



**BRANCH II  
DODGE COUNTY CIRCUIT COURT  
JOHN R. STORCK, JUDGE  
Dodge County Justice Facility  
210 West Center Street  
Juncou, Wisconsin 53039-1091**

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**FAX COVER SHEET**

**TO:** Wisconsin Supreme Court (c/o Director of State Courts  
ATTN: SARA) fax 608-261-8299

**FROM:** Judge John R. Storck and Attorney Robert G. Barrington

**DATE:** 2/18/16

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

**COMMENTS:** Sara, enclosed please find a 3 page letter addressed to the Wisconsin Supreme Court Justices. I would ask that you kindly distribute to each of them. Thank you for your prompt assistance. Gina

Number of Pages (Including Cover Sheet) 4

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February 18, 2016

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:

We strongly encourage you to approve Petition 14-03.

Our Wisconsin Court System needs to adopt mandatory eFiling. Mandatory eFiling is necessary for our Courts to be efficient and progressive.

Mandatory eFiling will improve access to justice in Wisconsin, it will not limit it. Our Court system is faced with limited resources. It is important that we use those resources wisely. It is not an appropriate use of our limited resources to continue a costly paper based system. The filing of paper, looking for lost paper, scanning paper, mailing paper, storing paper, and ultimately the shredding and disposal of the paper costs money. That is money that should be put to better use in the Court system.

The cost for litigants to use the Court system will not increase for most who eFile. It will decrease. The savings in postage alone for many cases will exceed the \$20 cost. Today Judge Storck went to our Clerk of Courts and randomly pulled envelopes out of the wastebaskets. The cost of postage to send in pleadings and to have them returned is high. Postage on an envelope of \$2.50 and \$3.50 was common. One was sent in with \$7.15 of postage along with a return envelope with \$7.15 of postage. When one considers all of the mailings during the course of a case that can be eliminated with eFiling, the savings on postage alone with many cases will more than cover the \$20. With eFiling one does not have to send documents to the Courts, the Courts do not have to send them to the eFiling parties, and the eFiling parties do not have to send them to one another. The cost of copying, addressing, sending or delivering envelopes and postage can all be saved.

Our Wisconsin Courts are in the business of dispensing justice. We are not in the business of making a profit. However, we are entrusted with tax dollars that should be used wisely. Will the public, the Legislature, or the many practicing attorneys who see the advantage of eFiling believe that the Wisconsin Court System is a good steward of tax dollars by continuing to maintain a paper based system? Is any business that is paper based today viewed as an efficient business?

Our Court System needs to maintain the respect of litigants and the public. Will the Court system be respected by the public when most today see the advantages of electronic banking, electronic filing of

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tax returns, and the use of electronic communications? Will we be viewed as a progressive institution that is capable of handling the difficult issues of today?

In Dodge County we have had substantial experience with scanning, the use of electronic files and with eFiling. In 2012 Dodge County started eFiling with civil, small claims, and family cases. We started eFiling all of our criminal cases on January 1, 2014.

In 2014 Dodge County went fileless/paperless in all case types. This was done by scanning since the participation in voluntary eFiling for civil cases has been small. eFiling is the way that the documents are delivered between the litigants and the Courts. One can move to a fileless/paperless system through eFiling or scanning or a combination of both. We went paperless largely by scanning.

Since 2012 we have had only 129 civil cases and 183 small claims cases eFiled. The only way to realize the efficiencies and cost savings from eFiling is to have all parties eFile in every case. Operating in two systems (paper and eFile) actually creates more work for the Courts and the litigants.

Since January 1, 2014 we have had 3,442 criminal cases eFiled, which represents 100% of these cases. Our positive experience proves that when there is a total commitment to eFiling, efficiencies proliferate. The huge advantage is that it substantially cuts down on scanning and substantially reduces copies and the cost of paper mailings.

eFiling is actually preferable to a scanning system because the labeling of the documents is done by the litigant and not by the clerk. Judge Sciascia in his letter to the courts on eFiling complains about the manner that the documents are labeled. However, his objection is to files that are scanned and not eFiled. Both files that he attaches to his letter are from scanned files and NOT eFiled cases. One is a large claim civil case from 2007. It is a Columbia County case that was commenced before eFiling. The other is a probate file from Dodge County. With a scanned file it is the clerk who labels the document. With an eFiled document it is the filing party who labels the document with "drop down" options.

Judge Sciascia is correct that documents need to be appropriately labeled. He points out, however, that with the eFiling of all criminal cases in Dodge County that the issue with criminal cases is resolved as to criminal cases. If Judge Sciascia looked at his argument, he would realize that he is arguing that we need to go to an eFiling system and end the scanning system. eFiling will assist with the resolution of the issue concerning the labeling of electronic documents.

Labeling of the documents is important, but it is not a reason to delay the start of mandatory eFiling. In fact, it is a reason to pass the Petition requiring mandatory eFiling.

Different Judges have different desires as to how they want to view and organize their documents. We will never satisfy all judges. Judge Sciascia is one who desires to put a different colored "sticky" note on different documents in his paper court file. He color codes his entire file. In response to Judge Sciascia's desire to "tag" documents, CCAP developed a system on the dashboard that permits Judges to put a label or "tag" on each document. They can also be "grouped" so that all documents pertaining to a certain issue can be grouped together for easy access. Of course, as with any system, it needs to be learned and used for it to be useful.

It is important that the momentum for mandatory eFiling continue. Clerk of Courts across the state are preparing for eFiling by doing additional scanning and converting files to all electronic files.

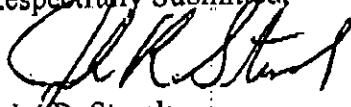
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Our Dodge County Child Support Agency has recently converted approximately 8,400 of their working files to electronic files in anticipation of mandatory eFiling for Family and Paternity cases. The Dodge County Bar, the Clerk of Courts, the District Attorney's Office, and Judge Storck are sponsoring 6 training sessions at our county computer center for attorneys and their staff to learn about eFiling. Those sessions are scheduled for this April and May.

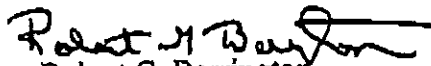
We strongly urge you to adopt the proposed petition. The Rule is necessary to continue the momentum towards a more efficient and progressive Court system. The adoption of the Rule will not mean that eFiling will occur state wide immediately, and it does not mean there won't be issues that will need to be addressed, but the adoption of the Rule does mean that progress towards a state wide eFiling system will continue. The adoption of the Rule would also mean that Dodge County will soon have a more efficient system. The adoption of the Rule will mean that all counties will be able to move towards, and eventually adopt eFiling.

We acknowledge that the Rule does require change and that change can be difficult. We as Judges are good at requiring that people adopt change. We order people in Court to change behavior, change how they relate to others, change themselves by going to treatment, etc. Because we know that change is difficult, when we require change, we often impose consequences if the change does not occur. Although we as Judges and as a Court system are good at requiring others to change, we are not always good at adopting change ourselves. This is a time when we as a Court system need to adopt change.

Respectfully Submitted,



John R. Storck  
Circuit Court Judge



Robert G. Barrington  
Managing Attorney  
District Attorney's Office

JRS/gms