners court may make records available through a computerized electronic information system only if the custodian of the records agrees in writing to allow public access to the records;

WHEREFORE, the District Clerk, County Clerk, Sheriff, and Criminal District Attorney of Tarrant County, Texas are the custodians of the judicial and/or court records maintained on the computerized electronic information system;

NOW, THEREFORE, the custodians referenced below agree to dial-in access by certain subscribers to judicial and/or court records kept, stored or maintained on the computerized electronic information system only as follows:

1. A subscriber may enter into a Computer Dial-In Subscriber Agreement through either the District Clerk or the County Clerk.

2. Subscribers through the District Clerk will have access to the combined records of both the district and county criminal



courts, through CJMAST, as well as to other records under the exclusive control of the District Clerk.

3. Subscribers through the County Clerk will have access to the combined records of both the district and county criminal courts, through CJMAST, as well as to other records under the exclusive control of the County Clerk.

4. The District Clerk and the County Clerk are each responsible for contracting with subscribers, maintaining funds on deposit, denying access to subscribers whose balance is zero, and ensuring appropriate security.

5. Management of subscriber accounts will be determined by the clerk who obtains the account as evidenced by the signature and date of the clerk who first signs the Computer Dial-In Subscriber Agreement.

6. All custodians referenced below agree that the District Clerk and the County Clerk shall have authority to sign the Computer Dial-In Subscriber Agreement which would allow access to the records described in Exhibit A.

7. The District Clerk and County Clerk agree to sign any Computer Dial-In Subscriber Agreement that is submitted to them within a reasonable time from the date of receipt of the Subscriber Agreement.

8. The only information on CJMAST that will be available to subscribers are those criminal court records that were available from public browse terminals in the county on September 1, 1995, and as more fully described in attached Exhibit A.

9. All custodians agree that any dispute between the custodians regarding the Computer Dial-In Subscriber Agreement or dial-in access in general will be submitted for resolution to the

Local Administrative Judge for the Tarrant County District Judges.

SIGNED THIS 31 day of Jan, 1996

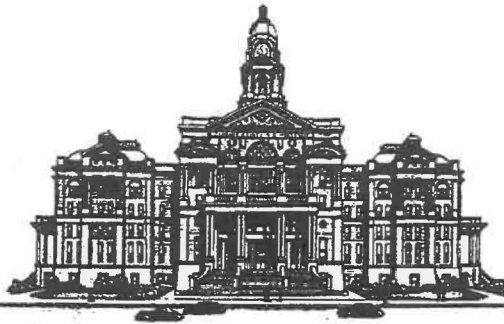
  
TARRANT COUNTY DISTRICT CLERK

  
TARRANT COUNTY CLERK

  
TARRANT COUNTY SHERIFF

  
TARRANT COUNTY CRIMINAL DISTRICT ATTORNEY

dw:082795dw02.or



SUZANNE HENDERSON  
County Clerk  
Phone: (817) 884-1067

TARRANT COUNTY COURTHOUSE

100 W. Weatherford, Rm. 130  
Fort Worth, Texas 76196-0401

January 31, 1995

To Whom it May Concern:

As the custodian of records for the Tarrant County Criminal Courts, I am compelled to formally state my objection to the County Criminal Judges court order dated (12/07/95) which obliges me to enter a custodial agreement with the District Clerk, Sheriff and District Attorney for providing computerized dial-in access to specific criminal information. It is my concern that by entering such an agreement as written, the County Clerk will not retain appropriate custodial discretion, since all disagreements will be settled through arbitration by a District Judge. In my view, system security is a concern for all custodians and I retain the right to enforce Commissioners Court Order #73126 dated September 26, 1995 paragraph 4 which states in part "anyone of the three has an absolute veto right on system operations relating to security concerns."

It is with much reservation that I have entered into the agreement

Suzanne Henderson  
County Clerk



**PUBLIC ACCESS COMPUTERS**

The general public has access to any person's criminal record in Tarrant County on mainframe terminals in the District Clerk's Office. This information is accessed by the person's name and date of birth. The following information is available as of 9-1-95:

NAME  
DATE OF BIRTH  
AGE  
RACE  
SEX  
ADDRESS  
CASE NUMBER  
CID NUMBER  
COURT  
NOT IN JAIL/IN JAIL STATUS  
FILING AGENCY  
REPORT NUMBER  
BOOKING NUMBER  
TRN (DPS Tracking Number)  
CHARGING OFFENSE  
DISPOSITION OFFENSE (Cases disposed after May 92)  
OFFENSE DATE  
FILE DATE  
DATE INDICTED  
DEFENSE ATTORNEY  
APPOINTED (Yes or No)  
REVIEWING ATTORNEY  
PROSECUTOR  
NEXT COURT DATE  
BOND STATUS  
BOND AMOUNT  
BONDSMAN  
SENTENCE  
APPEAL (Yes or No and Date)  
DRAWER NUMBER (Location of file after disposition)  
DISPOSITION (Type and Date)  
ACTION (History of last 3 transactions)  
COMPANION CASE NUMBERS  
CASE LIST (List of all cases filed on a person)  
SETTINGS JOURNAL (History of court settings)  
WARRANT INFO (If active warrant)  
JAIL POPULATION (Number of prisoners by classification)



Sec. 191.008. AUTHORITY TO ESTABLISH COMPUTERIZED ELECTRONIC INFORMATION SYSTEM. (a) The commissioners court of a county by order may provide for the establishment and operation of a computerized electronic information system through which it may provide on a contractual basis direct access to information that relates to all or some county and precinct records and records of the district courts and courts of appeals having jurisdiction in the county, that is public information, and that is stored or processed in the system. The commissioners court may make records available through the system only if the custodian of the records agrees in writing to allow public access under this section to the records.

(b) The commissioners court may:

- (1) provide procedures for the establishment, maintenance, and operation of the information system;
- (2) establish eligibility criteria for users;
- (3) delineate the public information to be available through the system;
- (4) set a reasonable fee, charged under a contract, for use of the system; and
- (5) consolidate billing and collection of fees and payments under one county department or office.

(c) The commissioners court may contract with a person or other governmental agency for the development, acquisition, maintenance, or operation of:

- (1) the information system or any component of the information system, including telecommunication services necessary for access to the system; and
- (2) billing and collection services for the system.

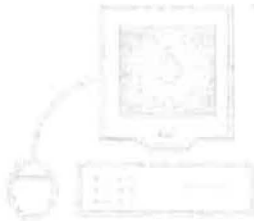
Added by Acts 1991, 72nd Leg., ch. 86, Sec. 1, eff. May 15, 1991.



**TARRANT COUNTY (/EN.HTML)  
TEXAS**

**DISTRICT CLERK (/EN/DISTRICT-CLERK.HTML)**

## **WEB BASED ACCESS SERVICE**



We have enhanced our Dial-In service that offered access to civil and family law computer records to produce faster access using the Internet. Web Based Access also provides the access that was added to the Dial-In service in March 1996 for access to the criminal database, which includes District Court Records. This allows attorneys, vendors, employers, landlords and others the information to do background checks as needed including access to imaged Court Documents. With 60,000 cases being filed each year into the 27 civil, family and criminal District courts in Tarrant County, good computer automation is a necessity, not a luxury. Now attorneys, employers, and the general public can do background checks from their own office.

### **Key Benefits**

- Remote access 23 hours-a-day, 7-days-a-week using your Internet connection
- Record searches from subscriber's location
- District Court Civil, Delinquent Tax, Family, Felony, and Misdemeanor Court records
- Non-refundable processing fee of \$50

- Monthly fee of \$35 for 1-5 users, see application for monthly fee for additional users.

### **New Subscribers**

To subscribe to the Web Based Access Service, go to <https://dcsa.tarrantcounty.com/SubscriberAccess/SubscriberAccess/SubscriberAccessInformation> (<https://dcsa.tarrantcounty.com/SubscriberAccess/SubscriberAccess/SubscriberAccessInformation>) and select the District Clerk Subscriber Access link. You will need to fill out a Subscriber's Agreement and input your information in the required fields. Once completed, send the Subscriber's Agreement to the Tarrant County District Clerk's Office, 100 N. Calhoun St., Fort Worth, TX 76196, Attn: Office Manager. The agreement can be accessed by clicking on the Subscriber Agreement hyperlink on the Application for Web-Based Access page.

You may call 817-212-7208 for additional information or email [District Clerk Webmaster \(mailto:wm-districtclerk@tarrantcounty.com\)](mailto:wm-districtclerk@tarrantcounty.com).

To close an account, please fill out the [Request for Closure of Web-Based Account \(/content/dam/main/district-clerk/Close\\_Web\\_Account\\_Letter.pdf\)](/content/dam/main/district-clerk/Close_Web_Account_Letter.pdf) letter and mail to:

Tarrant County District Clerk  
100 N. Calhoun St., 2nd Floor  
Fort Worth, TX 76196  
Attn: Office Manager



MARY LOUISE GARCIA  
County Clerk

TARRANT COUNTY COURTHOUSE

100 W. Weatherford, Rm. 130  
Fort Worth, Texas 76196-0401

Dear Tom:

It is my desire that you delete the signature line for the County Clerk as well as any reference to the County Clerk within the body of the Web Access Subscriber Contract currently in use.

In the interest of efficiency and conservation of staff time, i would delegate to your office the sole responsibility to execute said contracts as you are administering all of the accounts anyway due to prior arrangement with my predecessor Suzanne Henderson.

This memorandum will affirm your access to the centralized criminal database per the previous agreement with Ms. Henderson executed on **January 31, 1996**.

In short, all current procedures for Web Access Subscribers will remain in effect except for the deletion of the need for the County Clerk to sign the contract and the removal of any other references to the County Clerk currently in said contract.

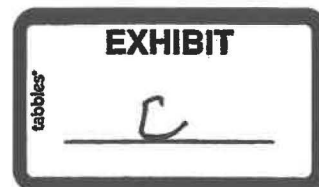
If you agree to this change, please indicate by signing where indicated below:

Mary Louise Garcia (Signature) Agreed  
Mary Louise Garcia, County Clerk

9/10/2012  
Date:

Thomas A. Wilder (Signature) Agreed  
Thomas A. Wilder, District Clerk

9/12/2012  
Date:

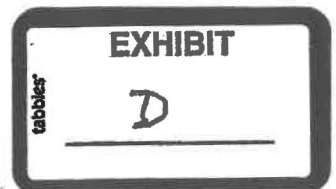


ORDER APPROVING DIAL-IN ACCESS TO COURT RECORDS

BE IT REMEMBERED that while the Texas Open Records Act (Chapter 552, Government Code) (hereinafter the "Act") provides that certain information maintained by or for a governmental body is public information, the Act does not apply to the judiciary or court records kept by or for the judiciary, including those court records kept or maintained by the District Clerk, County Clerk, Sheriff and/or Criminal District Attorney of Tarrant County, Texas. HOWEVER, BE IT FURTHER REMEMBERED that the courts referenced below desire to give limited computer dial-in access, as set forth in attached Exhibit A, to their records, including the categories of information set forth in attached Exhibit B, while not waiving any constitutional, common law or statutory protections or exemptions afforded the records.

THEREFORE, it is ORDERED that computerized dial-in access, as set forth in attached Exhibit A, be provided to the judicial records kept, stored or maintained by the District Clerk, Sheriff and/or District Attorney of Tarrant County, Texas. It is ORDERED that the computerized dial-in access provide the categories of information set forth in attached Exhibit B.

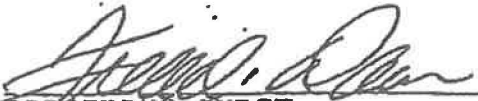
It is further ORDERED that the Tarrant County Data Services Department cooperate fully with the District Clerk of Tarrant County, Texas in making the judicial records of those courts



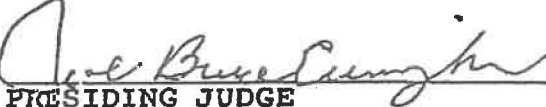
referenced below available through dial-in access, as set forth in attached Exhibits A and B.


It is further ORDERED that a copy of this order be entered by the District Clerk of Tarrant County, Texas in the minutes of all courts referenced below.

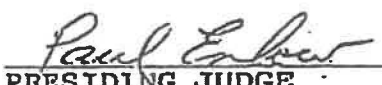
SIGNED THIS 6 day of Sept, 1995.

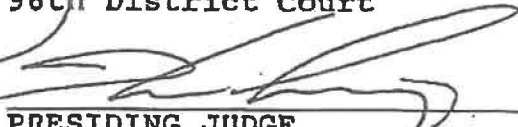
  
PRESIDING JUDGE  
17th District Court

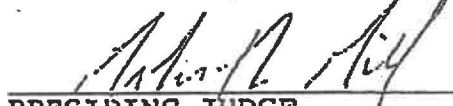
  
PRESIDING JUDGE *Case A. M. Jc*  
48th District Court


  
PRESIDING JUDGE  
67th District Court

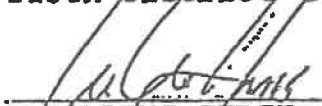
  
PRESIDING JUDGE  
96th District Court

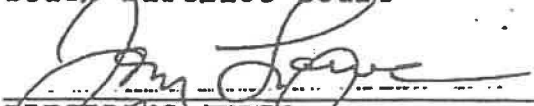
  
PRESIDING JUDGE  
141st District Court

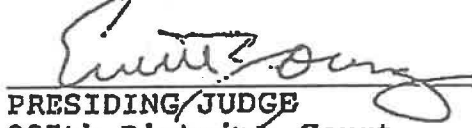
  
PRESIDING JUDGE  
153rd District Court

  
PRESIDING JUDGE  
213th District Court

  
PRESIDING JUDGE  
231st District Court


  
PRESIDING JUDGE  
233rd District Court

  
PRESIDING JUDGE  
236th District Court

  
PRESIDING JUDGE  
297th District Court

  
PRESIDING JUDGE  
322nd District Court

*See For Attached.*  
PRESIDING JUDGE  
323rd District Court

  
PRESIDING JUDGE  
324th District Court

*Justin D. Lewis*  
PRESIDING JUDGE  
325th District Court

*Pat McKeath*  
PRESIDING JUDGE  
342nd District Court

*Michael J. Schottman*  
PRESIDING JUDGE  
348th District Court

*Frederick J. ...*  
PRESIDING JUDGE  
352nd District Court

*W. Duane Keeney*  
PRESIDING JUDGE  
360th District Court

*James G. Wilson*  
PRESIDING JUDGE  
371st District Court

*Scott A. ...*  
PRESIDING JUDGE  
372nd District Court

*Frank ...*  
PRESIDING JUDGE  
Criminal District Court No. 1

*John P. ...*  
PRESIDING JUDGE  
Criminal District Court No. 2

*Robert ...*  
PRESIDING JUDGE  
Criminal District Court No. 3

*John Drago*  
PRESIDING JUDGE  
Criminal District Court No. 4

dw:083195dw01.or

Exhibit A .

The computer dial-in access to the records of the District Courts in Tarrant County will occur in the following way:

1. Computer dial-in access is a method by which the electronic records of the district courts for which the Tarrant County District Clerk is custodian may be viewed by an eligible subscriber from their own computer through the use of telephone lines and computer modems.

2. The District Clerk as custodian of the records of the district courts is responsible for determining which records may be made available through the clerk's computer dial-in access system as well as adhering to any restrictions which may be placed on such access by the District Judges. The clerk is responsible for assuring that adoption records, expunged records, and other records sealed by the courts are not made available for viewing through the computer dial-in access system.

3. The District Clerk shall be responsible for contracting with subscribers, maintaining funds on deposit, recommending to Commissioners' Court a fee schedule for the service, tracking account balances, notifying subscribers of the amounts of funds needing to be placed on deposit and ensuring appropriate security.

4. The information that will be available through this computer dial-in access system will be that information pertaining to civil district court records and family law district court records that was being made available through the District Clerk's computer dial-in access system on September 1, 1995 and those criminal district court records, including but not limited to that information entered by the Sheriff's Office and District Attorney's Office, that were available from public browse terminals in the District Clerk's Office on September 1, 1995.

5. The Tarrant County Data Services Department shall provide any assistance necessary to assure that the records described above are available and accessible through the existing computer dial-in access system of the District Clerk including but not limited to additional telephone lines as may be required, computer programming, computer software, and computer hardware.



"EXHIBIT B"

PUBLIC ACCESS COMPUTERS

The general public has access to any person's criminal record in Tarrant County on mainframe terminals in the District Clerk's Office. This information is accessed by the person's name and date of birth. The following information is available as of 9-1-95:

NAME  
DATE OF BIRTH  
AGE  
RACE  
SEX  
ADDRESS  
CASE NUMBER  
CID NUMBER  
COURT  
NOT IN JAIL/IN JAIL STATUS  
FILING AGENCY  
REPORT NUMBER  
BOOKING NUMBER  
TRN (DPS Tracking Number)  
CHARGING OFFENSE  
DISPOSITION OFFENSE (Cases disposed after May 92)  
OFFENSE DATE  
FILE DATE  
DATE INDICTED  
DEFENSE ATTORNEY  
APPOINTED (Yes or No)  
REVIEWING ATTORNEY  
PROSECUTOR  
NEXT COURT DATE  
BOND STATUS  
BOND AMOUNT  
BONDSMAN  
SENTENCE  
APPEAL (Yes or No and Date)  
DRAWER NUMBER (Location of file after disposition)  
DISPOSITION (Type and Date)  
ACTION (History of last 3 transactions)  
COMPANION CASE NUMBERS  
CASE LIST (List of all cases filed on a person)  
SETTINGS JOURNAL (History of court settings)  
WARRANT INFO (If active warrant)  
JAIL POPULATION (Number of prisoners by classification)

**ORDER DIRECTING THE COUNTY ADMINISTRATOR, THE COUNTY'S  
INFORMATION TECHNOLOGIES DEPARTMENT AND THE TARRANT COUNTY  
DISTRICT CLERK FROM PROVIDING ACCESS TO JUDICIAL RECORDS  
IN ANY MANNER NOT CONSISTENT WITH THE ORDER APPROVING  
DIAL-IN ACCESS TO COURT RECORDS**

WHEREAS on September 6, 1995, the Order Approving Dial-In Access To Court Records was signed by the 17th, 48th, 67th, 96th, 141st, 153rd, 213th, 231st, 233rd, 236th, 297th, 322nd, 323rd, 324th, 325th, 342nd, 348th, 352nd, 360th, 371st and 372nd District Courts and Criminal District Courts Nos. 1, 2, 3 and 4. Said Order Approving Dial-In Access To Court Records provides limited computer dial-in access to subscribers while not waiving any constitutional, common law or statutory protections or exemptions afforded the records.

WHEREAS Tex. Gov't Code § 552.0035 provides that information collected, assembled, or maintained by or for the judiciary is governed by rules adopted by the Supreme Court of Texas or by other applicable laws and rules. The Supreme Court of Texas holds that the Public Information Act [formerly the Open Records Act] does not apply to the judiciary. Supreme Court of Texas Misc. Docket No. 97-S141 (1997).

WHEREAS Tex. Loc. Gov't Code § 191.008(a) provides that while a commissioners court may provide for the establishment and operation of a computerized electronic information system, the commissioners court may make records available through the system only if the custodian of the records agrees in writing to allow said public access. See also Tex. Att'y Gen. Op. JM-1224 (1990); Tex. Att'y Gen. Op. JM-1275 (1990).

THEREFORE, IT IS ORDERED that James Schander, Director of the Tarrant County Information Technologies Department, his successors and assigns, and the Tarrant County Information Technologies Department deny public access to records of the judiciary maintained on the County's mainframe by said Information Technologies Department in any manner not contemplated in the Dial-In Order first approved on September 5, 1995.

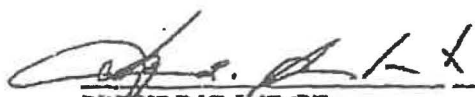
THEREFORE, IT IS ORDERED that the G.K. Macnius, County Administrator, his successors and assigns, deny public access to records of the judiciary maintained on the County's mainframe by the Tarrant County Information Technologies Department in any manner not contemplated in the Dial-In Order first approved on September 6, 1995.

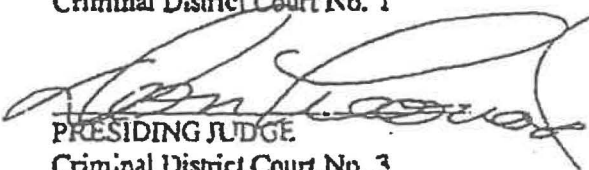
THEREFORE, IT IS ORDERED that the Tarrant County District Clerk deny public access to records of the judiciary maintained on the County's mainframe by the Tarrant County Information Technologies Department in any manner not contemplated in the Dial-In Order first approved on September 6, 1995.

IT IS FURTHER ORDERED that a copy of this order be entered by the District Clerk of Tarrant County in the minutes of all of courts listed below


SIGNED this 3<sup>rd</sup> day of October, 2000.

\_\_\_\_\_  
PRESIDING JUDGE  
Criminal District Court No. 1

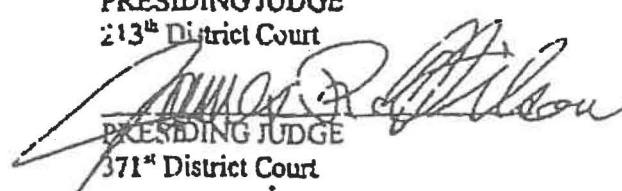
  
\_\_\_\_\_  
PRESIDING JUDGE  
Criminal District Court No. 2

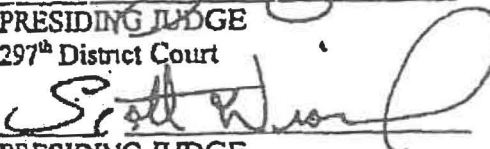
  
\_\_\_\_\_  
PRESIDING JUDGE  
Criminal District Court No. 3


\_\_\_\_\_  
PRESIDING JUDGE  
Criminal District Court No. 4

  
\_\_\_\_\_  
PRESIDING JUDGE  
213<sup>th</sup> District Court

  
\_\_\_\_\_  
PRESIDING JUDGE  
297<sup>th</sup> District Court

  
\_\_\_\_\_  
PRESIDING JUDGE  
371<sup>st</sup> District Court

  
\_\_\_\_\_  
PRESIDING JUDGE  
372<sup>nd</sup> District Court

  
\_\_\_\_\_  
PRESIDING JUDGE  
396<sup>th</sup> District Court

**INTERNET ACCESS ADDENDUM TO ORDER APPROVING  
DIAL-IN ACCESS TO COURT RECORDS**

BE IT REMEMBERED that on the 11<sup>th</sup> day of June, 2003, the Council of District Judges met and approved the Order as set out below. BE IT FURTHER REMEMBERED that the Council of District Judges authorized the Local Administrative Judge to sign the Order as set out below on behalf of all of the Tarrant County District Judges.

BE IT FURTHER REMEMBERED that on September 6, 1995, the Order Approving Dial-In Access to Court Records was signed by the 17th, 48th, 67th, 96th, 141st, 153rd, 213th, 231st, 233rd, 236th, 297th, 322nd, 323rd, 324th, 325th, 342nd, 348th, 352nd, 360th, 371st and 372nd District Courts and Criminal District Courts Nos. 1, 2, 3 and 4. BE IT FURTHER REMEMBERED that on March 6, 2000, the Addendum to Order Approving Dial-In Access to Records of the Judiciary was signed by the 396<sup>th</sup> District Court. BE IT FURTHER REMEMBERED that on October 3, 2000, the Order Directing the County Administrator, the County's Information Technologies Department and the Tarrant County District Clerk from Providing Access to Judicial Records in Any Manner Not Consistent with the Order Approving Dial-In Access to Court Records was signed by the 213<sup>th</sup>, 297<sup>th</sup>, 371<sup>st</sup>, 372<sup>nd</sup> and 396<sup>th</sup> District Courts and Criminal District Courts Nos. 2, 3 and 4. BE IT FURTHER REMEMBERED that said Order Approving Dial-In Access to Court Records and Addendum to Order Approving Dial-In Access to Records of the Judiciary provide limited computer dial-in access to subscribers while not waiving any constitutional, common law or statutory protections or exemptions afforded the records.

BE IT FURTHER REMEMBERED that the Tarrant County District Judges desire to give limited internet access to their records to subscribers in addition to dial-in computer access while not waiving any constitutional, common law or statutory protections or exemptions afforded the records.

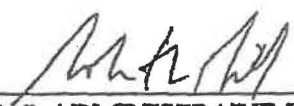
Said internet access shall include the categories of information currently available *via* computer dial-in access as provided in the Order Approving Dial-In Access to Court Records. IT IS FURTHER ORDERED that computer dial-in and internet access shall include access to those documents contained in the Clerk's paper court records kept for individual causes which have been scanned and which are available for public viewing. BE IT FURTHER REMEMBERED that the Tarrant County District Judges intend to retain the ability to restrict the availability of a scanned document to computer dial-in and internet access subscribers. See Attachment "1" hereto.

THEREFORE, IT IS ORDERED that internet access be provided to subscribers to the judicial records kept, stored or maintained by the District Clerk of Tarrant County, Texas. IT IS FURTHER ORDERED that the Tarrant County Information Technology Department cooperate fully with the District Clerk of Tarrant County, Texas in making the judicial records of the Tarrant County District Courts available through internet access.

IT IS FURTHER ORDERED that the District Clerk of Tarrant County designate specific documents as "unavailable for viewing" or "sealed" on both the dial-in and internet access systems when directed by a court *via* written notification.

IT IS FURTHER ORDERED that a copy of this Order be entered by the District Clerk of Tarrant County in the minutes of all Tarrant County District Courts.

SIGNED this 11 day of June, 2003.

  
LOCAL ADMINISTRATIVE JUDGE  
COUNCIL OF DISTRICT JUDGES  
TARRANT COUNTY, TEXAS

**ADDENDUM TO ORDER DIRECTING THE COUNTY ADMINISTRATOR,  
THE COUNTY'S INFORMATION TECHNOLOGIES DEPARTMENT AND THE  
TARRANT COUNTY DISTRICT CLERK FROM PROVIDING ACCESS TO JUDICIAL  
RECORDS IN ANY MANNER NOT CONSISTENT WITH THE ORDER  
APPROVING DIAL-IN ACCESS TO COURT RECORDS**

WHEREAS on September 6, 1995, the Order Approving Dial-In Access To Court Records was signed by the 17th, 48th, 67th, 96th, 141st, 153rd, 213th, 231st, 233rd, 236th, 297th, 322nd, 323rd, 324th, 325th, 342nd, 348th, 352nd, 360th, 371st and 372nd District Courts and Criminal District Courts Nos. 1, 2, 3 and 4. Said Order Approving Dial-In Access to Court Records provides limited computer dial-in access to subscribers while not waiving any constitutional, common law or statutory protections or exemptions afforded the records. Said Order provides limited computer dial-in access to court records, including defendant's name, case number, court, disposition offense, not in jail/in jail status and settings journal.

WHEREAS on October 3, 2000, the Order Directing the County Administrator, the County's Information Technologies Department (hereinafter "the County's IT Department") and the Tarrant County District Clerk From Providing Access to Judicial Records in Any Manner Not Consistent with the Order Approving Dial-In Access to Court Records was signed by the 213<sup>th</sup>, 297<sup>th</sup>, 371<sup>st</sup>, 372<sup>nd</sup>, 396<sup>th</sup>, District Courts and Criminal Courts Nos. 2 and 3. Said Order directed the County Administrator, the County's IT Department and the District Clerk to deny access to records of the judiciary maintained on the County's mainframe by the County's IT Department in any manner not contemplated in the Dial-In Order first approved on September 6, 1995.

WHEREAS the Texas Attorney General Office's Texas VINE program provides limited information and notification to victims of crime via an automated phone service

provided by APPRISS. Texas VINE contemplates the provision of the following limited information to victims of crime through its provider APPRISS: 1) Defendant's name; 2) the case number; 3) the disposition; 4) next court setting; and, 5) the court location.

WHEREAS the District Court Judges trying felony criminal cases desire to provide Texas VINE the following information contained in records of the felony district court records: 1) Defendant's name; 2) the case number; 3) the disposition; 4) next court setting; and, 5) the court location.

THEREFORE, IT IS ORDERED that Steve Smith, Director of the Tarrant County Information Technologies Department, his successors and assigns, and the Tarrant County Information Technologies Department provide Texas VINE the following limited information contained in the felony district court records: 1) Defendant's name; 2) the case number; 3) the disposition; 4) next court setting; and, 5) the court location.

THEREFORE, IT IS ORDERED that the Tarrant County District Clerk provide Texas VINE the following limited information contained in the records of the judiciary: 1) Defendant's name; 2) the case number; 3) the disposition; 4) next court setting; and, 5) the court location.

IT IS FURTHER ORDERED that APPRISS shall not sell, deliver or otherwise provide this information from the felony court records of Tarrant County to any other party or entity not contemplated by this Order.

IT IS FURTHER ORDERED that Texas VINE provide the Tarrant County District Clerk with the appropriate affidavits following the expunction of records in compliance with Texas law.

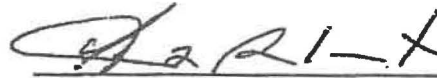
IT IS FURTHER ORDERED that a copy of this order be entered by the District Clerk

of Tarrant County in the minutes of all of courts listed below

SIGNED this 7<sup>th</sup> day of May 2004.



PRESIDING JUDGE  
Criminal District Court No. 1



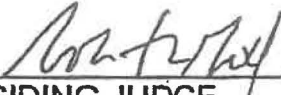
PRESIDING JUDGE  
Criminal District Court No. 2



PRESIDING JUDGE  
Criminal District Court No. 3



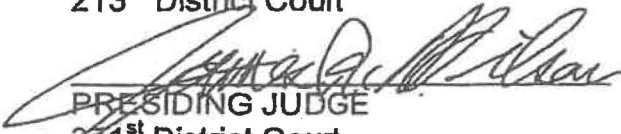
PRESIDING JUDGE  
Criminal District Court No. 4



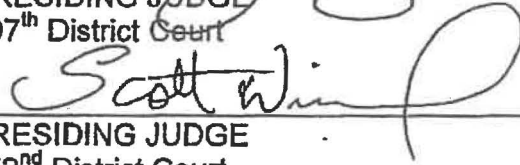
PRESIDING JUDGE  
213<sup>th</sup> District Court



PRESIDING JUDGE  
297<sup>th</sup> District Court



PRESIDING JUDGE  
271<sup>st</sup> District Court



PRESIDING JUDGE  
372<sup>nd</sup> District Court



PRESIDING JUDGE  
396<sup>th</sup> District Court



**ADDENDUM TO ORDER DIRECTING THE COUNTY ADMINISTRATOR,  
THE COUNTY'S INFORMATION TECHNOLOGIES DEPARTMENT AND THE  
TARRANT COUNTY CLERK FROM PROVIDING ACCESS TO JUDICIAL RECORDS  
IN ANY MANNER NOT CONSISTENT WITH THE ORDER  
APPROVING DIAL-IN ACCESS TO COURT RECORDS**

WHEREAS on December 7, 1995, the Order In Re: Agreement to Provide Dial-In Access To Court Records was signed by County Criminal Courts 1, 2, 3, 4, 6, 7, 8, 9 & 10 and the Tarrant County Criminal Court of Appeals. Said Order Approving Dial-In Access to Court Records provides limited computer dial-in access to subscribers while not waiving any constitutional, common law or statutory protections or exemptions afforded the records. Said Order provides limited computer dial-in access to court records, including defendant's name, case number, court, disposition offense, not in jail/in jail status and settings journal.

WHEREAS on October 3, 2000, the Order Directing the County Administrator, the County's Information Technologies Department (hereinafter "the County's IT Department") and the Tarrant County District Clerk From Providing Access to Judicial Records in Any Manner Not Consistent with the Order Approving Dial-In Access to Court Records was signed by the 213<sup>th</sup>, 297<sup>th</sup>, 371<sup>st</sup>, 372<sup>nd</sup>, 396<sup>th</sup>, District Courts and Criminal Courts Nos. 2 and 3. Said Order directed the County Administrator, the County's IT Department and the District Clerk to deny access to records of the judiciary maintained on the County's mainframe by the County's IT Department in any manner not contemplated in the Dial-In Order first approved on September 6, 1995.

WHEREAS the Texas Attorney General Office's Texas VINE program provides limited information and notification to victims of crime via an automated phone service provided by APPRISS. Texas VINE contemplates the provision of the following limited



TRUE AND CORRECT COPY OF  
ORIGINAL RECORD FILED IN  
TARRANT COUNTY, TEXAS:  
SUZANNE HENDERSON, COUNTY CLERK

BY W DEPUTY

TARRANT COUNTY, TEXAS  
JUL 9 1995  
CLERK'S OFFICE

information to victims of crime through its provider APPRISS: 1) Defendant's name; 2) the case number; 3) the disposition; 4) next court setting; and, 5) the court location.

WHEREAS the County Criminal Court Judges trying criminal cases desire to provide Texas VINE the following information contained in records of the *County Criminal* felony district court records: 1) Defendant's name; 2) the case number; 3) the disposition; 4) next court setting; and, 5) the court location.

THEREFORE, IT IS ORDERED that Steve Smith, Director of the Tarrant County Information Technologies Department, his successors and assigns, and the Tarrant County Information Technologies Department provide Texas VINE the following limited information contained in the county criminal court records: 1) Defendant's name; 2) the case number; 3) the disposition; 4) next court setting; and, 5) the court location.

THEREFORE, IT IS ORDERED that the Tarrant County Clerk provide Texas VINE the following limited information contained in the records of the judiciary: 1) Defendant's name; 2) the case number; 3) the disposition; 4) next court setting; and, 5) the court location.

IT IS FURTHER ORDERED that APPRISS shall not sell, deliver or otherwise provide this information from the court records of Tarrant County to any other party or entity not contemplated by this Order.

IT IS FURTHER ORDERED that Texas VINE provide the Tarrant County Clerk with the appropriate affidavits following the expunction of records in compliance with Texas law.

IT IS FURTHER ORDERED that a copy of this order be entered by the County Clerk of Tarrant County in the minutes of all of courts listed below

SIGNED this 7<sup>th</sup> day of June, 2004.

2



TRUE AND CORRECT COPY OF  
ORIGINAL RECORD FILED IN  
TARRANT COUNTY, TEXAS:  
BY ANNE HENDERSON, COUNTY CLERK  
BY W DEPUTY

*Sherry Hill*  
PRESIDING JUDGE  
CCC1

*A. Kelly*  
PRESIDING JUDGE  
CCC2

*Bryon Ma*  
PRESIDING JUDGE  
CCC3

*MS*  
PRESIDING JUDGE  
CCC4

*Michelle*  
PRESIDING JUDGE  
CCC5

*[Signature]*  
PRESIDING JUDGE  
CCC6

*William Strong*  
PRESIDING JUDGE  
CCC7

*[Signature]*  
PRESIDING JUDGE  
CCC8

*Barbara*  
PRESIDING JUDGE  
CCC9

*P. Lonell*  
PRESIDING JUDGE  
CCC10

A CERTIFIED COPY  
ATTEST: 6-9, 20 04  
SUZANNE HENDERSON, County Clerk  
Criminal Courts  
Tarrant County, Texas

Vol. 2004 Page 6-9  
By: [Signature], Deputy

January 18, 2007

To Whom It May Concern:

The Tarrant County district judges hearing criminal cases wish to explain the circumstances leading to our withdrawal of earlier ORDERS permitting dial-in and internet access to criminal district judicial records.

In 1995 the Tarrant County district judges hearing criminal cases signed an ORDER which gave the Tarrant County District Clerk sole authority to disseminate criminal district judicial records. However, in giving the District Clerk this sole authority, the ORDER failed to recognize that criminal district judicial records are shared throughout the Tarrant County criminal justice system. Since the signing of the 1995 ORDER records sharing technology has evolved to the point that the ORDER is outdated. The 1995 ORDER is also overbroad in that the ORDER gives the District Clerk sole authority to disseminate certain records that are not criminal district judicial records; but rather are records created by the Tarrant County Sheriff, the Tarrant County District Attorney, the Tarrant County county criminal courts and various municipal and justice courts. Thus, the 1995 ORDER is outdated and overbroad. Any subsequent ORDER relying on the 1995 ORDER as authority is also outdated and overbroad.

We recognize the authority of the Tarrant County District Clerk as the custodian of criminal district judicial records. We further recognize the Tarrant County District Clerk as an agent through whom criminal district judicial records may be disseminated. At the same time, however, we must recognize that other means of disseminating criminal judicial records are not only feasible and legal; but also to the judicial and public benefit. We wish to reserve the authority to disseminate criminal district judicial records for the benefit and use of the judiciary and public.

It is our intent to maintain authority over our judicial records, while at the same time recognizing the authority of other criminal justice entities to control and disseminate their records. By withdrawing these ORDERS the judges do not assert control over any information that is not a judicial record of the Tarrant County district courts hearing criminal cases.

The Eight District Judges Hearing Criminal Cases Signing the Order dated January 18, 2007

**ORDER**  
OF THE  
**DISTRICT JUDGES OF TARRANT COUNTY**  
**HEARING CRIMINAL CASES**


The undersigned district judges of Tarrant County hearing criminal cases hereby withdraw from the "Order Approving Dial-In Access to Court Records" of September, 1995 and each succeeding and subsequent Order and Addendum pertaining to access to criminal district court records.

Signed this 18<sup>th</sup> day of January, 2007.

  
\_\_\_\_\_  
Judge Sharen Wilson CDC#1

  
\_\_\_\_\_  
Judge Wayne Salvant CDC#2

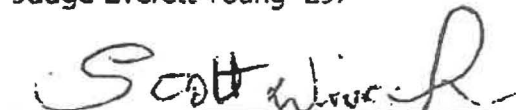
  
\_\_\_\_\_  
Judge Elizabeth Berry CDC#3

  
\_\_\_\_\_  
Judge Mike Thomas CDC#4

  
\_\_\_\_\_  
Judge Robert Gill 213<sup>th</sup>

\_\_\_\_\_  
Judge Everett Young 297<sup>th</sup>

  
\_\_\_\_\_  
Judge Mollee Westfall 371<sup>st</sup>

  
\_\_\_\_\_  
Judge Scott Wisch 372<sup>nd</sup>

  
\_\_\_\_\_  
Judge George Gallagher 396<sup>th</sup>