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Hon. Randy R. Koschnick
Director of State Courts

Sheila T. Reiff
Clerk of Supreme Court

March 26, 2019

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

Re: **Petitioner's Response to Comments to Petition 19-02**

Honorable Justices of the Wisconsin Supreme Court,

I am writing in response to the comments received about Petition 19-02. I am grateful for the submissions by staff attorneys from the four Appellate Districts, Hon. Maria Lazar, Waukesha Circuit Court Judge, State Public Defender, Kelli S. Thompson and attorney Nicholas C. Zales.

Comments from Hon. Maria Lazar.

Judge Lazar expressed whole-hearted support for the pilot and the entire electronic filing project. She feels that the system in the Circuit Court is highly efficient and the full expansion will bring the legal system up to current technology speed. Judge Lazar also identifies that the judges and staff attorneys will still have the ability to print on demand, any documents, if necessary.

Comments from the Court of Appeals Staff Attorneys

The attorneys have expressed concern with the system and the tools that would be necessary for accomplishing the volume of work in an efficient manner.

This will be my third conversion with CCAP. My staff will have to run dual systems, (paper and electronic), during the pilot. This allows for a better conversion by identifying the needs of not only for my office, but for all of the courts and our partners.

CCAP has identified tools that can be used by the courts and we will work together to help train in all areas. There already has been discussion for upgraded printers including color options, along with other technology upgrades.

In order for this system to work as designed, we urge the court to allow one judge and staff attorney to use the system totally with e filing. That is the only way we can identify issues that need to be improved.

The staff attorneys are recommending a minimum number of copies still being required. I believe that elimination of the paper filing requirement should be one of the main objectives in this pilot. To operate a filing system with combined paper and

electronic filing requirements loses much of the efficiency of an all electronic system. The pilot will undoubtedly include a combination of paper and electronic but the stated final goal, I believe, should be all electronic filing known as "paper on demand". We can use the pilot to determine whether the needs of the judges and staff can be met. If additional staff and/or copy/printing equipment is needed in order to absorb the changes in workload, the cost of those increases can be considered along with the efficiencies of the 100% electronic version, and with a savings of \$75K/yr. in shipping.

Pro Se filers would be allowed to continue with paper, with the option to efile. My staff would scan those documents immediately and make the first quality check review. There will be another person in my office who also completes a 2nd quality check on those documents. We know that some documents are difficult to read without being scanned. The idea is to use the system to make the document more legible. We will retain the paper and envelopes, if it is necessary.

Comments from Attorney Nicholas Zales

Attorney Zales expressed his support for the Rule Petition, identifying the cost savings when the documents become electronic. The savings would be included in reproduction costs, staff time and postage to name a few.

Comments from State Public Defender Kelli S. Thompson.

SPD Thompson supports the pilot, and their office would participate in the transition to help make the efilng Pilot Project a success.

The original efilng for the Circuit Courts required a working group to oversee and monitor the pilot project, draft any needed proposed rule changes, and facilitated the transition to efilng. Based in part on my own experience and the suggestions of the court of appeals' staff, I respectfully suggest that this committee be appointed and include representatives from the following stakeholders:

Supreme Court (Justice and/or Commissioner);
Court of Appeals (i.e. a Judge, Judicial Assistant to the Chief Judge, Chief Staff Attorney, and/or Staff Attorney);
Clerk of Supreme Court and Court of Appeals;
Office of the State Public Defender;
Office of the Attorney General;
Two or more Private Bar attorneys from the State Bar appellate division
CCAP representative(s)

We will be reviewing the current Rule as the pilot proceeds. This will include any changes for the courts review.

I hope these comments are helpful to the Court as you review the petition. I will provide the Court with more details on April 8, 2019.

Yours very truly,

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