

CIRCUIT COURT
BRANCH V
Judge Robert J. Wirtz

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December 22, 2015

Wisconsin Supreme Court
110 East Main Street, Suite 215
P.O. Box 1688
Madison, WI 53701-1688

Re: Petition 14-03, Mandatory Electronic Filing in the Circuit Courts

Honorable Justices of the Supreme Court:

As chair of the Chief Judges Subcommittee on eFiling Implementation, I am writing to request that the Court once again consider adoption of the mandatory eFiling rule. Attached is an amended petition consistent with a revised plan to move forward with electronic filing in the circuit courts.

To give a brief synopsis of events:

- This petition was originally filed in October 2014.
- The court system submitted a budget request for \$2.1 million to build the eFiling system, but this funding was not included in the executive budget submitted to the Legislature.
- This petition was heard in March 2015. Members of the Court expressed concern about granting the petition without knowing how it would be funded, and no action was taken.
- In May 2015, it seemed unlikely that the Legislature would provide the funding, so this committee asked the Court to delay decision on this petition until CCAP could explore two other models with reduced startup costs.
- During the summer and fall of 2015, CCAP considered its options in coordination with this committee, the CCAP Steering Committee, and the Director of State Courts. It explored the use of commercial eFiling providers, but costs to attorneys were generally high and additional services were costly and uncertain.
- CCAP and the Director of State Courts have now developed a plan for CCAP to build the eFiling system using existing resources. This plan will take longer and will require a higher user fee.
- The State Bar of Wisconsin Board of Governors was briefed on the new plan and offered its unanimous support in December 2015.
- A rules hearing on this matter is now scheduled for February 23, 2016.

Under the new plan, mandatory eFiling will first become available for the four case types now in use for voluntary eFiling (civil, family, small claims and paternity). CCAP will migrate these case types to the improved mandatory eFiling system and roll them out county by county. Implementation should go relatively quickly, since 41 counties already offer voluntary eFiling. This will also accelerate receipt of eFiling fee revenue, as most eFiling fees will be generated

from these case types.

The anticipated rollout plan is as follows:

1. We request that the effective date of the rule be set for July 1, 2016. Both voluntary and mandatory eFiling will use the new rule as of that date.
2. To work out implementation issues, we request that the Supreme Court allow the director to require mandatory eFiling in one or more pilot counties in the spring of 2016, prior to statewide adoption of the rule.
3. Under the authority provided by Wis. Stat. § 758.19 (4m), the Director of State Courts will set the electronic filing fee at \$20 per party per case. We expect that the director will waive the fee for indigent parties and for governmental units such as the district attorneys, public defender, child support agencies, Department of Justice, and county and municipal attorneys.
4. CCAP will develop the necessary software and training materials over the next six months. Many of CCAP's resources will be diverted from other software development in order to make this happen. Essential functions will be maintained.
5. Beginning on July 1, 2016, CCAP will implement these case types in the other counties currently offering voluntary eFiling. Counties will proceed in order of readiness.
6. CCAP will then implement these case types in the remaining counties, ending on December 31, 2017.
7. Programming for criminal and juvenile delinquency cases will proceed on a timetable to be worked out with District Attorney Information Technology.
8. Other case types will be added as resources permit. The target completion date for all case types is December 31, 2019.

The change in plan necessitates some changes to the petition.

- The amended petition removes any language that assumes the basic shape of the rollout will be county by county.
- It applies the new rule to both voluntary and mandatory eFiling, for all case types and all counties, starting July 1, 2016.
- It allows the director to implement in one or more pilot counties prior to this date.
- It updates references to the new rules on redaction, confidentiality and sealing, which also become effective July 1, 2016.
- It addresses two issues raised in earlier comment letters about self-represented attorneys who do not otherwise practice law, and relation back of pleadings filed with a motion to waive filing fees.
- Finally, it amends the provisions on electronic notarization due to limitations in the available technology.

We appreciate your renewed consideration of this petition and your interest in improvement of court technology and services. We look forward to speaking with you about the proposed rule and rollout plan.

Sincerely,

Honorable Robert J. Wirtz
On behalf of the Committee of Chief Judges
Director of State Courts Office