

IN RE THE MATTER OF THE REMOTE
ADMINISTRATION OF OATHS AT DEPOSITIONS
VIA REMOTE AUDIO-VISUAL EQUIPMENT

FILED

OCT 14, 2021

Sheila T. Reiff
Clerk of Supreme Court
Madison, WI

You are hereby notified that the Court has issued the following interim administrative order, which temporarily extends the Court's interim administrative order of June 18, 2021 regarding the remote administration of oaths at depositions via remote audio-visual equipment:

WHEREAS the Supreme Court has administrative and superintending authority over the courts and judicial system of this state and a duty to promote the efficient and effective operation of the state's judicial system, Wis. Const. Art. VII, § 3; In re Kading, 70 Wis. 2d 508, 519-20, 235 N.W.2d 409 (1976); and

WHEREAS, the Supreme Court issued a series of orders intended to minimize in-person proceedings, including a June 18, 2021 interim administrative order that terminated and superseded portions of a May 22, 2020 interim administrative order entitled "In re the Matter of the Extension of Orders Concerning Remote Administration of Oaths at Depositions, Remote Hearings in Appellate Courts, Filing of Documents in Appellate Courts, and Appellate Court Operations During the COVID-19 Pandemic," that, in turn, extended an April 28, 2020 interim administrative amended order "In Re The Matter of the Remote Administration of Oaths at Depositions via Remote Audio-Visual Equipment During the COVID-19 Pandemic," which allowed court reporters to administer an oath to a witness at a deposition remotely under certain specified circumstances; and

WHEREAS, on October 8, 2021, the Wisconsin Association for Justice, by James D. Rogers, Government Affairs Director, filed an administrative rule petition asking this court to issue an order adopting a permanent rule for the remote administration of oaths at depositions, see Rule Petition 21-05, In the Matter of the Proposed Amendment to Wisconsin Statute § 804.03, Relating to the Remote Administration of Oaths at Depositions; and

WHEREAS, the Wisconsin Association for Justice notes that the current interim administrative order is scheduled to terminate on December 1, 2021 and therefore will likely expire before the requested amendment, even if granted, could take effect and, accordingly, the Wisconsin Association for Justice requests this Court extend the expiration date of the June 18, 2021 interim administrative order pending the Court's consideration of and decision on the pending rule petition; and

WHEREAS, the Court concludes that it is necessary to extend the interim administrative order for a limited period of time pending this Court's consideration of and decision on Rule Petition 21-05; and

NOW THEREFORE, IT IS HEREBY ORDERED that the provisions of the Court's interim administrative order of June 18, 2021 entitled "In re the Matter of the Remote Administration of Oaths at Depositions Via Remote Audio-Visual Equipment," shall be extended until July 1, 2022; and

IT IS FURTHER ORDERED that:

- Court reporters qualified to administer an oath in the State of Wisconsin may administer an oath to a witness at a deposition remotely via audio-visual communications technology from a location within the State of Wisconsin,

October 14, 2021

In re the Matter of Remote Administration of Oaths at
Depositions via Remote Audio-Visual Equipment

provided the person administering the oath can see and hear the witness and can identify the witness; and

- If a witness is not located within the State of Wisconsin, the witness may consent to being put on oath remotely via audio-visual communication technology by a court reporter qualified to administer an oath in the State of Wisconsin pursuant to this order; and
- Remote administration of an oath at a deposition via audio-visual communications technology pursuant to this order shall constitute the administration of an oath "before" a court reporter under Wis. Stat. §§ 804.03 (1) and 887.01 (1) or any court order authorizing a deposition upon oral examination; and any other rule of procedure, court order, or opinion applicable to remote depositions that can be read to limit or prohibit the use of audio-visual communication equipment to administer oaths at depositions remotely is suspended; and
- This order does not alter the ability of parties, by written stipulation, to provide that depositions may be taken before any person, at any time or place, upon any notice, and in any manner pursuant to Wis. Stat. § 804.04; and the parties to an action or proceeding may, by written stipulation, modify the procedures provided by this order; and

IT IS FURTHER ORDERED that this interim administrative order shall expire on July 1, 2022.

Page 4

October 14, 2021

In re the Matter of Remote Administration of Oaths at
Depositions via Remote Audio-Visual Equipment

The State Bar of Wisconsin shall take all reasonable steps to notify its members of the contents of this order. In addition, a copy of this order will be posted on the court system website, www.wicourts.gov.