

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

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*Petition
14-03*

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FEB 12 2015
CLERK OF SUPREME COURT
OF WISCONSIN

To: Honorable Justices of the Wisconsin Supreme Court

Re: proposed Statute Sec. 801.18

I wish to submit the following comments regarding the proposed Section 801.18, based on my experience with electronic files in Dodge County. 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.

I see advantages in electronic filing in the reduction of space required for paper file storage, the reduction in time required for file handling, and an increase in the ability to access information from the file. As the system currently exists, however, these potential advantages are not being realized due to inadequate training and standardization of procedures.

Many cases are closed within a year and the files are relatively small, in which case it is relatively easy to find documents in a paper file. Family law cases, which have a long life, often require two or more file folders which results in a time consuming process to find pertinent documents. However, most judges and court commissioners handling those files have marked or tabbed the important documents to make them easy to find when needed, even if the file is three folders thick.

With electronic files, we have no way of tabbing or labeling the important documents. The CCAP Court Record often contains entry after entry of "Order" or "received documents" which is completely useless in trying to find what we need. Some actual examples are attached hereto for reference.

Such a system in no way enhances our productivity and in fact impedes our productivity. In order to effectively retrieve and access the documents we need to access, there must be a standardized set of criteria for labelling documents. The standardized criteria should include

- 1) a reference as to which party filed the document,
- 2) the title of the document,
- 3) something about the content of the document.

The clerks of court should not be required to discern this information from the document. In order for this system to work properly, practitioners must be *required* to include that information in the caption of the document in some kind of *standardized* format, which sound practice would suggest in any event. An example would be "Defendants Affidavit in support of Motion for Summary Judgment". Such a title tells us whose document it is, what it is, and what it is about. An order should be titled: "Order modifying child support and placement." In order to simplify the task of the clerks, and make the CCAP entry readily understandable, a set of standardized abbreviations needs to be adopted. Some examples follow:

CS= Child support
Maint= Maintenance
Plcmt = Placement
Cust.+ Custody
Prop + Property Div.
Inj = Injunction
RO= Restraining order
SJ = Summary Judgment
Contempt= Contempt
Cont= Continuance
JI= Jury Instruction
MJ= Money Judgment
Sat= Satisfaction of Judgment
Pet = Petitioner/ Petition
Def= Defendant
Resp = respondent
3pt def= Third party defendant

Only with such a system in place, can ta potential increase in productivity be achieved.

Some consideration needs to be given to getting the documents promptly scanned into the system. Occasionally, everyone in the courtroom has access to documents except the court, because the document has not yet been scanned, in which case delay must ensue while the paper copy is retrieved or copied in court. This delay can be considerable if the document is lengthy and is one which the court should study ahead of time such as report.

Most clerk of court offices are equipped with substantial paper file storage capability. Most court files are closed within one year. Therefore, there is no good reason why the paper file should not be retained until the deadline for appeal has lapsed , or according to other standardized guidelines, so that in the event of a computer failure, power failure, or some other reason why the electronic file cannot be

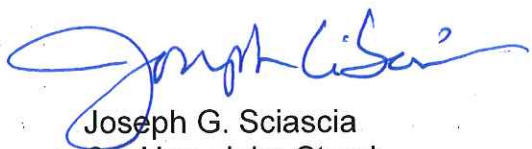
accessed, the parties and the court can proceed with the paper file. Furthermore, exhibits such as documents, contracts, deeds, etc. must be maintained in their original format anyway, at least as long as the case is pending. In a few years, the clerks office would only be keeping the paper files for those cases still pending, the closed files being destroyed according to a time schedule that takes into account the possibility of appeal.

This comment is made on the heels of a failure to connect online which lasted for about half a day. I could not access my judicial dashboard or Westlaw on the afternoon or evening of Thursday, January 15, 2015. Had this occurred when I needed the dashboard to access files in the courtroom for hearings, we would have been unable to proceed without paper files. This is an example of a situation where having the paper file for backup would prevent the courts from being shutdown due to computer failures.

In criminal cases, a defendant will often resolve several cases in one hearing. With electronic files, it is more difficult to access multiple files at the same time. At sentencing, a judge will want to review the facts alleges in the complaint, victim impact letters, restitution documents and other portions of each file being resolved. The dashboard will not always allow multiple files to be open at the same time and the dashboard routinely "expires" requiring the user to close all files, exit the dashboard, and start over. Furthermore, with a paper file one can mark relevant documents and the relevant portions of various documents for quick retrieval. At this time, there is no mechanism for doing so with electronic files and it is much more time consuming to navigate through three or four electronic files than it is to work with the paper files.

Another issue that came up recently involved the filing of a supplement to a motion. I searched the court record to find the document and could not find it. I was looking for something labelled "Motion" or "attachment" or something to that effect. It was eventually pointed out to me that the document was in the court record, labelled "correspondence". We get tons of "correspondence", especially from pro-se litigants. An important document that is buried under the label of "correspondence" can be very difficult to find.

Respectfully submitted,



Joseph G. Sciascia
Cc: Hon. John Storck

0-11-2011	Change of address notification Parties Additional Text ADDRESS INFO for Current: (Effective: 10-11-2011) Prto:		
10-05-2011	Order to show cause hearing Additional Text Attorney Patrick Litscher appears for CSA. No other appearances. Atty Litscher heard re Ms. making insufficient pymnts, lack of work search, asks for finding of contempt. Court auth warrant, but stays until 11/2/11. Review hearing scheduled for November 2, 2011 at 03:00 pm.	Andrew P. Bissonnette	Tammy Wild
09-26-2011	Received documents Documents Received Documents.pdf		
09-26-2011	Received documents Documents Received Documents.pdf		
09-12-2011	Received documents Documents Received Documents.pdf		
09-07-2011	Notice of motion, motion Documents Notice of motion, motion.pdf Additional Text to Dismiss and For Attorney Fees and Affidavit		
08-19-2011	Received documents		