

CIRCUIT COURT
BRANCH V
Judge Robert J. Wirtz

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May 19, 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 postpone its conference on adoption of the mandatory eFiling rule, currently scheduled for June 10. In our view, more work remains to be done on budget and implementation options before the Court takes this up again as a rules matter. We are currently exploring two models with reduced startup costs. Once we refine these options, we would hope to meet with the Court to discuss their costs and benefits. We propose a meeting with the court in the late summer to discuss the models and the need for budget and staffing support. We believe these issues are ancillary to discussion of the rule itself and can be appropriately handled at a meeting rather than through the rules process. Once a model is selected, the petition would be rescheduled for the fall.

As you know, the court system requested \$2.1 in GPR funding and position authority for eight positions, but these were not included in the Governor's budget. (The Governor's budget did include changes to two court fees that might have provided as much as \$750,000 per year to CCAP, but these changes have since been rejected by the Joint Finance Committee.) At the rules hearing on this petition on March 17, several justices expressed reservations about approving the petition without knowing how it might fit into the court system budget for the coming biennium. The Court scheduled an additional conference date for June 10 to allow for further review.

Since that time, both this committee and the CCAP Steering Committee have discussed several other options. Both groups support the original model of a county-by-county rollout over three years, but have concluded that this cannot be effectively implemented without all of the funding and positions requested in the CCAP budget. CCAP's continuing revenue decline makes the need for a fully funded eFiling initiative even more necessary. Accordingly, we are exploring alternative options for mandatory eFiling that will require fewer upfront resources.

One model deserving serious consideration would allow private electronic filing service providers to offer solutions tailored to attorney needs, while CCAP would develop and manage the interface between the attorney services and the CCAP case management software. CCAP is prepared to issue a request for information to learn what interest there might be from providers, what services could be offered and at what cost to filers. If attorney services can be provided at a reasonable cost, this would be the option with the least impact on the court budget and existing CCAP resources.

The other model under consideration would roll out mandatory electronic filing by case type rather than by county. Under this plan, CCAP would start by migrating the existing eFiling case types (civil, family, small claims) to the new mandatory eFiling system. Implementation of these case types would be faster paced, since 32 counties already offer eFiling for them, and the start-up costs associated with programming new case types could be deferred. This option would accelerate receipt of eFiling fee revenue, as the majority of the eFiling fees will be generated from these case types. Criminal and paternity eFiling are already in pilot stages, so these case types would also be developed and implemented early on.

With this information, and with further development of the court system budget, we believe the Court will be in a better position to decide how to move forward with the project. Once a model is chosen, we would then review the rule for any changes and schedule it for further proceedings. If the changes are significant, we would re-publish them as the court sees fit and discuss them with the State Bar and other stakeholders. The Bar would also be consulted if the cost to the users is likely to be higher.

Thank you for your consideration of our request for postponement. If you have any questions, please feel free to call me at 920-929-7053 or Judge Koschnick at 920-674-7217. As always, Ms. Bousquet is available for questions as well. We believe this brief delay will help us all identify a clear path forward for this critical project.

Sincerely,

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