



April 23, 2020

Clerk of the Wisconsin Supreme Court
Attention: Deputy Clerk-Rules
PO Box 1688
Madison, WI 53701-1688

Submitted electronically to clerk@wicourts.gov

Re: 20-02 Jury trials during the COVID-19 Pandemic

Dear Honorable Justices of the Supreme Court,

We file this comment in support of modifying the Interim Rule suspending deadlines for non-criminal jury trials due to the COVID-19 pandemic. Americollect has been in the collections industry for over 50 years. We currently serve over 120 hospitals and 7,000+ physicians, with more than half being in Wisconsin. In addition to sometimes being a party to litigation, Americollect also understands the challenges that its healthcare clients and consumers are facing during this time.

This pandemic imposes significant stress on many Wisconsinites, who may be dealing with unemployment, illness, or the loss or illness of loved ones. Court deadlines are the least of their concerns during this time. Those who are currently unemployed are also unlikely to be able to afford an attorney at this time. Meanwhile, industries and businesses are working to keep their heads above water.

Creditors who initiated lawsuits prior to the pandemic run the risk of facing negative publicity for complying with court required deadlines during this pandemic. Service is particularly difficult during this time because the 90 day period under section 801.02 may not be enlarged. Sec. 801.15(2)(a), Stats. For creditors, this is problematic because negative publicity stems from serving a consumer during this pandemic, but dismissal is the alternative if they do not comply with the deadline. Additionally, some counties require personal service, which cannot be accomplished while adhering to social distancing



guidelines. In Milwaukee county, personal service is required, yet at the same time the Sheriff's office has closed in-person civil process functions until further notice.

On March 27, 2020, the Supreme Court of Ohio issued an order that tolls the time requirements established by all Ohio Supreme Court-promulgated rules, which includes the following: filing for pleadings, appeals, and all other filings; time limitations, including case time limits; deadlines; and all other directives related to time. 03/27/2020 Administrative Actions, 2020-Ohio-1166. We request the Supreme Court of Wisconsin to modify the existing interim rule to follow suit with Ohio and toll the time requirements imposed by court rules regarding civil matters. This will allow all parties to focus on the things that are important right now.

Sincerely,

Jenna Guyton

Jenna Guyton
General Counsel
Americollect, Inc.