

Recent Amendments to the Texas Structured Settlement Protection Act

How the new statute should work, how attorneys are messing it up, and how to properly handle filings pursuant to Sec. 141.006(d) & (e) going forward.

2018 County and District Clerk's Association
of Texas Winter Conference

Wednesday, February 7, 2018 – 2:00 p.m.

Presented by:

J. Brian Dear

Nesbitt, Vassar & McCown, L.L.P.

15851 Dallas Parkway, Suite 800

Addison, TX 75001

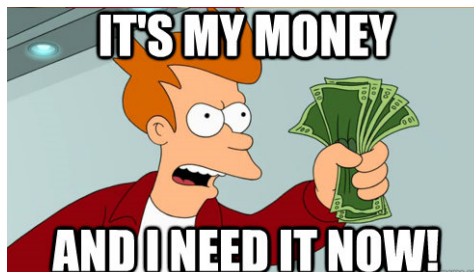
Telephone: 972-371-2411

Email: jbdear@nvmlaw.com

Recent Amendments to the Texas Structured Settlement Protection Act

I'm Sorry

Why do some people need to sell their structured settlement?



(Good luck getting this jingle out of your head, ever.)

What are some potential risks to Payees when they sell their structured settlement?



(Me while repaying my student loans)

Recent Amendments to the Texas Structured Settlement Protection Act

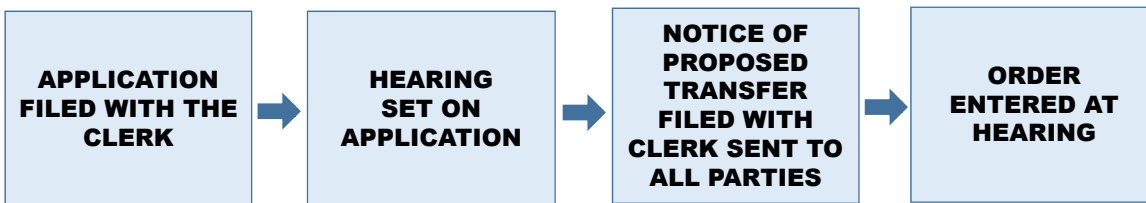
All Structured Settlement Transfers must be Court approved.



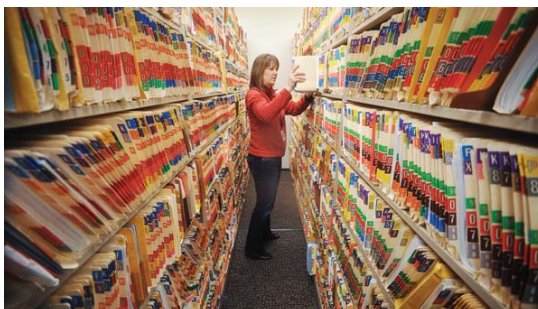
("You want to do what exactly with your money now?")

Recent Amendments to the Texas Structured Settlement Protection Act

Structured Settlement Transfer Case Flowchart



**Problem:
sensitive and
personal
information is
included in
court pleadings.**



(Whoa, my cousin Billy is getting \$100,000 next week?!?)

**Risks to Payees
as a result of
personal
information being
available to the
public?**



("It's not my money, but I want your money now")

**Risks to Payees
as a result of
personal
information being
available to the
public?**



(Unwanted harassment by other companies)

**Risks to Payees
as a result of
personal
information being
available to the
public?**



(Hello Miss, can I tell you about my latest scam?!?)

**Solution: HB 3356
created TPRC
141.006(d) with new
privacy protections
for Payees involved
in structured
settlement transfer
cases.**



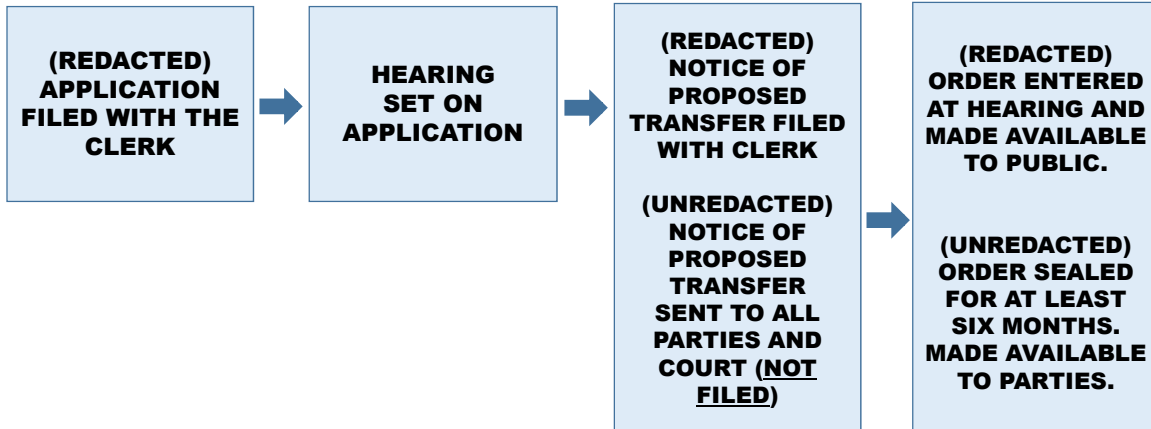
(House members fighting for YOU, or something...)

HB 3356 / TCPRC 141.006(d) Highlights:
WHEN REQUESTED BY A PAYEE IN WRITING:

1. Allows full REDACTION of Payee's personally identifiable information from pleadings and orders filed in the case.
2. Requires that the Court maintain any order approving or denying a proposed transfer under seal for at least six months and that redacted version of the order be made available to the public.

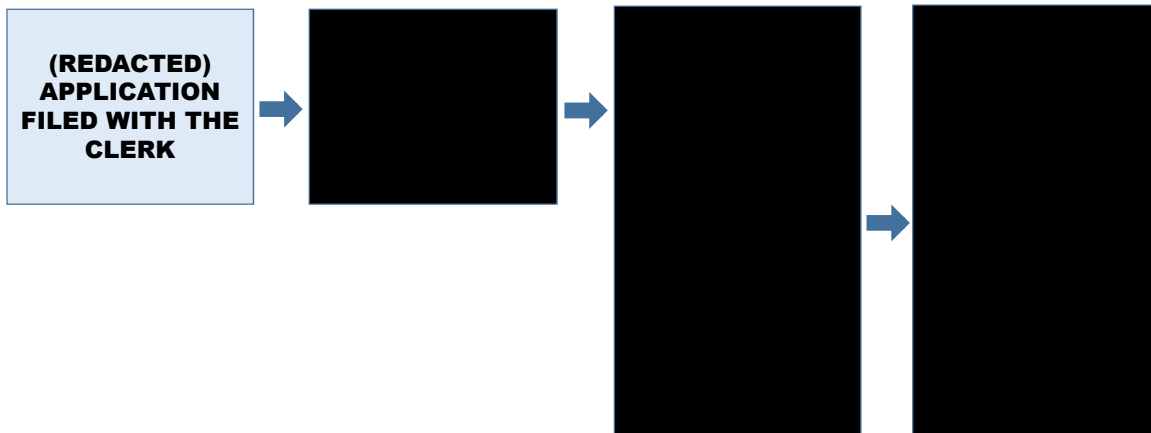
Recent Amendments to the Texas Structured Settlement Protection Act

Structured Settlement Transfer Case Flowchart under TCPRC 141.006(d)



Recent Amendments to the Texas Structured Settlement Protection Act

Structured Settlement Transfer Case Flowchart under TCPRC 141.006(d)



Recent Amendments to the Texas Structured Settlement Protection Act

TCPRC 141.006(d):

“If the Application under this chapter for approval of a transfer of a structured settlement payment rights includes a written request by the payee to conceal from public inspection the personally identifiable information of the payee...”

If an Application is filed WITHOUT a Payee’s Request to Conceal – TCPRC 141.006(d) **DOES NOT APPLY**

PAYEE’S REQUEST TO CONCEAL PERSONALLY IDENTIFIABLE INFORMATION

Pursuant to Section 141.006(d) of the Texas Civil Practice and Remedies Code, I request that my personally identifiable information be concealed from public inspection. Furthermore, I request the full redaction of my name, address, and other information that could reasonably be used to determine my identity or address, including the names of any dependents, family members, and beneficiaries from any application, other pleadings, or any order filed or submitted to the Court related to my proposed transfer of structured settlement payment rights.

[PAYEE]

Recent Amendments to the Texas Structured Settlement Protection Act

If an attorney files an Application WITHOUT a Payee’s Request to Conceal, and the Application does not contain the full first and last name of the Payee – it does not comply the Structured Settlement Protection Act.

REJECT IT!

MAKE ATTORNEYS DO THEIR JOB!



Recent Amendments to the Texas Structured Settlement Protection Act

TCPRC 141.006(d)(1):

“in any application, other pleadings, or any order filed or submitted, the court shall permit the full redaction of the name of the payee, the address of the payee, and other information that could reasonably be used to determine the identity or address of the payee, including the names of dependents, family members, and beneficiaries”

Recent Amendments to the Texas Structured Settlement Protection Act

“full redaction” = Redaction

CAUSE NO. _____
§
§ IN THE DISTRICT COURT OF
IN RE: §
§ DALLAS COUNTY, TEXAS
CLERKS FUNDING, LLC §
§ _____ JUDICIAL DISTRICT

APPLICATION FOR APPROVAL OF TRANSFER OF STRUCTURED SETTLEMENT PAYMENT RIGHTS

Applicant Clerks Funding, LLC (“Clerks Funding” or “Transferor”) files this Application for Approval of Transfer of Structured Settlement Payment Rights pursuant to Chapter 141 of the Texas Civil Practice & Remedies Code (the “Texas Transfer Statute”) and requests that the Court approve a transfer of the right to receive certain future structured settlement payments. In support of this Application, Clerks Funding would respectfully show the Court as follows:

Discovery Control Plan

1. Although it is anticipated that no discovery will be necessary in this case, pursuant to Tex. R. Civ. P. Rule 190, this case should be governed by Discovery Control Plan 2.

Petition

2. Applicant Clerks Funding is the proposed Transferee as defined by Section 141.002(21) of the Texas Transfer Statute.
3. **J. Brian Deas** (“Payee”) is the Payee as defined by Section 141.002(9) of the Texas Transfer Statute. Payee is 41 years old and currently resides in Dallas County, Texas.
4. Adams Life Insurance Company (“ALIC” or “Annuity Issuer”) is the Annuity Issuer as defined by Section 141.002(1) of the Texas Transfer Statute.
5. Adams Assignment Corporation (“AAC” or “Structured Settlement Obligor”) is the Structured Settlement Obligor as defined by Section 141.002(13) of the Texas Transfer Statute.

APPLICATION FOR APPROVAL OF TRANSFER OF STRUCTURED SETTLEMENT PAYMENT RIGHTS - Page 1

CAUSE NO. _____
§
§ IN THE DISTRICT COURT OF
IN RE: §
§ DALLAS COUNTY, TEXAS
CLERKS FUNDING, LLC §
§ _____ JUDICIAL DISTRICT

APPLICATION FOR APPROVAL OF TRANSFER OF STRUCTURED SETTLEMENT PAYMENT RIGHTS

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Discovery Control Plan

1. Although it is anticipated that no discovery will be necessary in this case, pursuant to Tex. R. Civ. P. Rule 190, this case should be governed by Discovery Control Plan 2.

Petition

2. Applicant Clerks Funding is the proposed Transferee as defined by Section 141.002(21) of the Texas Transfer Statute.
3. [REDACTED] (“Payee”) is the Payee as defined by Section 141.002(9) of the Texas Transfer Statute. Payee is [REDACTED] years old and currently resides in Dallas County, Texas.
4. Adams Life Insurance Company (“ALIC” or “Annuity Issuer”) is the Annuity Issuer as defined by Section 141.002(1) of the Texas Transfer Statute.
5. Adams Assignment Corporation (“AAC” or “Structured Settlement Obligor”) is the Structured Settlement Obligor as defined by Section 141.002(13) of the Texas Transfer Statute.

APPLICATION FOR APPROVAL OF TRANSFER OF STRUCTURED SETTLEMENT PAYMENT RIGHTS - Page 1

Recent Amendments to the Texas Structured Settlement Protection Act

“full redaction” ≠ Use of Initials

CAUSE NO. _____
IN RE: § IN THE DISTRICT COURT OF
§ DALLAS COUNTY, TEXAS
§
§ _____ JUDICIAL DISTRICT

J.B.D. APPLICATION FOR APPROVAL OF TRANSFER OF STRUCTURED SETTLEMENT PAYMENT RIGHTS

Applicant Clerks Funding, LLC (“Clerks Funding” or “Transferor”) files this Application for Approval of Transfer of Structured Settlement Payment Rights pursuant to Chapter 141 of the Texas Civil Practice & Remedies Code (the “Texas Transfer Statute”) and requests that the Court approve a transfer of the right to receive certain future structured settlement payments. In support of this Application, Clerks Funding would respectfully show the Court as follows:

Discovery Control Plan

1. Although it is anticipated that no discovery will be necessary in this case, pursuant to Tex. R. Civ. P. Rule 190, this case should be governed by Discovery Control Plan 2.

Parties

2. Applicant Clerks Funding is the proposed Transferee as defined by Section 141.002(21) of the Texas Transfer Statute.
3. J.B.D (“Payee”) is the Payee as defined by Section 141.002(9) of the Texas Transfer Statute. Payee resides in Dallas County, Texas.
4. Adams Life Insurance Company (“ALIC” or “Annuity Issuer”) is the Annuity Issuer as defined by Section 141.002(1) of the Texas Transfer Statute.
5. Adams Assignment Corporation (“AAC” or “Structured Settlement Obligor”) is the Structured Settlement Obligor as defined by Section 141.002(15) of the Texas Transfer Statute.

APPLICATION FOR APPROVAL OF TRANSFER OF STRUCTURED SETTLEMENT PAYMENT RIGHTS - Page 1



MAKE ATTORNEYS DO THEIR JOB!

Recent Amendments to the Texas Structured Settlement Protection Act

“full redaction” ≠ Use of Pseudonyms

CAUSE NO. _____
IN RE: § IN THE DISTRICT COURT OF
§ DALLAS COUNTY, TEXAS
§ CLERKS FUNDING, LLC
§ _____ JUDICIAL DISTRICT

APPLICATION FOR APPROVAL OF TRANSFER OF STRUCTURED SETTLEMENT PAYMENT RIGHTS

Applicant Clerks Funding, LLC (“Clerks Funding” or “Transferor”) files this Application for Approval of Transfer of Structured Settlement Payment Rights pursuant to Chapter 141 of the Texas Civil Practice & Remedies Code (the “Texas Transfer Statute”) and requests that the Court approve a transfer of the right to receive certain future structured settlement payments. In support of this Application, Clerks Funding would respectfully show the Court as follows:

Discovery Control Plan

1. Although it is anticipated that no discovery will be necessary in this case, pursuant to Tex. R. Civ. P. Rule 190, this case should be governed by Discovery Control Plan 2.

Parties

2. Applicant Clerks Funding is the proposed Transferee as defined by Section 141.002(21) of the Texas Transfer Statute.
3. **Mr. Annuitant**

4. Adams Life Insurance Company (“ALIC” or “Annuity Issuer”) is the Annuity Issuer as defined by Section 141.002(1) of the Texas Transfer Statute.
5. Adams Assignment Corporation (“AAC” or “Structured Settlement Obligor”) is the Structured Settlement Obligor as defined by Section 141.002(15) of the Texas Transfer Statute.

APPLICATION FOR APPROVAL OF TRANSFER OF STRUCTURED SETTLEMENT PAYMENT RIGHTS - Page 1



MAKE ATTORNEYS DO THEIR JOB!

Recent Amendments to the Texas Structured Settlement Protection Act

“full redaction” ≠ Use of “Payee” only

CAUSE NO. _____
IN RE: _____
CLERKS FUNDING, LLC _____
_____ JUDICIAL DISTRICT

APPLICATION FOR APPROVAL OF TRANSFER OF STRUCTURED SETTLEMENT PAYMENT RIGHTS

Applicant Clerks Funding, LLC (“Clerks Funding” or “Transferor”) files this Application for Approval of Transfer of Structured Settlement Payment Rights pursuant to Chapter 141 of the Texas Civil Practice & Remedies Code (the “Texas Transfer Statute”) and requests that the Court approve a transfer of the right to receive certain future structured settlement payments. In support of this Application, Clerks Funding would respectfully show the Court as follows:

Discovery Control Plan

1. Although it is anticipated that no discovery will be necessary in this case, pursuant to Tex. R. Civ. P. Rule 190, this case should be governed by Discovery Control Plan 2.

Defin

2. Applicant Clerks Funding is the proposed Transferee as defined by Section 141.002(21) _____

3. **Payee** _____ as defined by Section 141.002(9) of the Texas Transfer Statute, Texas.

4. Adams Life Insurance Company (“ALIC” or “Annuity Issuer”) is the Annuity Issuer as defined by Section 141.002(1) of the Texas Transfer Statute.

5. Adams Assignment Corporation (“AAC” or “Structured Settlement Obligor”) is the Structured Settlement Obligor as defined by Section 141.002(13) of the Texas Transfer Statute.

APPLICATION FOR APPROVAL OF TRANSFER OF STRUCTURED SETTLEMENT PAYMENT RIGHTS - Page 1



MAKE ATTORNEYS DO THEIR JOB!

Recent Amendments to the Texas Structured Settlement Protection Act

TCPRC 141.006(d)(1):

“... the full redaction of the name of the payee, the address of the payee, and **other information that could reasonably be used to determine the identity or address of the payee**, including the names of dependents, family members, and beneficiaries”

Recent Amendments to the Texas Structured Settlement Protection Act

“... other information that could reasonably be used to determine the identity or address of the payee”

- The payment(s) being transferred will often reveal the Payee's date of birth.
- Prior transaction information will lead to old pleadings that contain the Payee's personally identifiable information.

10. In return for the payment of a lump sum, Payee has agreed to transfer and assign to Clerks Funding the right to receive certain Settlement Payments as follows:

- One (1) lump sum payment of Forty Two Thousand and 00/100 Dollars (\$42,000.00) due January 18, 2019

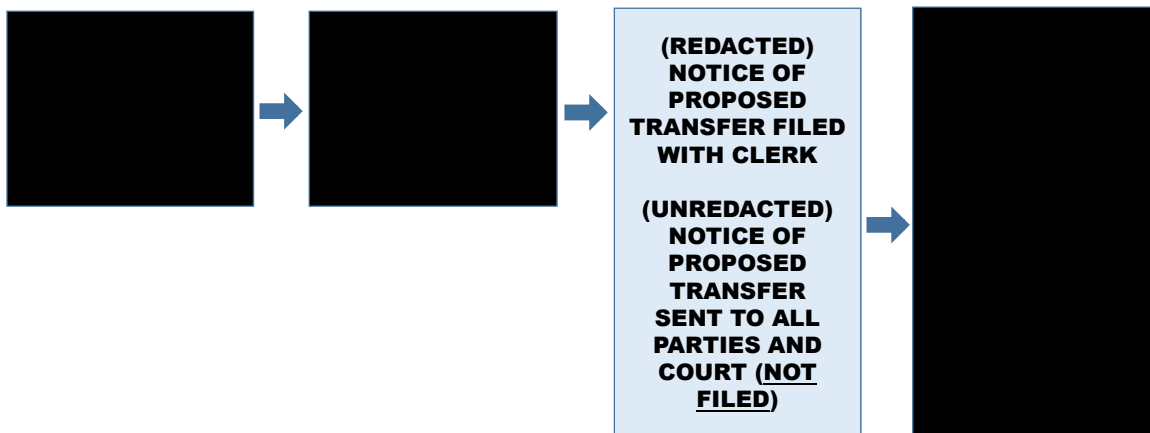
(The payment which is being transferred to Clerks Funding pursuant to the Transfer Agreement, as defined below, and which is the subject of this court proceeding, shall hereafter be referred to as the "Assigned Payment.")

....

15. Payee completed at least one (1) previous transaction(s) relating to proposed transfers of certain Settlement Payments. Via Final Order signed October 6, 2012 by the 38th District Court of Santa Rosa County, Florida, the Court approved Payee's transfer to Clerks Funding, LLC of One (1) lump sum payment for \$40,000.00 due January 18, 2016.

Recent Amendments to the Texas Structured Settlement Protection Act

Structured Settlement Transfer Case Flowchart under TCPRC 141.006(d)



TCPRC 141.006(d)(1):

“... and the court and each interested party required to receive notice under Subsection (b) receive complete, unredacted copies of the application, other pleadings, and any order in the time provided by Subsection (b), as applicable.”

TCPRC 141.006(d):

Notice of Hearing and Notice of Proposed Transfer

1. A REDACTED copy of the Notice is to be filed with the clerk’s office.
2. A UNREDACTED copy of the Notice is to be sent to the Court including all parties. (Not Filed).



→ (“How am I supposed to do that?”)

Recent Amendments to the Texas Structured Settlement Protection Act

Our Solution:

We send an Unredacted “Courtesy Copy” Notice of Proposed Transfer to the Court Coordinator via mail or email with this cover sheet with instructions not to file the document.

PLEASE!

If you see this Cover Sheet – **Do Not File** the Unredacted Notice. Send it back to the Coordinator.

COURTESY COPY – DO NOT FILE

PLEASE NOTE: This unredacted copy of the Notice of Hearing and Notice of Proposed Transfer of Structured Settlement Payment Rights (the “Unredacted Notice”) is being provided to the Court pursuant to Tex. Civ. Prac. & Rem. Code 141.006(d).

Pursuant to H.B. 3356 (which became effective June 15, 2017), the Payee in this case has requested that all personally identifiable information be redacted from court records and has further requested that any Final Order entered in this case be maintained under temporary seal.

In response to the Payee’s request, the pleadings filed in this case have been redacted to protect from public disclosure the Payee’s personally identifiable information.

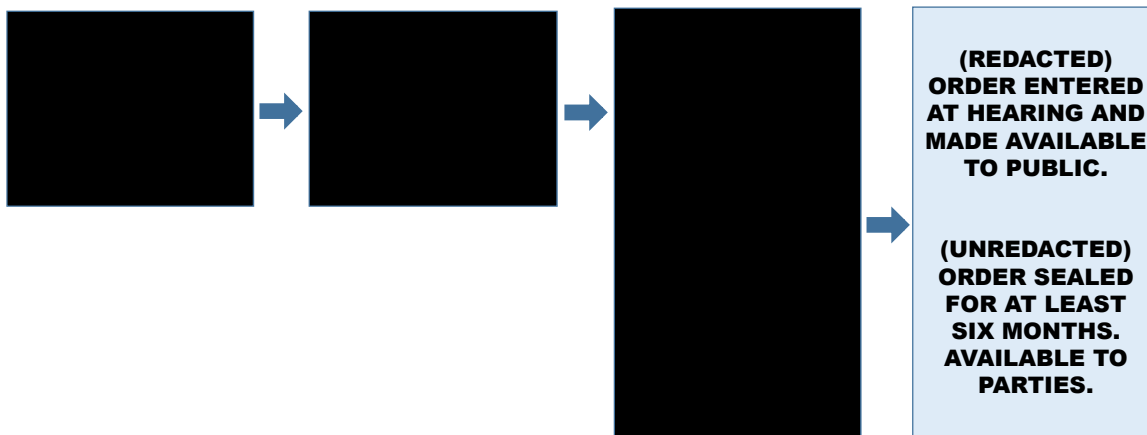
The Unredacted Notice contains an unredacted copy of the Application for Approval of Transfer of Structured Settlement Payment Rights attached as Exhibit A-1. The Unredacted Notice is a courtesy copy and must not be filed.

A copy of this Unredacted Notice is being provided to the Payee and each interested party as required by Tex. Civ. Prac. & Rem. Code 141.006(b).

Should you have any questions or concerns regarding this document, please do not hesitate to contact us by telephone at (972) 371-2411 or via email at transfers@nvmllaw.com.

Recent Amendments to the Texas Structured Settlement Protection Act

Structured Settlement Transfer Case Flowchart under TCPRC 141.006(d)



Recent Amendments to the Texas Structured Settlement Protection Act

TCPRC 141.006(d)(2):

“with respect to any order issued approving or denying the transfer of structured settlement payment rights:

(A) a copy of the order, with the information described by Subdivision (1) redacted, shall be filed as part of the public record;

(B) at the same time as the filing under Paragraph (A), an unredacted copy of the order shall be issued under seal and shall be provided to the transferee and each interested party entitled to notice under Subsection (b); and ...”

Recent Amendments to the Texas Structured Settlement Protection Act

“Huh? You mean that we are going to have TWO versions of the Final Orders in each case?”

Yes.



(“... and YOU ARE WELCOME” – John Q .Press).

Recent Amendments to the Texas Structured Settlement Protection Act

UNREDACTED ORDER:

“... issued under seal and shall be provided to the transferee and each interested party (i.e. Payee, Insurance Companies)

CAUSE NO. DC-17-38483
§ IN THE DISTRICT COURT OF
§
IN RE: § DALLAS COUNTY, TEXAS
§
CLERKS FUNDING, LLC § 44th JUDICIAL DISTRICT
§

FINAL ORDER APPROVING TRANSFER OF STRUCTURED SETTLEMENT PAYMENT RIGHTS

ON THIS DAY came on to be heard the Application for Approval of Transfer of Structured Settlement Payment Rights (the “Application”) filed by Clerks Funding, LLC (“Clerks Funding”) and joined by **J. Brian Dear** (“Payee”) in the above-styled and numbered cause. The Court has reviewed the Application, the exhibits attached to the Application, the Notice of Hearing and Notice of Proposed Transfer of Structured Settlement Payment Rights filed with the Court on or about December 18, 2017 (the “Notice”) and the exhibits to the Notice, and any responses to the Application and has heard and considered the evidence presented in support of the Application and the arguments of counsel.

REDACTED ORDER:

“... shall be filed as part of the public record”

CAUSE NO. DC-17-38483
§ IN THE DISTRICT COURT OF
§
IN RE: § DALLAS COUNTY, TEXAS
§
CLERKS FUNDING, LLC § 44th JUDICIAL DISTRICT
§

FINAL ORDER APPROVING TRANSFER OF STRUCTURED SETTLEMENT PAYMENT RIGHTS

ON THIS DAY came on to be heard the Application for Approval of Transfer of Structured Settlement Payment Rights (the “Application”) filed by Clerks Funding, LLC (“Clerks Funding”) and joined by [REDACTED] (“Payee”) in the above-styled and numbered cause. The Court has reviewed the Application, the exhibits attached to the Application, the Notice of Hearing and Notice of Proposed Transfer of Structured Settlement Payment Rights filed with the Court on or about December 18, 2017 (the “Notice”) and the exhibits to the Notice, and any responses to the Application and has heard and considered the evidence presented in support of the Application and the arguments of counsel.

Recent Amendments to the Texas Structured Settlement Protection Act

TROUBLESHOOTING



“I’m NOT GOING TO SIGN TWO ORDERS – THAT IS RIDICULOUS!!”

Recent Amendments to the Texas Structured Settlement Protection Act

Our Solution:

UNREDACTED ORDER:

IT IS FURTHER ORDER that Clerks Funding will pay Payee a Net Advance Amount of \$30,000.00, minus any agreed upon advances and/or deductions paid to or on behalf of Payee, in exchange for Payee's transfer of the Assigned Payment.

All costs of Court are hereby taxed against Clerks Funding. This is a Final Order and is intended to dispose of all claims and relief asserted and requested in this proceeding. All other relief not expressly granted in this Final Order is DENIED.

SIGNED THIS 7th DAY of FEBRUARY, 2018.

Chamberlain Haller

JUDGE PRESIDING

APPROVED:

NESHITT, VASSAR & MCCOWN, LLP
13851 Dallas Parkway, Suite 800
Addicks, TX 75001
Telephone - (972) 371-2411
Fax - (972) 371-2410
Email - tneshitt@jrowellaw.com

By: *Earl S. Nesbitt*

Earl S. Nesbitt
State Bar No. 14916900
David S. Vassar
State Bar No. 20503175
J. Brian Dear
State Bar No. 24032117

ATTORNEY FOR CLERKS FUNDING, LLC

J. Brian Dear

J. Brian Dear, pro se
Dallas County, Texas

FINAL ORDER APPROVING TRANSFER OF STRUCTURED SETTLEMENT PAYMENT RIGHTS - Page 5

REDACTED ORDER:

IT IS FURTHER ORDER that Clerks Funding will pay Payee a Net Advance Amount of \$30,000.00, minus any agreed upon advances and/or deductions paid to or on behalf of Payee, in exchange for Payee's transfer of the Assigned Payment.

All costs of Court are hereby taxed against Clerks Funding. This is a Final Order and is intended to dispose of all claims and relief asserted and requested in this proceeding. All other relief not expressly granted in this Final Order is DENIED.

SIGNED THIS 7th DAY of FEBRUARY, 2018.

ORIGINAL SIGNED BY JUDGE

JUDGE PRESIDING

APPROVED:

NESHITT, VASSAR & MCCOWN, LLP
13851 Dallas Parkway, Suite 800
Addicks, TX 75001
Telephone - (972) 371-2411
Fax - (972) 371-2410
Email - tneshitt@jrowellaw.com

By: *Earl S. Nesbitt*

Earl S. Nesbitt
State Bar No. 14916900
David S. Vassar
State Bar No. 20503175
J. Brian Dear
State Bar No. 24032117

ATTORNEY FOR CLERKS FUNDING, LLC

Dallas County, Texas

FINAL ORDER APPROVING TRANSFER OF STRUCTURED SETTLEMENT PAYMENT RIGHTS - Page 5

Recent Amendments to the Texas Structured Settlement Protection Act

TROUBLESHOOTING



“Sir, I need an Order from the Court to release a Sealed Document”
- an *Amazing* and *Wonderful* County or District Clerk

Recent Amendments to the Texas Structured Settlement Protection Act

Our Solution:

Our order directs the county or district clerk to provide the unredacted copy of the order to the Transferee, Payee and interested parties (i.e. insurance companies).

If an order does not include this or similar language and an attorney asks for a copy...

MAKE ATTORNEYS DO THEIR JOB!

IT IS FURTHER ORDERED that the District Clerk of Dallas County, Texas shall maintain the unredacted copy of this order under seal until further orders of this Court in accordance with Tex. Civ. Prac. & Rem. Code § 141.006(d)(2). **The District Clerk shall, upon request, provide an unredacted copy of this order to all interested parties, as that term is defined by Tex. Civ. Prac. & Rem. Code § 141.002(7), including Clerks Funding, Clerks Funding, Payee, ALIC, and AAC.** The District Clerk shall file a redacted copy of this order as part of the public record in accordance with Tex. Civ. Prac & Rem. Code § 141.006(d)(2)(A).

Recent Amendments to the Texas Structured Settlement Protection Act

TCPRC 141.006(d)(2)(C):

“not earlier than six months after the date the order is issued, the court on its own initiative may, or on the motion of any person including a member of the general public shall, unseal the unredacted order and make the order part of the public record.”

Recent Amendments to the Texas Structured Settlement Protection Act

TCPRC 141.006(d)(2)(C):

**The Unredacted Order
MUST be sealed for at
least six months and until
further order of the Court.**

CAUSE NO. DC-17-38483
IN RE: § IN THE DISTRICT COURT OF
CLERKS FUNDING, LLC § DALLAS COUNTY, TEXAS
§
§ 4th JUDICIAL DISTRICT

**FINAL ORDER APPROVING TRANSFER OF
STRUCTURED SETTLEMENT PAYMENT RIGHTS**

ON THIS DAY came on to be heard the Application for Approval of Transfer of Structured Settlement Payment Rights (the "Application") filed by Clerks Funding, LLC ("Clerks Funding") and joined by J. Brian Dear ("Payee") in the above-styled and numbered cause. The Court has reviewed the Application, the exhibits attached to the Application, the Notice of Hearing and Notice of Proposed Transfer of Structured Settlement Payment Rights filed with the Court on or about December 18, 2017 (the "Notice") and the exhibits to the Notice, and any responses to the Application and has heard and considered the evidence presented in support of the Application and the arguments of counsel.

Recent Amendments to the Texas Structured Settlement Protection Act

TCPRC 141.006(e):

“Except as provided by this subsection, Rule 76a, Texas Rules of Civil Procedure, applies to all court proceedings and filings under this chapter. A party is not required to comply with that rule in order to redact the payee’s personally identifiable information under Subsection (d)(1) or for the purpose of issuing an unredacted copy of the order under seal under Subsection (d)(2).”

Recent Amendments to the Texas Structured Settlement Protection Act

TCPRC 141.006(e):

REDACTION = OK!

SEALING ORDER = OK!

**Anything else =
TCRP 76A applies**



Recent Amendments to the Texas Structured Settlement Protection Act

TCPRC 141.006(e):

PLEASE DON'T DO THIS



FILED
Chris Daniel
District Clerk
OCT 04 2017
Time: _____
By: _____

HARRIS COUNTY DISTRICT COURTS
CIVIL TRIAL DIVISION

ADMINISTRATIVE ORDER TO SEAL UNREDACTED RECORDS FILED PURSUANT TO CHAPTER 141 OF THE TEXAS CIVIL PRACTICE & REMEDIES CODE

Effective June 15, 2017, the Texas Legislature amended Chapter 141 of the Texas Civil Practice & Remedies Code to allow for the filing of applications, other pleadings, and orders with case information, including the identity of the payee, concealed or redacted. The Board of Judges of the Civil Trial Division of the Harris County District Courts (the Civil Board) has determined that, to promote the expeditious and efficient assignment of cases to the appropriate courts, it is necessary for the District Clerk to have access to unredacted case information in matters filed pursuant to Chapter 141 of the Texas Civil Practice and Remedies Code. See TEX. GOV'T CODE § 21.001.

On August 8, 2017, the Civil Board voted to order the Harris County District Clerk to seal, upon receipt for filing, unredacted applications, other pleadings, and orders filed pursuant to Chapter 141 of the Texas Civil Practice and Remedies Code. See TEX. CIV. PRAC. & REM. CODE §141.006(d)(2)(C).

Accordingly, the Civil Board **ORDERS** petitioners filing applications for approval of transfer of structured settlement payment to electronically file unredacted copies of the application and any exhibits pursuant to Texas Rule of Civil Procedure 21(f). After filing the initial unredacted application, petitioners may file redacted copies of pleadings.

The Civil Board further **ORDERS** the Harris County District Clerk to seal, upon receipt for filing by petitioners, the unredacted application and any exhibits.

The Civil Board also **ORDERS** that the sealed documents shall remain sealed until further order of the judge presiding over the case or the Administrative Judge of the Civil Trial Division.

Date Signed: Oct 4, 2017
Sylvia A. Matthews
Sylvia A. Matthews
Administrative Judge – Civil Trial Division
In Houston, Texas

Hi Chris Daniel, we will happily meet with you after the presentation. Don't worry, we still love you.

RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging

I'm Still Sorry

Any Questions?

Thank you!

If you have any questions or comments after the conference, please feel free to contact me or my colleague Earl Nesbitt and use us as a resource, our firm is always happy to help:

J. Brian Dear
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