

**GENERAL ORDER
RELATING TO SUBMISSION OF EXHIBITS
FOR GENERAL DOCKET HEARINGS**

WHEREAS, to efficiently handle remote hearings during the COVID-19 pandemic, the State Office of Administrative Hearings (SOAH) required parties to pre-file exhibits in eFile Texas up to 10 days before a hearing in General Docket proceedings.

WHEREAS, the filing of exhibits in the eFile Texas system causes all filed exhibits to become part of the case record at SOAH without regard to whether such exhibits were offered or admitted at the hearing.

WHEREAS, consistent with best practices and exhibit requirements in Texas district courts, SOAH has adopted an electronic document sharing platform (MOVEit Transfer) to provide an easy-to-use, accessible, and secure space to upload exhibits remotely prior to a hearing while protecting the statutory confidentiality of those exhibits.

IT IS THEREFORE ORDERED that, effective as of the date of this General Order, the filing of exhibits in General Docket evidentiary hearings shall be subject to the procedures and requirements set forth below.

1. **Effective May 1, 2022**, parties in General Docket proceedings shall submit all witness lists, and all exhibits and evidence to be offered at hearing electronically using MOVEit Transfer.
2. **On June 1, 2022**, the Chief Clerk will no longer accept the pre-filing and submission of documentary exhibits prior to an evidentiary hearing through eFile Texas. Exhibits to prefiled testimony, under Rule 155.429(c), exhibits attached as a necessary supporting document to a pleading or motion, under Rule 155.101(b)(1)(D)(ix), and exhibits to written submissions, under Rule 155.101(b)(1), will still be eFiled. *See* 1 Tex. Admin. Code §§ 155.101(b)(1)(G)
3. **Seven (7) calendar days** before the hearing, the parties will receive an email from SOAH's Secure File Transfers email (noreply@moveitcloud.com) with a link to access the secure MOVEIt platform.
4. The parties must submit all exhibits and evidence to be offered at the hearing electronically using MOVEit Transfer **at least three (3) days** prior to the scheduled hearing date.

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5. Uploading exhibits to MOVEit Transfer satisfies the parties' obligation to furnish exhibits to the other side prior to hearing. 1 Tex. Admin. Code § 155.429(4)(B). It does not constitute filing of the exhibits, as required by Rule 155.101. *See id.* § 155.101(b)(1)(A); (b)(1)(D)).
6. Exhibits uploaded to MOVEit Transfer that are not offered and admitted at the hearing will be deemed withdrawn from the record.
7. **No later than the first business day** following conclusion of the hearing, the parties shall eFile only the exhibits that were admitted as evidence or accompanied by an offer of proof. 1 Tex. Admin. Code § 155.101(b)(1)(G)(iii). The admitted exhibits and offer of proof will constitute the official evidentiary record of the proceeding. *See* 1 Tex. Admin. Code § 155.101(b)(1)(A) (requiring that exhibits, like all documents, be filed in electronic form). An exhibits filing that does not comport with these rules will be returned to the party to be corrected and refiled.
8. The parties are directed to confer about admitted exhibits, prepare an index of admitted exhibits (Exhibit Index), and work to combine admitted exhibits into bookmarked PDF files for filing.
 - The Exhibit Index should list exhibits in chronological order and clearly reference the exhibit number.
 - The exhibit number, together with the same identifying information contained in the Exhibit Index, shall be included as a title page for each exhibit. *See* 1 Tex. Admin. Code § 155.101(B)(1)(d)(vii).
 - All pages must include page numbers.
 - Non-documentary exhibits, if any, and confidential exhibits shall be filed separately from non-confidential exhibits.
 - The parties may elect to file the exhibits jointly, using a shared Exhibit Index.
 - The filed version of any document must exclude any unnecessary information; parties should file only the sections of exhibits that have been identified as relevant and admitted by the ALJ.

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9. Under certain circumstances involving self-represented litigants, SOAH may file admitted exhibits in eFile Texas on behalf of the self-represented litigant.

10. If an exhibit needs to be corrected after the record has closed, the presiding ALJ will issue an order notifying the participants that the record must be reopened to correct exhibits, allow time for answers, require revised exhibits be submitted, and then close the record. Alternatively, the ALJ may convene a post hearing conference to resolve these issues on the record to ensure both due process and an accurate record.

Signed on April 20, 2022.



Chief Administrative Law Judge
State Office of Administrative Hearings