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MEMORANDUM

TO: The Honorable Justices of the Wisconsin Supreme Court

FROM: David Callender, Government Affairs Associate

DATE: February 6, 2015

SUBJECT: Supreme Court Rule Petition 14-03, In re creation of Wis. Stat. 801.18, relating to mandatory electronic filing in circuit court and conversion to electronic circuit court records

The Wisconsin Counties Association (WCA) appreciates the Wisconsin Supreme Court's longstanding efforts to use technology to improve circuit court efficiency and reduce costs. Thanks to the Court's support, the Circuit Court Automation Program (CCAP) now operates in all 72 counties, and CCAP's online case management tools have made Wisconsin a leader in technological innovation.

The Committee of Chief Judges has asked the Court to consider Rule Petition 14-03, which would make eFiling mandatory in circuit courts beginning on January 1, 2016 with completion no later than December 31, 2018. The rule would require electronic files to be available for all pending cases as of the date a county is mandated to implement eFiling, as well as all new filings on or after that date. In its budget request of the Governor for the 2015-2017 biennium, the Supreme Court requested \$2.1 million GPR and 8 project positions to implement eFiling statewide.

WCA recognizes the efficiencies and long-term savings that are likely to result from mandatory implementation of the eFiling system. However, in discussions with our member counties and the Wisconsin Clerks of Circuit Court Association, many have indicated that in order to achieve these long-term savings, there will be a need for counties to invest in both technology and staff time to implement the new system. Unfortunately for the current discussion, it is difficult for our members to quantify these costs at this time.

Given these financial concerns, the WCA Judicial and Public Safety Steering Committee voted on January 30, 2015 to support Rules Petition 14-03 on the condition that the Director of State Courts will provide adequate hardware and software support and other funding as needed to implement the rule.

WCA views with significant concern the Governor's decision not to provide funding for eFiling implementation as part of his proposed state biennial budget. WCA is concerned that absent

such funding or another funding source, proceeding with the proposed rule will result in an unfunded mandate for counties.

As a result, WCA respectfully urges the Court to amend the rule to specify that it will not take effect unless and until the Court has established sufficient state funding for its implementation without resulting in a loss or shift in other state aids to counties for circuit court operations.

WCA thanks the Court for its consideration of this matter.