

SUPREME COURT OF WISCONSIN

NOTICE

This order is subject to further editing and modification. The final version will appear in the bound volume of the official reports.

No. 23-03

**In re Interim Rule Governing
Filing in the Wisconsin Supreme Court
For Judicial/Attorney Proceedings.**

FILED**JUNE 12, 2023**

Sheila T. Reiff
Clerk of Supreme Court
Madison, WI

This matter comes before the Wisconsin Supreme Court upon the court's own motion as part of the phased transition to mandatory electronic filing in Wisconsin's appellate courts. This order addresses the requirements for the filing and service of documents in "judicial/attorney proceedings," defined infra, before the Wisconsin Supreme Court, following the implementation of mandatory eFiling for all other cases, as set forth in S. Ct. Order 19-02C & 20-07C, 2023 WI 10 (issued Feb. 21, 2023, eff. Apr. 1, 2023), and the corresponding Second Amended Revised Interim Rule.

That order, among other things, made eFiling mandatory for all Wisconsin Supreme Court proceedings, other than judicial/attorney proceedings, as of July 1, 2023. That order also indicated that "[t]he court will adopt a new interim rule, effective July 1, 2023, that will govern filings in, and the transition to eFiling in, a limited number

of categories of proceedings, some of which are not otherwise subject to the provisions of Wis. Stat. ch. 809." Judicial/attorney proceedings were defined as follows:

[J]udicial disciplinary proceedings initiated under Wis. Stat. § 757.85; attorney regulatory proceedings initiated under SCR ch. 22 and SCR ch. 40; petitions for readmission to the practice of law; petitions for reactivation of an attorney's license to practice law; and petitions for reinstatement following an administrative suspension for failure to pay bar dues and assessments, for failure to comply with mandatory reporting of continuing legal education/ethics and professional responsibility credits, for failure to file a trust account certificate, and for failure to enroll in the State Bar of Wisconsin.

As explained in Order 19-02C & 20-07C, "[b]ecause of the unique character of these categories of proceedings and the need for the development of eFiling systems that will accommodate them, these categories of proceedings will not transition to mandatory eFiling as of July 1, 2023." In particular, several of these categories consist of proceedings presided over by the Wisconsin Supreme Court that, at least in part, do not involve filings subject to the Wisconsin Rules of Appellate Procedure, Wis. Stat. ch. 809. Many of these filings are in the form of documents commonly submitted at the circuit court level. Currently, the Wisconsin Supreme Court and Court of Appeals Case Access ("WSCCA") system is not configured to handle electronic filings for such proceedings.

This court therefore adopts the Interim Rule Governing Filing in the Wisconsin Supreme Court For Judicial/Attorney Proceedings, attached as Appendix A, to govern the filing and service of documents in judicial/attorney proceedings as of July 1, 2023. The interim rule

shall remain in effect until the WSCCA system has been updated to allow eFiling in such cases and until further order of this court.

Therefore,

IT IS ORDERED that the Clerk of the Supreme Court, in collaboration with the Consolidated Court Automation Programs ("CCAP") and the supreme court, shall develop processes and procedures to expand the capability of the WSCCA system to allow for eFiling of all documents in the categories of judicial/attorney proceedings described above, including filings not subject to Wis. Stat. Ch. 809;

IT IS FURTHER ORDERED that the Clerk of the Supreme Court shall provide updates to this court, beginning September 1, 2023, and every six months thereafter, as to the status of updating the WSCCA system to allow eFiling in such cases;

IT IS FURTHER ORDERED that the Interim Rule Governing Filing in the Wisconsin Supreme Court For Judicial/Attorney Proceedings, attached as Appendix A, is adopted, effective July 1, 2023, governing filing and service requirements of documents in judicial/attorney proceedings;

IT IS FURTHER ORDERED that the Interim Rule Governing Filing in the Wisconsin Supreme Court For Judicial/Attorney Proceedings shall remain in effect until such time as the WSCCA system has been updated to allow eFiling in such cases and until further order of this court; and

IT IS FURTHER ORDERED that notice of this order and attached Appendix A shall be given by a single publication of a copy of this order in the official publications designated in SCR 80.01, including the official publishers' online databases and on the Wisconsin court

system's web site. The State Bar of Wisconsin shall provide notice of this order and the attached Appendix A.

Dated at Madison, Wisconsin, this 12th day of June, 2023.

BY THE COURT:

Sheila T. Reiff
Clerk of Supreme Court

Appendix A

Interim Rule Governing Filing in the Wisconsin Supreme Court For Judicial/Attorney Proceedings.

1. Effective Date. This interim rule shall be effective July 1, 2023.
2. Statement of purpose; authority. The Wisconsin Supreme Court is in the process of implementing a phased transition to mandatory electronic filing in the appellate courts of Wisconsin. On February 21, 2023, this court adopted the Second Amended Revised Interim Rule governing electronic filing and service in the Wisconsin Supreme Court. S. Ct. Order 19-02C & 20-07C, 2023 WI 10 (issued Feb. 21, 2023, eff. Apr. 1, 2023). That order, among other things, made electronic filing mandatory for all Wisconsin Supreme Court proceedings, other than "judicial/attorney proceedings" (see Paragraph 3, *infra*), as of July 1, 2023. That order also indicated that "[t]he court will adopt a new interim rule, effective July 1, 2023, that will govern filings in, and the transition to eFiling in, a limited number of categories of proceedings, some of which are not otherwise subject to the provisions of Wis. Stat. ch. 809." This interim rule sets forth the rules under which the filing and service of all documents in judicial/attorney proceedings before the Wisconsin Supreme Court will be governed as of July 1, 2023, until further order of this court.
3. Scope/matters affected. This interim rule governs the filing and service requirements for documents in judicial/attorney proceedings before the Wisconsin Supreme Court. Such proceedings are defined as follows: Judicial disciplinary proceedings initiated under Wis. Stat. § 757.85; attorney regulatory proceedings initiated under SCR ch. 22 and SCR ch. 40; petitions for readmission to the practice of law; petitions for reactivation of an attorney's license to practice law; and petitions for reinstatement following an administrative suspension for failure to pay bar dues and assessments, for failure to comply with mandatory reporting of continuing legal education/ethics and professional responsibility credits, for failure to file a trust account certificate, and for failure to enroll in the State Bar of Wisconsin.
4. Filing and service. To the extent that judicial/attorney proceedings are subject to the Rules of Civil Procedure (Wis. Stat. ch. 801 to 807) or Rules of Appellate Procedure (Wis. Stat. ch. 809), they shall be subject to the current versions of those rules, except as set forth below. Notwithstanding the provisions of Wis. Stat. §§ 801.18(1)(L), 801.18(3), 809.01(25), and 809.801(3), any party to a judicial/attorney proceeding in the Wisconsin Supreme Court, even if represented by counsel, shall be considered to be a "paper party" for the purpose of the Rules of Civil Procedure and Rules of Appellate Procedure, and shall sign, file, and serve documents by "traditional methods," as set forth in those rules. Any party to a judicial/attorney proceeding that is not governed by the Rules of Civil Procedure or Rules of Appellate Procedure shall continue to sign, file, and serve documents by

traditional paper methods, as set forth in the governing Supreme Court Rules for such proceedings.

5. Transition to eFiling. As set forth in the accompanying Order, the Clerk of the Supreme Court, in collaboration with the Consolidated Court Automation Programs ("CCAP") and the supreme court, shall develop processes and procedures to expand the capability of the Wisconsin Supreme Court and Court of Appeals Case Access ("WSCCA") system to allow for eFiling of all documents in the above-described categories of judicial/attorney proceedings. Once WSCCA has been so updated, the court will issue one or more orders transitioning judicial/attorney proceedings to eFiling. The transition to eFiling may occur in phases depending on the progress of the updates to WSCCA and the needs of the court.
6. Application; revision. This interim rule is temporary and is subject to change by CCAP and the Clerk, upon notice to and approval by the court, as the needs of the court dictate.
7. Termination. This interim rule shall continue to remain in effect until further order of this court.