

In Re Petition for the Creation of a Pilot Project and
Interim Court Rule Governing Electronic
Filing in the Court of Appeals and Supreme Court

PETITION
19-____

Sheila T. Reiff, Clerk of the Supreme Court and Court of Appeals, hereby petitions the court, pursuant to the court's administrative authority over all courts conferred by Article VII, § 3 of the Wisconsin Constitution, to authorize a pilot project and adopt an interim rule to facilitate the development and testing of procedures to permit exclusive electronic filing of documents in the Court of Appeals and Supreme Court, in collaboration with the Consolidated Court Automation Programs (CCAP), the Court of Appeals, and the Supreme Court ("the Pilot Project").

This petition reflects the next stage in a process to implement electronic filing at all levels of the Wisconsin court system. Effective July 1, 2009, this court adopted rules to permit electronic filing of appellate briefs and no-merit reports. See S. Ct. Order 08-15 & 08-18, 2009 WI 4, (issued Jan. 6, 2009, eff. July 1, 2009). Effective July 1, 2016, this court adopted a circuit court electronic filing rule. See S. Ct. Order 14-03, 2016 WI 29 (issued Apr. 28, 2016, eff. July 1, 2016). Effective the same date, the court adopted rules to permit electronic transmission of records from the circuit court to the appellate court, in lieu of a paper record. See S. Ct. Order 15-02, 2015 WI 102 (issued Nov. 25, 2015, eff. July 1, 2016). The transition to exclusively electronic filing is expected to provide quicker filing and service, eliminate reliance on paper documents, reduce data entry and improve accuracy.

The proposed Pilot Project and Interim Rule will commence effective the date of the court's order and will permit technological changes and modification of existing procedures as reasonably necessary to effect electronic filing in the Court of Appeals and Supreme Court. The Pilot Project may require modifications to the following court rules addressing the official record; registration requirements; timing and effect of electronic filing; electronic service; format and content of documents; confidential information; payment of filing fees; signatures; authentication and certified copies; system and user filing errors. The Pilot Project would authorize a \$20 per party appellate e-filing fee for each case electronically filed as part of the Pilot Project, consistent with the fee (and applicable exceptions) that the court adopted for circuit court e-filing. See Wis. Stat. § 758.19(4m). Approval will be sought before any fee increase or additional electronic filing surcharge is imposed.

The Pilot Project may encompass all aspects of appellate filing. The Interim Rule is intended to be in effect for the duration of the Pilot Project. Upon successful completion of the Pilot Project, permanent changes to the rules will be proposed and submitted to the court in a formal administrative rule petition.

Respectfully submitted this ____ day of February, 2019.

Sheila T. Reiff
Clerk of the Supreme Court and Court of Appeals