

CIRCUIT COURT
BRANCH V
Judge Robert J. Wirtz

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Wisconsin Supreme Court
110 East Main Street, Suite 215
P.O. Box 1688
Madison, WI 53701-1688

Re: Petition 14-03, Mandatory Electronic Filing in the Circuit Courts

Honorable Justices of the Supreme Court:

The Committee of Chief Judges would like to submit one change to Petition 14-03. Members of the court Records Management Forms Committee have pointed out a possible ambiguity with respect to the original filing date for complaints and petitions when they are accompanied by a motion for waiver of filing fees due to indigency.

Sec. (7) (b) of the petition provides:

(7) PAYMENT OF FEES.

(b) A document that requires payment of a fee is not considered filed until the fee is paid, a waiver of the fee is granted, or other arrangements for payment are made. The user may submit a motion for waiver of filing fees under s. 814.29 (1), using a form provided by the court for that purpose.

The language in italics could be interpreted to mean that the date the court grants the waiver should be considered the date of filing. In fact, the committee intended that the date of filing should relate back to the date the plaintiff originally filed the complaint, as provided in Sections (4) (c) and (e):

(4) TIME AND EFFECT OF ELECTRONIC FILING.

(c) If the clerk accepts a document for filing, it shall be considered filed with the court on the date and the time of the original submission, as recorded by the electronic filing system. Upon acceptance, the electronic filing system shall issue a confirmation to

serve as proof of filing. When personal service is not required, the confirmation shall also serve as proof of service on the other users in the case.

(e) A document is considered filed on a particular day if the submission is completed by 11:59 p.m., as recorded by the electronic filing system, *so long as it is subsequently accepted by the clerk upon review*. The expanded availability of time to file shall not affect the calculation of time under other statutes, rules, and court orders.

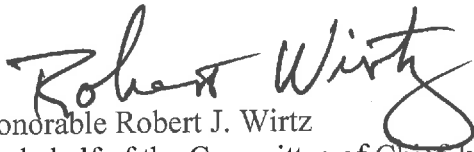
In order to remove the ambiguity, the committee requests that Section (7) (b) be amended as follows:

(7) PAYMENT OF FEES.

(b) A document that requires payment of a fee is not considered filed until the fee is paid, a waiver of the fee is granted, or other arrangements for payment are made. The user may submit a motion for waiver of filing fees under s. 814.29 (1), using a form provided by the court for that purpose. If a document is submitted with a motion for waiver of the filing fee, it shall be considered filed with the court on the date and time of the original submission, so long as the fee waiver is subsequently granted by the court.

Thank you for your consideration of this amendment. We look forward to discussing the petition with you on March 17.

Sincerely,



Honorable Robert J. Wirtz
On behalf of the Committee of Chief Judges
Director of State Courts Office