

**HARRIS COUNTY DISTRICT CLERK'S
e-Clerk PROGRAM**

Your request for information on the Harris County District Clerk's program - *e-Clerk* includes the following:

- ✓ Administrative Guidelines for the e-Clerk Program
- ✓ Overview of the e-Clerk Program
- ✓ Application Form
- ✓ Agreement
- ✓ Summary of Available Web Pages

The Agreement and Application (with supporting documents) should be mailed to:

**Harris County District Clerk
ATTN: Subscriber Access Coordinator
P.O. Box 52366
Houston, Texas 77052-2366**

To avoid delays, please do the following:

1. Every line on the Application(s) must be completed.
2. Please note that the term "User" applies to the attorney making application for the e-Clerk Program. The term "Associate" is an employee of the attorney acting at the direction of the attorney, to submit contact and vacation schedule information and to perform research on case information as required.
3. All supporting documentation must accompany each signed Agreement:
 - a. Application for attorney - xerox copy of attorney's Texas State Bar Card and Texas driver's license
 - b. Application for Associate (if one is designated) - xerox copy of attorney's Texas State Bar Card and Texas driver's license for attorney's associate
4. If training is requested, the required training funds must accompany each Application form and may be by check, money order or Cashier's check made payable to: Harris County Treasurer.
5. The Harris County Commissioner's Court must approve your application; therefore, under normal circumstances it may take approximately thirty (60) days for the approval process to be completed. You will be notified by e-mail when approval has been received and registration for the program has been completed.

If you have any questions regarding this application, please contact the **Harris County District Clerk's Subscriber Access Coordinator at (713) 755-7815 or dcsa@hcdistrictclerk.com.**

Sincerely,

**CHRIS DANIEL
DISTRICT CLERK**

Enclosures
05/01/02

ADMINISTRATIVE GUIDELINES FOR *e-Clerk*

1. To be eligible to participate in the *e-Clerk* Program -
 - a. Attorney - you must possess a valid Texas State Bar Card and be designated as “attorney of record” in at least six (6) cases filed in the Harris County District or County Criminal Courts at Law (any combination thereof) each year subsequent to January 2001. To continue participation in the program, the USER (Attorney) must maintain these requirements on an ongoing basis.
 - b. Associate - you must be employed full-time the attorney making application and approved for the *e-Clerk* Program. To continue participation in the program, the Associate must maintain employment with Attorney making initial application for Associate to use system.
2. For an application to be considered complete -
 - a. the application form(s) must be filled out and signed by the attorney and submitted with required documentation
 - b. if training is requested applicable fees must be submitted in the form of a check, money order or cashier’s check and made payable to the Harris County Treasurer
 - c. the Agreement must be signed by the attorney making application.
3. Applications are submitted to the Custodian of the Records to be reviewed for approval and forwarded to the appropriate Executive Board for their concurrence.
4. Users of *e-Clerk* are provided access to County’s computer in accordance with the contract terms and subject to the County’s holiday schedule.
5. *e-Clerk* is a web-based program and can only be accessed via the Internet. No direct dial-up connection will be provided or approved. User is responsible for obtaining and maintaining all equipment and software to access *e-Clerk*.
6. Classroom training is available in the use of *e-Clerk*, Civil Subscriber Access and Criminal Subscriber Access; for a fee of \$40.00 each; however training is initially not mandatory under this contract. On-line system manuals and HELP pages are provided for self-training. You are encouraged to use this material to avoid training costs. Help Desk support will be available through the Harris County District Clerk’s Subscriber Access Coordinator’s Office, Monday through Friday, 8:00 AM through 4:00 PM., except for County Holidays. However, should Help Desk support become excessive for either *e-Clerk* or Subscriber Access, the District Clerk reserves the right to require the USER and/or designated associate to attend training/re-training at cost. Refusal to attend required training as scheduled will constitute immediate termination of this agreement.
7. The User (Attorney) is limited to one Associate. Upon termination of a designated Associate, the User is responsible for promptly terminating the Associate’s access using the method prescribed in *e-Clerk*. Applications for new associate’s must be submitted using the ‘APPLICATION FOR ASSOCIATE FORM’ and submitted to the Harris County Subscriber Access Coordinator for processing. User is responsible for all information submitted and accessed by designated Associate.
8. User and Associate (if designated) must use their own LOGON ID when submitting or researching information in the Harris County computer system.
9. Approved *e-Clerk* agreements shall be valid for a period of one (1) year and will automatically renew for additional terms of one year unless terminated sooner in accordance with the terms of the Agreement.

10. Users approved for *e-Clerk* will receive access to the Harris County District Clerk's Civil and Criminal Subscriber Access Programs at no charge as long as requirements for eligibility *e-Clerk* is maintained by User. If User has an existing Subscriber Access contract for civil or criminal at the time the *e-Clerk* Agreement is approved, funds held in escrow by the County for the Subscriber Access contract will be refunded by the Auditor after completion of account audit.

11. By submitting the Application and signed Agreement, the attorney (User) is accepting responsibility for submitting contact and vacation information to the Harris County District Clerk using the *e-Clerk* Program web pages, accurately and timely. If the Harris County District Clerk determines that the User is failing to comply as designated in the agreement, the District Clerk will terminate this agreement in total, which includes access at no charge to the Harris County Subscriber Access Program.

OVERVIEW OF *e-Clerk* PROGRAM

The District Clerk is the registrar, recorder, and custodian of all court pleadings, instruments, and papers that are part of any cause of action in the District Courts of Harris County hearing civil, family, juvenile and criminal cases, as well as the County Criminal Courts-at-Law. In addition, the office is responsible for accurately disseminating that information to the public, bar, and bench as soon as that information becomes a matter of public record, with certain exceptions.

In an effort to process the increasing volume of cases handled by these courts, the District Clerk has automated the majority of the record keeping functions assigned to this office, both statutorily and by custom. This automated system is part of the Harris County Justice Information Management System (JIMS). The Harris County Subscriber Access Program was created in the mid 1980's to provide a mechanism for the public to access certain case records maintained by the District Clerk in JIMS through dial-up services. In the late 1990's in answer to growing requests from our Subscriber community, we requested the Subscriber Access computer applications be converted to web pages to allow access over the Internet.

In 2001, the District Clerk requested the creation of web-based applications (Attorney Address Update & Vacation Scheduling) to enable attorneys filing cases in the Harris County District and County Criminal Courts at Law to submit contact and vacation schedule information via the Internet and the Harris County Justice Information Management System, to the District Clerk electronically instead of in paper-based form. The Attorney Address Update and Vacation Scheduling applications combined with the District Clerk's Subscriber Access Criminal and Civil Programs constitute the Harris County District Clerk's program named *e-Clerk*. To be eligible to participate in the *e-Clerk* Program, an attorney must meet the following criteria -

- ✓ Must maintain a valid Texas State Bar Card and
- ✓ Must be the attorney of record in a minimum total of six (6) cases filed annually in the District Courts (Civil, Family or Criminal) or County Criminal Courts at Law (any combination thereof), subsequent to January, 2001.

The JIMS system provides a means of tracking specific information for all criminal cases:

- ◆ **PARTIES** - All parties associated with a case, i.e., defendant, bondsman, attorney, etc. The only exceptions are witnesses other than those who have been attached or bench warranted to testify in the criminal case.
- ◆ **STATUS** - Case and Defendant status are provided as a part of the summary information on the majority of inquiries.
- ◆ **DOCUMENTS** - Documents are captured in the system, which provides data as to the document and indicates what action the court took on each document where appropriate.
- ◆ **SETTINGS** - Information is provided as to all settings on each case, indicating the result of each appearance.

The JIMS system provides a means of tracking specific information for all civil, family and juvenile cases:

- ◆ **ATTORNEYS** - The attorney signing the original pleading is considered lead counsel to the case. Other attorneys are tracked to the case as well as to their clients.

- ◆ **PARTIES** - All parties or litigants associated with a case, including plaintiffs, defendants, attorneys, witnesses on depositions, etc., are tracked.
- ◆ **STATUS** - Case status is provided as part of the summary information on the majority of inquiries. Case status refers to active (pending), disposed, on appeal, new trial granted, purged, etc.
- ◆ **DOCUMENTS** - Documents are captured in the system, providing data as to the document or pleading title, who the document was filed on behalf of (party), their connection to the case, the date filed, and attorney's name. Depositions are tracked separately due to the volume of filings and the amount of related information captured.
- ◆ **COURT ACTIVITIES** - Court activities are recorded in the system, from ancillary matters and all docket hearing to trials, and reflect the current status of each case.
- ◆ **SETTINGS** - Individual court settings, docket types, and case settings are tracked. A setting history inquiry screen enables review of the setting on a particular case, the setting reasons, and any results of setting.
- ◆ **CIVIL PROCESS** - tracks civil process from request to its executed return by the Constable. This portion of case information is an interactive system with the Constable's office so that information is available on the individual deputy within the Constable's office who has been assigned to deliver service and attempts made.

Additionally, the Programs will provide the User with bonding information from the Harris County Sheriff's Department through the criminal case summary web pages and will list all cases in which the defendant is booked into the Harris County Jail and is eligible for bond.

At the request of our customers, we are not making classroom training mandatory to participate in *e-Clerk*. On-line HELP and JIMS training/reference manuals for Attorney Address Updates, Vacation Scheduling, and Criminal and Civil Subscriber Access is designed to aid Users in understanding the key points of the system and details the on-line inquiry transactions that are available. Each screen is described, method of access is detailed, and code tables are referenced to enable the subscriber to interpret the information provided. *e-Clerk* participants are encouraged to make use of this instructional information to avoid mandatory training and its accompanying fees.

***e-Clerk* PROGRAM
APPLICATION FOR ASSOCIATE**

At the discretion of the attorney (User), one (1) person MAY be designated as his/her "ASSOCIATE". An Associate is an employee of the attorney and is authorized to act for the attorney to submit contact and vacation schedule information and to perform research on case information at the direction of the attorney. To designate an Associate, please complete this form by PRINTING LEGIBLY ALL THE FOLLOWING INFORMATION.

DATE: _____

ATTORNEY NAME: _____
FIRST MIDDLE LAST

ATTORNEY BAR CARD NUMBER: _____

ASSOCIATE NAME: _____
FIRST MIDDLE LAST

PHONE NUMBER: () _____

EMAIL ADDRESS _____

ATTORNEY SIGNATURE: _____

OPTIONAL TRAINING: (please select training requested from following selection - fees for training must accompany application)

- _____ *e-Clerk* (Attorney Address & Vacation Scheduling)
- _____ Criminal Subscriber Access
- _____ Civil Subscriber Access

Application for Attorney must be accompanied by Xerox copy of Texas State Bar Card and Texas Driver's License and signed Agreement. Application for associate must be accompanied by Xerox copy of driver's license.

- B. The User is responsible for assuring the proper use, maintenance, and supervision of its equipment and related software, and shall ensure that persons using this equipment have received adequate training to ensure its efficient use.**
- C. The User is responsible for effective utilization of automated “HELP” information available through the e-Clerk and Subscriber Access Programs to enable accurate submission of and access to designated information maintained in the JIMS. Therefore, training is not initially mandatory to participate in the e-Clerk Program. However, should support for User or his/her Designated Associate become excessive, the Harris County District Clerk reserves the right to require training for e-Clerk and/or Subscriber Access at cost. This Agreement automatically terminates if User and/or Designated Associate fail to attend mandatory training as scheduled.**
- D. The User must ensure that its connection and/or its terminal are not used by unauthorized personnel to submit or access computer information from Harris County. Unauthorized personnel, for the purposes of this contract, include any persons not holding a valid, county issued User identification (User-ID) and password.**
- E. The User is responsible for submitting the information designated in Addendum “B” in accordance with statutory and local rules in electronic form using the format and methodology prescribed by the Harris County District Clerk. User agrees that this information as submitted will be maintained in the database(s) of the JIMS and will be used by the Harris County District Clerk to perform any and all statutory notifications required. User further agrees that, with prior written notification to the User by the District Clerk, the District Clerk may perform any and all statutory notifications to User via e-mail through the Internet.**

III.

Unless terminated earlier in accordance with the terms of this Agreement, this Agreement is for a term of one (1) year commencing on the date this Agreement is signed by all parties to this Agreement and automatically renews for additional terms of one (1) until terminated. The County is authorized to amend the conditions of this Agreement from time to time, and User has the option of accepting the amended conditions or terminating the Agreement in accordance with the provisions of this Agreement. The County reserves the right to terminate this Agreement immediately without prior written notice to User for violations of terms set forth in this Agreement.

IV.

Upon execution of this Agreement, the County, acting by and through the County’s security agent, as specified in Addendum “B” is authorized to assign passwords and User-Ids to User and User’s Designated Associate. Designated Associate shall mean an employee designated in writing by User to County to have an individual User-ID and password. Any User-ID and password that is used to access information not expressly included in Addendum “B” is unauthorized access, a breach of this Agreement by the User and Designated Associate, and a basis for termination of this Agreement under Paragraph VII.

V.

User understands that User may, but is not required to choose a Designated Associate. If a Designated Associate is chosen by User, User agrees to accept full responsibility for all actions of the Designated Associate as they pertain to this Agreement, including that User maintains sole responsibility for the accuracy, completeness and timeliness of information submitted electronically to the County under the terms of this Agreement. User agrees to perform functions as designated in the e-Clerk Program to terminate access by the Designated Associate immediately upon termination of the Designated Associate.

VI.

It is expressly understood and agreed that User and Designated Associate are authorized to submit and access electronically only the information designated in Addendum "B." User expressly agrees that User and Designated Associate shall not attempt to obtain other information from County's computer without the express written consent of the Custodian of said records.

VII.

It is expressly understood and agreed that User and Designated Associate are authorized to access information set forth in Addendum "B" to aid the User in performance of his/her duties as an attorney of record. To be eligible for participation in the e-Clerk Program, the User must maintain a valid Texas State Bar Card and must have filed a minimum total of six (6) cases in the Harris County District Courts or Harris County Criminal Courts at Law (any combination thereof) as attorney of record each year subsequent to January of 2000. Failure to maintain these requirements will result in immediate termination of this Agreement without written notice to User. Attorney contact and vacation information must be submitted in accordance with statutory and local rules in electronic form using the format prescribed in Addendum "B," Section A of this Agreement. Failure to maintain any of these requirements will result in immediate termination of this Agreement without written notice to User.

VIII.

User and Designated Associate are authorized to access the County's computer twenty-four (24) hours a day, seven (7) days a week, subject to file availability and the following conditions:

- A. In the event the capacity of County's computer is inadequate to meet the needs of User and County, the needs of the County prevail;**
- B. Access can be denied during periods of preventive or remedial maintenance;**

- C. All access is subject to security regulations, which may be put into effect from time to time;
- D. If for any reason funds are not appropriated to continue public access by County, this contract is terminated; and
- E. County reserves the right to change the availability schedule without notice.

IX.

It is expressly understood and agreed that information submitted in electronic form according to format and using the methodology prescribed by the District Clerk shall be applied to applicable County database(s) as submitted on receipt subject to availability of the County's computer. It is expressly understood and agreed that neither Harris County nor the Custodians expressly or impliedly warrant that the information submitted or accessed by User is accurate or correct. User hereby relieves and releases Harris County and Custodians, their officers, agents, and employees of any liability for any and all damages resulting from incorrect data or any other misinformation accessed from the County's computer or the Custodian's computer records.

X.

The County or the Custodians who have consented to User's access by signature on Addendum "B" may terminate this Agreement at any time, with or without cause. Upon termination of this Agreement, all User-Ids and passwords of User and Designated Associate are void and access will be denied.

XI.

User further agrees that, with prior written notification to the User by the District Clerk, the District Clerk may perform any and all statutory required notices to User via e-mail over the Internet and that User shall act upon these electronic notices as normal course of business.

XII.

User reserves the right to terminate this Agreement upon thirty (30) days written notice to County.

XIII.

The Custodians and County shall not be liable for User's failure to access County's computer. In the event User is unable for any reason to access any of the Custodian's computer records available under this Agreement, User's sole and exclusive remedy shall be to terminate this Agreement in accordance with Section XII.

XIV.

The User and Designated Associate are authorized to use the information accessed at no charge under this Agreement only for the performance of User's duties as an attorney of record. User agrees not to sell, assign, or transfer any right or interest in or under this Agreement. Any attempt by the User to sell, assign, or transfer, by any means, any right, duty, or obligation in or under this Agreement shall render this Agreement null and void and subject the User to potential criminal charges.

XV.

In the event User desires to obtain computer access to records of other Custodians as they become available, County and User may, subject to the consent of the Custodian of such records, amend Addendum "B" to add such access.

XVI.

The Custodians reserve the right to add, modify or delete format or content of information available to User, or to change the transaction codes described in Paragraph IV. The Custodians agree to notify User no later than ten (10) days after the date upon which such change becomes effective.

XVII.

Upon approval of this Agreement by the Harris County Commissioners Court, the County Auditor shall determine if User has an existing Subscriber Access program account and must audit User's account, if it exists. User agrees to pay in full any outstanding balance on User's existing Subscriber Access account. User's failure to pay in full any and all arrearages on User's existing Subscriber Access account will result in immediate termination of this Agreement. Upon completion of the audit, County agrees to refund to User the deposit made by User pursuant to Paragraph IX above less any amount owed by User within 30 days of audit completion. It is understood and agreed that the interest, if any, to be earned by this deposit has been considered in calculating the fees to be charged for the services to be provided pursuant to this Agreement. Therefore, County shall have no obligation to pay interest on said deposit.

XVIII.

Any notice required or permitted under this Agreement from User to County may be mailed to the address provided in Addendum "B." Any notice required or permitted from County or Custodians to User may be mailed or hand delivered to the address provided in the Application for Harris County District Clerk e-Clerk/Subscriber Access Program, a copy of which is attached to this Agreement. Notices properly addressed on an envelope with appropriate postage affixed are deemed given three (3) days after deposited in the United States Mail.

XIX.

This instrument contains the entire Agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral representations or modifications concerning this Agreement shall be of no force or effect excepting subsequent modification in writing and signed by all parties hereto. a

EXECUTED on this _____ day of _____, _____

APPROVED AS TO FORM:

HARRIS COUNTY

**VINCE RYAN
County Attorney**

**By: _____
Assistant County Attorney (David Swope)**

USER:

(Firm Name)

**By: _____
(Signature of authorized agent)**

(Printed name)

ADDENDUM "A"

I. ACCESSING HARRIS COUNTY VIA THE INTERNET

A. Internet Service Provider:

Dedicated dial-up facilities will **NOT** be provided or supported under this agreement. Access to Harris County must be through an Internet Service Provider (ISP). Choice of ISP and payment of any and all ISP related fees are the responsibility of the User.

B. Hardware Requirements:

At a minimum, a personal computer with a modem capable of "dial up" operation, to your ISP is required. If a dial-up modem is used, consider that the higher the speed of your modem (bps or bits per second) the faster the County's various web pages for E-CLERK and Subscriber Access will load. The minimum recommended modem speed for best results is 56 Kbps. Faster methods of access, ISDN and DSL, may be available through your local phone service provider.

Most personal computers capable of accessing the Internet with satisfactory results should work for accessing Harris County's web page. The overall results of which will be based on the technical quality of the personal computer and its peripheral devices, including the size of monitor and the browser used.

C. Software Requirements:

An internet browser is required. You will get the best results accessing Harris County's web pages using Microsoft's Internet Explorer browser.

ADDENDUM "B"

WEB APPLICATIONS AVAILABLE FOR SUBMITTING/ACCESSING INFORMATION RELATED TO THE *e-Clerk*/SUBSCRIBER ACCESS PROGRAM.

A. REQUIRED ENTRY BY USER OF *e-Clerk* PROGRAM

ATTORNEY CONTACT INFORMATION:

1. ATTORNEY BAR NUMBER
2. STREET NUMBER
3. STREET NAME
4. CITY
5. STATE
6. ZIP CODE
7. PHONE NUMBER
8. E-MAIL ADDRESS
9. FAX NUMBER

ATTORNEY VACATION INFORMATION

1. DATES OF VACATION BY WEEK

B. WEB PAGES FOR DISTRICT CLERK'S SUBSCRIBER ACCESS PROGRAM (CRIMINAL):

1. GENERAL NAME INQUIRY
2. NAME INQUIRY RESULTS
3. CASE SUMMARY INFORMATION
4. CASE TRANSACTIONS
5. PERSONS CONNECTED TO CASE
6. CASE SETTINGS

These are the same record types available on a walk-in basis. No images of original documents will be available.

C. WEB PAGES FOR DISTRICT CLERK'S SUBSCRIBER ACCESS PROGRAM (CIVIL):

1. PARTY INQUIRY
2. ATTORNEY NAME INQUIRY
3. ATTORNEY BAR NUMBER INQUIRY
4. CASE NUMBER INQUIRY
5. DOCKET SETTING INQUIRY
6. CASES FILED BY DATE RANGE INQUIRY
7. TAX PROPERTY INQUIRY
8. CASE SETTINGS
9. CASE SUMMARY
 - a. CASE CHRONOLOGICAL HISTORY
 - b. SERVICES
 - c. DOCUMENT SUMMARY

- d. NOTICES
- e. CONSOLIDATED CASE LISTING
- f. MICROFILMED & IMAGED COURT ORDERS

These are the same record types available on a walk-in basis. Images of original documents (Minutes of the Court) are not currently available through this program.

- D. Access to the above web pages shall not be effective until this Addendum has been executed by the District Clerk of Harris County to evidence his consent thereto.
- E. Applications for Agreements to the Harris County District Clerk's *e-Clerk*/Subscriber Access Program, and all other correspondence, including notices of termination, requests for designated "associate", etc., shall be mailed to:

**Harris County District Clerk Subscriber Access Coordinator
P. O. Box 52366, Houston, Texas 77052-2366.**

- F. The security agent for County for this Addendum is the Justice Information Management System Department (JIMS) of Harris County.

APPROVED:

CHRIS DANIEL, DISTRICT CLERK

DATE

ED EMMETT, COUNTY JUDGE

DATE