

**TERMS AND CONDITIONS FOR USE OF THE SOMERVELL COUNTY
ONLINE CASE SEARCH BY DEFENSE COUNSEL
DISTRICT ATTORNEY'S OFFICE**

The Somervell County District Attorney's Office has permitted electronic access to criminal discovery by defense attorneys as a part of our current open file policy. All criminal cases will be electronically accessed through a web access point on the Somervell County website <http://co.somervell.tx.us/county-offices/district-attorney> .

The attorney of record on a criminal case will have electronic access to the State's file (excluding any attorney work product and criminal histories) through the E-Discovery portal on the Somervell County website. This open file policy is offered strictly as a courtesy to defense counsel in order to satisfy the State's duty to disclose any exculpatory or mitigating evidence and in anticipation of any standard discovery order pursuant to Article 39.14 of the Texas Code of Criminal Procedure.

Any disclosure of information through the E-Discovery portal on the Somervell County website is strictly for discovery purposes and does not constitute a public disclosure under any state or federal public information act, including, but not limited to, the Texas Public Information Act and the Freedom of Information Act.

You are asked to carefully read the Terms and Conditions before contacting the Somervell County District Attorney's Office in order to register to use the system. By completing registration and receiving a password, you are indicating that you agree with all the terms and conditions of its use.

The information contained within the E-Discovery portal is CONFIDENTIAL and is disclosed to defense counsel for the sole purpose of preparing the Defendant's case and with the expectation that any of the information garnered will not be used improperly. Defense counsel is strictly forbidden to:

- Disseminate information to any person for any purpose beyond what is necessary to effectively represent the defendant;
- Utilize this information to harass, threaten, or otherwise intimidate victims and/or witnesses; and/or
- Provide printed copies of electronic discovery to any person outside of defense counsel's employment.

Defense counsel accepts sole responsibility to ensure that none of the information obtained from the E-Discovery portal is used or disseminated improperly. Defense counsel accepts responsibility to advise all his/her employees or agents of the limits and restrictions contained within this agreement, with respect to the use of the E-Discovery portal and to ensure that all employees and agents abide by the terms and conditions contained herein.

POLICIES AND PROCEDURE FOR ACCESS

Defense Counsel will be required to register with the Somervell County District Attorney's Office to use the E-Discovery portal. The registration process requires the attorney's bar number, e-mail address and a password.

Use of the E-Discovery portal enables the attorney of record to access his/her pending cases any time and from any computer with Internet access.

Defense counsel will access the E-Discovery portal by entering his/her e-mail address and a password. In the event counsel believes his/her password has been compromised, counsel must immediately:

1. Change the password; and
2. Notify the Somervell County District Attorney's Office of the compromised password.

Access cannot be given to any case not yet indicted with the Somervell County District Attorney or to any case where the defendant has not been arrested. Access to a particular case will only be given once Counsel has notified the Somervell County District Attorney's Office that counsel is attorney of record by providing a letter of representation or if an Order of Court Appointed Counsel has been received. Only the attorney of record may access the E-Discovery portal for a particular criminal case. Should counsel find that he/she does not have access to a particular criminal case where counsel is of record, counsel may request access through the Somervell County District Attorney's Office. Requests made on weekends, holidays, or after 5:00 pm on regular business days will not be processed until the next business day. Counsel's access to a case will remain open until disposition of the case or until counsel is no longer the attorney of record. In the event that defense counsel is inadvertently given access to a case for which he/she is not the attorney of record, counsel should refrain from accessing the case and immediately notify the Somervell County District Attorney's Office.

It is defense counsel's sole responsibility to:

1. Review his/her case discovery through E-Discovery portal;
2. Review the discovery prior to any court hearings, status conferences, or trials for any additions or updated information;
3. Advise the Somervell County District Attorney's Office if counsel believes information is missing or incomplete;
4. Schedule an appointment to review any physical evidence;
5. Request a copy of any DVD/Video; and
6. Advise the Somervell County District Attorney's office if there are any problems with access to the E-Discovery portal.

NOTICE: Medical Records, EMS Records, Child Protective Services Records, and any records relating to the Child Advocacy Center will be made available for inspection by appointment with the Somervell County District Attorney's Office. These records may be reflected in E-Discovery portal but they will not be viewable.