

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. 06-07

In the matter of the Creation of a Court Rule
Authorizing Use of Electronic Signatures by
Court Officials

FILED

MAY 1, 2008

David R. Schanker
Clerk of Supreme Court
Madison, WI

On December 6, 2006, A. John Voelker, Director of State Courts, filed a petition seeking to create a supreme court rule authorizing the use of electronic signatures by court officials. A public hearing on the petition was conducted on April 8, 2008.

At the ensuing administrative conference, the court voted unanimously to adopt the petition, as modified. Therefore,

IT IS ORDERED that, effective the date of this order, 70.42 of the Supreme Court Rules is created to read:

SCR 70.42 Electronic Signatures. (1) DEFINITIONS. In this rule:

(a) "Court official" means a circuit court judge, clerk of circuit court, register in probate, juvenile clerk, court commissioner appointed under section 757.68 and SCR 75.02 (1), justice of the supreme court, judge of the court of appeals, and the clerk of the supreme and appellate courts.

(b) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.

(2) Secure electronic signatures may be provided by the consolidated court automation program for use by court officials who sign electronic documents. The electronic signature shall be treated as the court official's personal original signature for all purposes under Wisconsin statutes and court rules. An electronic signature may be used on all court documents, including those documents described in section 137.12 (2m) of the statutes. The official's printed name shall be inserted in place of a handwritten signature.

(3) A court official may delegate the use of his or her electronic signature to an authorized designee, using the security procedures of the consolidated court automation program. A court official is responsible for any use of his or her electronic signature by an authorized designee. Court officials shall safeguard the security of their electronic signatures and exercise care in delegating the electronic signature.

(4) An electronic signature shall be used only by the official to whom it is assigned and by such designees as the official may authorize. Upon learning that the confidentiality of the electronic signature has been inadvertently or improperly disclosed, the court official shall immediately report that fact to the consolidated court automation program.

(5) Court officials may use their electronic signatures for administrative purposes. If the signature of a court official is required on a document, an electronic signature satisfies that requirement. Electronically signed documents may be stored electronically for the proper retention period.

(6) Electronic signatures may be provided to the director of state courts and such employees as the director may designate for administrative purposes. At the discretion of the director, an employee may be provided with his or her own electronic signature if appropriate for the conduct of official business. The electronic signature shall be treated as the person's original signature.

(7) The chief justice, chief judges, and director of state courts may use their electronic signatures for the assignment of judges pursuant to SCR 70.23 and 70.24. A district court administrator may be the designee of the chief judges for purposes of judicial assignment.

IT IS ORDERED that notice of the creation of Supreme Court Rule SCR 70.42 be given by a single publication of a copy of this order in the official state newspaper and in an official publication of the State Bar of Wisconsin.

Dated at Madison, Wisconsin, this 1st day of May, 2008.

BY THE COURT:

David R. Schanker
Clerk of Supreme Court

