

**BRANCH THREE  
DODGE COUNTY CIRCUIT COURT  
JOSEPH G. SCIASCIA, CIRCUIT JUDGE**

Dodge County Justice Facility  
210 W. Center St., Juneau, Wisconsin 53039-1091  
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Wisconsin Supreme Court  
16 East State Capitol  
Madison, WI 53702-0001

Re: E-filing Rule 801.18

Dear Justices of the Supreme Court,

Unfortunately, I am on intake Feb.23, 2016 and unable to attend the hearing on that day. Please accept this written statement in lieu of my personal appearance.

As you may recall, I submitted a statement when the proposed rule was first scheduled for hearing to point out that e-filing offers few advantages without a uniform system of labeling documents. Unfortunately, some advocates of e-filing neglected to read that part of my memo which said: "I do not oppose the transition to electronic files. However, I wish to point out that unless certain procedures are established first, and personnel including the private bar, are properly trained, the perceived advantages of such a system will be substantially compromised." At this time I would like to supplement by previous comments.

Contrary to what some people may tell you, it is impossible to efficiently retrieve documents unless they are properly labeled. In Dodge County, the District Attorney has done a great job of implementing a uniform system of labelling documents. However, the District Attorney is not the only party who files documents. As it stands right now, in Dodge County, documents that are not properly labeled must be labeled by the clerk.

As a "work-around" to this problem, in Dodge County the clerks of court have gone through our files and retroactively attempted to label documents that have been scanned. (See Exhibit A Dodge County Case 12PR67) *The burden of labelling documents must be placed on the filer, not on the clerk of court.* Documents such as motions and orders can be

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CLERK OF SUPREME COURT  
OF WISCONSIN

lengthy and cover many subjects. It is not appropriate to expect the clerk to ascertain what the subjects of a motion or order are.

I object to proceeding on the basis of "work- arounds". Work - arounds should be used on an emergency basis until the problem can be fixed. Implementing a new system based on work- arounds is a bad idea, because the problem keeps re-surfacing until it is properly fixed. As an example, through the efforts of our clerks of court, documents in the court record can be identified by virtue of the text that the clerks can enter. This requires the clerk to read and make a decision as to how to describe the document. However, that text does not cure the defect in the system. If a judge attempts to access the "documents" list,(Exhibit B) all you get is the useless inadequate labels because the descriptive text that the clerk enters does not show up there. Therefore, if you attempt to organize the documents by adding them to the Key Documents folder, the documents which appear in the left hand column do not have the clerk's descriptive text. (see exhibit C). The defect of inadequate labeling has greatly impaired what would be a very useful tool.(the ability of the court to organize documents). In this case, the documents **were** adequately labeled by the attorney. The brief filed by attorney Petterson on Nov.13,2105 is labeled "PERSONAL REPRESENTATIVE'S BRIEF OBJECTING TO THE ALLOWANCE OF A CLAIM OF RONALD WILSON" However, the brief shows up in the documents list only as "brief" with no indication of whose brief it is or what subject is being briefed. Please note the document list (Exh B) shows that three briefs were filed in the month of November, and all three are simply identified as "Brief". This is unacceptable. In a complex case involving many parties and multiple motions and cross motions being filed, it is impossible to find what you want to find without adequate labels.

Most criminal cases are closed within a year and the number of filed documents is small. However, many family court cases are active for ten or fifteen years or more, and many civil cases can be active for many years. Trying to find the last order regarding child support in a sea of "orders" is a time consuming and frustrating endeavor, because the order you are looking for is hidden in a long list of orders for continuances, orders for hearing, orders for telephone testimony, orders for substitution of counsel, orders for custody study, orders appointing GAL etc.

Complex civil cases will have a multitude of parties filing any number of documents. (See Columbia County Case 007CV462 which I have the pleasure of being assigned to. The document list is attached as Exhibit D)

E-filing will not be effective unless documents are labeled to state who filed it, what the document is, what subjects are covered, and if it is a motion, what relief is requested.

To date, with all of the discussion about e-filing and all of its benefits, nothing has been proposed about how these issues will be

addressed. I note that under Section 801.18(8)(b) of the proposed rule in the amended petition, users shall provide any case management information needed to file documents. I am not sure what that means. I respectfully request that Section 801.(18)(8)(b) be amended to read as follows:

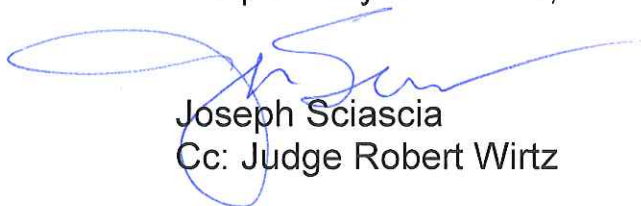
“Users shall provide any case management information needed to transmit and file documents, including but not limited to the following which shall be included in the caption of the document and which shall be required fields in the electronic filing software:

- a) Identification of the party or person filing the document (plaintiff, defendant, etc.)
- b) The name of the party or person filing the document. ( this is needed for situations where there are multiple plaintiffs or defendants)
- c) A description of the document ( motion, order, affidavit, report, exhibit, etc.)
- d) If the document is an order or request of any kind, a brief description of the relief requested.
- e) If the document is an order, a brief description of the subject matter addressed in the order. In family law cases, if the order addresses child support, custody, placement or maintenance, a reference to that effect must appear in the caption.

The electronic filing system shall reject a document for failure to include information in any one of the mandatory fields identified by the system. “

We have important work to do. When inadequately planned technology slows us down and keeps us from doing our job, no one keeps track of the cost to the taxpayers **but that cost exists nonetheless**. I respectfully suggest that any Supreme Court order advancing the implementation of e-filing **require as a pre-requisite**, that appropriate filing rules be drafted and approved and the necessary software be developed and approved before e-filing is actually required. Please do not implement e-filing unless these issues are worked out first.

Respectfully submitted,



Joseph Sciascia  
Cc: Judge Robert Wirtz

FILTER: All Filing Documents Motions & Briefs

Date	Event
11-30-2015	Return of unclaimed/undelivered mail service Notice of Hearing addressed to Ronald J. Wilson/returned b/c "BOX CLOSED" Unable to Forward; Return to Sender <u>Return of unclaimed/undelivered mail service</u>
11-23-2015	Notice of hearing Hearing at 02-09-2016 08:30 am <u>Notice of Hearing (Probate)</u>
11-20-2015	Received documents Letters from Attorney Thompson filing Brief, Inventory & Motion <u>Received Documents-Letter from Atty. Thompson filing Ron Wil...</u> <u>Received Documents-Letter from Atty. Thompson filing Motion ...</u>
11-20-2015	Motion to Surcharge Dawn Kemmerling's Share of Estate for Ron Wilson's Losses Arising from her Breach of Fiduciary Duty and Duty of Loyalty as Personal Representative <u>Motion</u>
11-20-2015	Objection to Inventory <u>Objection</u>
11-20-2015	Brief Ron Wilson's Memorandum Brief <u>Brief</u>
11-18-2015	Received documents Letter from Atty. Petterson filing Affidavit of Dawn Kemerling <u>Received Documents</u>
11-18-2015	Affidavit of Dawn M. Kemmerling in support of Personal Representative's Brief Objecting to the Allowance of Claim of Ronald Wilson <u>Affidavit</u>
11-13-2015	Received documents Letter from Atty. Petterson filing Brief's <u>Received Documents</u>

11-13-2015 Personal Representative's Brief in Support of Barring Claims of Ronald Wilson  
Brief

11-13-2015 Brief  
Personal Representative's Brief Objecting to the Allowance of a Claim of Ronald Wilson  
Brief

10-14-2015 Change of address notification - Ronald J. Wilson  
ADDRESS INFO for Ronald J. Wilson  
Current: P. O. Box 116, Ashippun, WI 53003 United States (Effective: 10-14-2015)  
Prior: N519 Hwy 67, Ashippun, WI 53003 United States

10-13-2015 Return of unclaimed/undelivered mail service  
to Ronald J. Wilson (NOH for 10/5/15 hearing) - new address noted on envelope: P. O. Box 116

10-06-2015 Change of address notification - Dawn Kemmerling  
Per post office card  
ADDRESS INFO for Dawn Kemmerling  
Current: 331 S. 71st St., Milwaukee, WI 53214 United States (Effective: 10-06-2015)  
Prior: P. O. Box 14693, West Allis, WI 53214-0693 United States

10-05-2015 Affidavit of service  
Affidavit of service

10-05-2015 Notice of hearing  
Hearing at 11-30-2015 01:00 pm  
Notice of Hearing (Probate)

10-05-2015 [pm] Hearing  
Personal Representative Dawn Kemmerling in court with attorney Paul E Petterson. Interested Person Ronald J. Wilson in court with attorney Gary W. Thompson. Personal Representative Dawn Kemmerling in court with attorney Paul E Petterson. This is Atty. Thompson's claim for personal property/objection to allowance; Atty. Petterson files documents with the Court (part of the file); Atty. Thompson files documents to be used as exhibits; Atty. Petterson requests to call witness first, calls Mr. Adknas, s/t; witness excused; Atty. Thompson calls Ronald Wilson, s/t; discussion on whether to reschedule this entire hearing, Atty. Thompson agrees this case should be set for entire afternoon; matter reset; Atty. Petterson requests to call one witness yet today, calls Sharon Neuhofer, s/t; Atty. Thompson objects per dead man's statute; witness excused; Court heard on question of ownership/gift/title, what weight the title has; discussion held; Court notes any briefs to be filed by 11/15/15; Atty. Thompson heard - will submit brief on dead man' statute; Atty. Petterson will do brief on failure to comply with order, deadline to file claims; authority on how to prove what was in a building; notices handed out (Atty. Thompson took his exhibits back, to be used at next hearing)

09-29-2015 Notes  
Had address for Ronald J. Wilson entered incorrectly: should

Change of address notification - Ronald J. Wilson  
 09-29-2015 ADDRESS INFO for Ronald J. Wilson  
 Current: N519 Hwy 67, Ashippun, WI 53003 United States  
 (Effective: 09-29-2015)  
 Prior: N519 N. Highway 57, Ashippun, WI 53003 United States

Notice of hearing  
 09-22-2015 Hearing at 10-05-2015 11:30 am  
 \*Sent only to Ronald Wilson because 1st notice was returned  
 undeliverable  
Notice of Hearing

Return of unclaimed/undelivered mail service  
 09-22-2015 \*Notice of Hrg to Ronald Wilson  
Return of unclaimed/undelivered mail service

Change of address notification - Ronald J. Wilson  
 09-22-2015 ADDRESS INFO for Ronald J. Wilson  
 Current: N519 N. Highway 57, Ashippun, WI 53003 United States  
 (Effective: 09-22-2015)  
 Prior: 430 Martin Avenue, Hartland, WI 53029 United States

Notice of hearing  
 09-11-2015 Hearing at 10-05-2015 11:30 am  
Notice of Hearing (Probate)

Notice of hearing  
 08-20-2015 on Objection to Allowance of Claim Against Estate - scheduled  
 9/16/15 at 10:00 a.m., Br. 3  
Notice of hearing

08-05-2015 Responsible court official changed

Change of class code  
 08-05-2015 WCIS Class Code changed from 50102 (Informal Proceedings)  
 to 50101 (Formal Proceedings).

Received documents  
 07-30-2015 Letter from Atty. Paul Petterson filing Demand for Formal  
 Proceedings, Petition Objecting to Claims, Notice of Hearing  
Received Documents

Petition  
 07-30-2015 OBJECTING to the Allowance of Claims of Ronald Wilson  
Petition

Demand for formal proceedings  
 07-30-2015 by PR, Dawn Kemmerling, on limited issue for a determination /  
 discharge of claims filed by Ronald Wilson  
Demand for formal proceedings

	Received documents
12-10-2014	Letter from Atty. Gary Thompson filing Claims Against Estate (2) <u>Received Documents</u>
	Affidavit of mailing
12-10-2014	<u>Affidavit of mailing</u>
	Claim against estate - \$14,020.00
12-10-2014	by Ronald Wilson - items of pers. property sold at estate sale (\$7,020.00) and Harley Davidson (\$7,000.00) <u>Claim against estate</u>
	Claim against estate - \$17,500.00
12-10-2014	by Ronald Wilson - for Speed Boat; Go Kart Engines, etc. <u>Claim against estate</u>
	Received documents
11-10-2014	Letter from Atty. Gary Thompson filing Notice of Appearance <u>Received Documents</u>
	Notice of Appearance
11-10-2014	by Atty. Gary W. Thompson on behalf of Ronald Wilson, an interested person <u>Notice of Appearance</u>
	Received documents
11-04-2014	Letter from Atty. Paul Petterson filing proof of publ. and Inventory <u>Received Documents</u>
	Filing fee paid - \$169.13
11-04-2014	14R 020612
	General inventory filed - \$84,566.73
11-04-2014	<u>General inventory filed</u>
	Proof of publication
11-04-2014	<u>Proof of publication</u>
07-01-2014	File Retained Electronically
	Receipt - \$30.00
05-01-2014	14R 008832
	Notice of estate administration deadlines
05-01-2014	<u>PR-1832 Notice of Estate Administration Deadlines</u>
	Domiciliary letters issued
05-01-2014	<u>Domiciliary letters issued</u>

05-01-2014	Will admitted to probate <u>Will admitted to probate</u>
05-01-2014	Statement of informal administration <u>Statement of informal administration</u>
05-01-2014	Affidavit of service <u>Affidavit of service</u>
05-01-2014	Waiver and consent from all interested persons (2) together with copy of Atty. Michael Seitz Letter <u>Waiver and consent</u>
04-25-2014	Notice interested persons/time limit filing claims Application to be heard: 06/02/2014 at 9:00 a.m. Claims Limited to: 8/11/2014 Publication: Watertown Daily Times <u>Notice interested persons/time limit filing claims</u>
04-25-2014	Consent to serve by Dawn Kemmerling <u>Consent to serve</u>
04-25-2014	Proof of heirship <u>Proof of heirship</u>
04-25-2014	Application for informal probate <u>Application for informal probate</u>
04-25-2014	Renumber from 2014WL000067
04-11-2014	Letters/correspondence from Attorney Paul E. Petterson filing Will; advising date of death <u>Letters/correspondence</u>
04-11-2014	Will filed <u>Will filed</u>
12-08-2013	Date of death



<b>Document</b>	<b>Date</b>
<u>Return of unclaimed/undelivered mail service</u>	11-30-2015
<u>Notice of Hearing (Probate)</u>	11-23-2015
<u>Motion</u>	11-20-2015
<u>Objection</u>	11-20-2015
<u>Brief</u>	11-20-2015
<u>Affidavit</u>	11-18-2015
<u>Brief</u>	11-13-2015
<u>Brief</u>	11-13-2015
<u>Affidavit of service</u>	10-05-2015
<u>Notice of Hearing (Probate)</u>	10-05-2015
<u>Notice of Hearing</u>	09-22-2015
<u>Return of unclaimed/undelivered mail service</u>	09-22-2015
<u>Notice of Hearing (Probate)</u>	09-11-2015
<u>Notice of hearing</u>	08-20-2015
<u>Petition</u>	07-30-2015
<u>Demand for formal proceedings</u>	07-30-2015
<u>Affidavit of mailing</u>	12-10-2014
<u>Claim against estate</u>	12-10-2014
<u>Claim against estate</u>	12-10-2014
<u>Notice of Appearance</u>	11-10-2014
<u>General inventory filed</u>	11-04-2014
<u>Proof of publication</u>	11-04-2014
<u>PR-1832 Notice of Estate Administration Deadlines</u>	05-01-2014

<u>Will admitted to probate</u>	05-01-2014
<u>Statement of informal administration</u>	05-01-2014
<u>Affidavit of service</u>	05-01-2014
<u>Waiver and consent</u>	05-01-2014
<u>Notice interested persons/time limit filing claims</u>	04-25-2014
<u>Consent to serve</u>	04-25-2014
<u>Proof of heirship</u>	04-25-2014
<u>Application for informal probate</u>	04-25-2014
<u>Letters/correspondence</u>	04-11-2014
<u>Will filed</u>	04-11-2014

List

Key Documents


Search

Clear


Filter:

No filter applied. Select one.


Clear



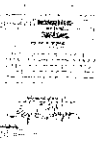
**Return of unclaimed/undelivered  
mail service**  
11-30-2015




**Notice of Hearing (Probate)**  
11-23-2015

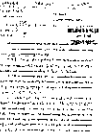



**Motion**  
11-20-2015

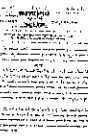



**Objection**  
11-20-2015

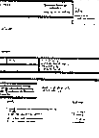
 **Brief**  
11-20-2015

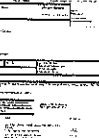
 **Affidavit**  
11-18-2015


 **Brief**  
11-13-2015

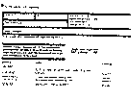
 **Brief**  
11-13-2015


 **Affidavit of service**  
10-05-2015

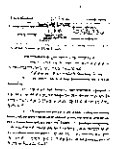
 **Notice of Hearing (Probate)**  
10-05-2015


 **Notice of Hearing**  
09-22-2015

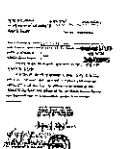
 **Return of unclaimed/undelivered mail service**  
09-22-2015


 **Notice of Hearing (Probate)**  
09-11-2015


 **Notice of hearing**  
08-20-2015

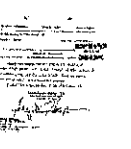
 **Petition**  
07-30-2015


 **Demand for formal proceedings**  
07-30-2015

 **Affidavit of mailing**  
12-10-2014


 **Claim against estate**  
12-10-2014

 **Claim against estate**  
12-10-2014


 **Notice of Appearance**  
11-10-2014



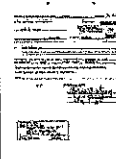
**General inventory filed**  
11-04-2014




**Proof of publication**  
11-04-2014



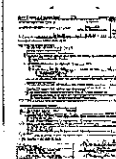
**PR-1832 Notice of Estate Administration Deadlines**  
05-01-2014



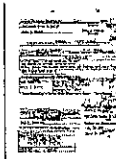
**Domiciliary letters issued**  
05-01-2014




**Will admitted to probate**  
05-01-2014




**Statement of informal administration**  
05-01-2014

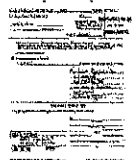



**Affidavit of service**  
05-01-2014




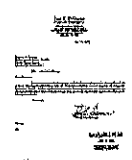
**Waiver and consent**  
05-01-2014

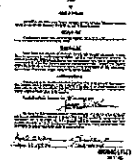
 **Notice interested persons/time limit filing claims**  
04-25-2014

 **Consent to serve**  
04-25-2014

 **Proof of heirship**  
04-25-2014

 **Application for informal probate**  
04-25-2014

 **Letters/correspondence**  
04-11-2014

 **Will filed**  
04-11-2014

<u>Memorandum decision</u>	11-23-2015
<u>Brief</u>	11-09-2015
<u>Brief</u>	11-09-2015
<u>Response/reply</u>	10-26-2015
<u>Director and Officer Indemnification in Wisconsin</u>	10-26-2015
<u>Transmittal Letter</u>	10-26-2015
<u>Contract for Legal Services</u>	10-26-2015
<u>Transmittal Letter</u>	10-26-2015
<u>Shareholder Derivative Actions</u>	10-26-2015
<u>Transmittal Letter</u>	10-26-2015
<u>Flow Chart of Derivative lawsuit</u>	10-26-2015
<u>Transmittal Letter</u>	10-26-2015
<u>Wis. Stat. 180.0740 to Wis. Stat. 180.0747</u>	10-26-2015
<u>Transmittal Letter</u>	10-26-2015
<u>Affidavit of Furrer 10-23-2015</u>	10-26-2015
<u>Transmittal Letter</u>	10-26-2015
<u>Letter to Judge Sciascia 10-23-2015</u>	10-26-2015
<u>Transmittal Letter</u>	10-26-2015
<u>Notice of entry of judgment</u>	10-19-2015
<u>Notice of entry of judgment</u>	10-19-2015
<u>Letters/correspondence</u>	10-19-2015
<u>Brief</u>	10-15-2015
<u>Order</u>	10-12-2015
<u>Brief</u>	10-07-2015



<u>Brief of Defendant</u>	10-05-2015
<u>Order</u>	10-05-2015
<u>Transcript</u>	10-05-2015
<u>Electronic Filing Registration Confirmation</u>	10-05-2015
<u>Electronic Notice Status Change</u>	10-05-2015
<u>Letters/correspondence</u>	10-01-2015
<u>Hearing</u>	09-30-2015
<u>Notice of hearing</u>	09-29-2015
<u>Letters/correspondence</u>	09-25-2015
<u>Motion hearing</u>	09-23-2015
<u>Memorandum</u>	09-23-2015
<u>Memorandum</u>	09-23-2015
<u>Affidavit</u>	09-23-2015
<u>Affidavit</u>	09-23-2015
<u>Letters/correspondence</u>	09-23-2015
<u>Brief</u>	09-22-2015
<u>Letters/correspondence</u>	09-21-2015
<u>Letters/correspondence</u>	09-18-2015
<u>Brief</u>	09-15-2015
<u>Brief</u>	09-15-2015
<u>Notice of motion</u>	09-15-2015
<u>Notice of Hearing</u>	09-15-2015
<u>Order</u>	09-14-2015
<u>Affidavit</u>	09-10-2015
<u>Transcript</u>	09-08-2015

<u>Notice of motion</u>	09-04-2015
<u>Affidavit</u>	08-31-2015
<u>Brief</u>	08-31-2015
<u>Notice of motion</u>	08-31-2015
<u>Letters/correspondence</u>	08-31-2015
<u>Order</u>	08-31-2015
<u>Telephone motion hearing</u>	08-27-2015
<u>Letters/correspondence</u>	08-27-2015
<u>Letters/correspondence</u>	08-27-2015
<u>Letters/correspondence</u>	08-21-2015
<u>Notice of Hearing</u>	08-18-2015
<u>Affidavit</u>	08-07-2015
<u>Notice of motion</u>	08-07-2015
<u>Letters/correspondence</u>	06-01-2015
<u>Order</u>	06-01-2015
<u>Letters/correspondence</u>	05-20-2015
<u>Letters/correspondence</u>	05-15-2015
<u>Letters/correspondence</u>	05-15-2015
<u>Order</u>	05-14-2015
<u>Letters/correspondence</u>	05-14-2015
<u>Letters/correspondence</u>	05-11-2015
<u>Letters/correspondence</u>	05-04-2015
<u>Order</u>	04-28-2015
<u>Exhibit</u>	04-27-2015
<u>Exhibit</u>	04-27-2015

<u>Exhibit</u>	04-27-2015
<u>Exhibit</u>	04-27-2015
<u>Exhibit list</u>	04-27-2015
<u>Hearing</u>	04-27-2015
<u>Certificate of service</u>	04-27-2015
<u>Letters/correspondence</u>	04-27-2015
<u>Letters/correspondence</u>	04-21-2015
<u>Brief</u>	04-16-2015
<u>Decision</u>	03-20-2015
<u>Letters/correspondence</u>	03-16-2015
<u>Affidavit</u>	03-06-2015
<u>Brief</u>	03-06-2015
<u>Notice of motion</u>	03-06-2015
<u>Letters/correspondence</u>	03-02-2015
<u>Order</u>	02-13-2015
<u>Brief of Defendant</u>	02-05-2015
<u>Affidavit</u>	02-05-2015
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<u>Brief</u>	11-18-2014
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<u>GF-168S Application for Specific Judicial Assignment</u>	10-24-2013
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