

In re

PROPOSED AMENDMENTS TO
WIS. STAT. RULE 809.62 and
WIS. STAT. RULE 809.80 relating to
the Electronic Filing of Petitions for
Review and Responses.

PETITION

The Clerk of the Supreme Court respectfully petitions the Supreme Court to amend WIS. STAT. RULE 809.62(4) and the proposed WIS. STAT. RULE 809.80(5), the creation of which was requested by the Court of Appeals in its petition filed June 19, 2008. This petition is directed to the Supreme Court's rule-making authority under WIS. CONST. art. VII, sec. 3(1) and WIS. STAT. § 751.12.

The goal of this petition is to increase judicial efficiency in the Supreme Court by requiring appellate counsel to file an electronic copy of the Petition for Review and the Response to Petition for Review. The petition also proposes authorizing but not requiring the filing of an electronic copy of an appendix filed with a Petition for Review. This petition is intended to complement the Court of Appeals' petition, which proposed a rule requiring the filing of an electronic copy of briefs and no-merit reports.

For these reasons, the Clerk of the Supreme Court respectfully requests that the Supreme Court adopt the following rules.

SECTION 809.62(4) of the statutes is amended to read:

809.62(4) The petition for review and response, if any, shall conform to s. 809.19(8)(b) and (d) as to form and certification, shall be as short as possible, and may not exceed 35

pages in length if a mono-spaced font is used or 8,000 words if a proportional serif font is used, exclusive of appendix. The petition for review and the response shall have white front and back covers, and a party shall file 10 copies with the clerk of the supreme court. In addition, counsel for any party, guardian ad litem, or person shall file with the court the same petition for review or response in electronic form using the procedure provided in s. 809.19(12) and may file one electronic copy of an appendix to the petition for review or response using the procedure provided in s. 809.19(13). A self-represented party is not required to file an electronic copy of the petition for review or response, but may do so as provided for in this subsection.

COMMENT TO SECTION 809.62(4)

The electronic copy of a petition for review, response, or appendix is in addition to and not a replacement for the paper copies required by this rule. The filing requirement is satisfied only when the requisite number of paper copies are filed. If an attorney is unable for good cause to comply with the requirement of an electronic copy, a motion for relief may be filed.

SECTION 809.80(5) of the statutes, as proposed by the Court of Appeals, is amended to read:

809.80(5) FILING OF ELECTRONIC BRIEFS, ~~OR~~ NO-MERIT REPORTS, AND PETITIONS FOR REVIEW AND RESPONSES. (a) *General Rule.* The electronic brief, electronic no-merit report, ~~or~~ electronic supplemental no-merit report, or electronic petition for review and response required to be filed under s. 809.19(12), ~~or~~ s. 809.32(1)(fm), or 809.62(4) shall be transmitted to the clerk for filing on or before the date that the paper copy of the document is filed. Failure to transmit the electronic document on or before the date that the paper document is filed may result in the document being considered untimely.

(b) *Clerk review.* The clerk shall review the electronic brief, electronic no-merit report, ~~or~~ electronic supplemental no-merit report, or electronic petition for review and response to determine if the electronic document should be accepted for filing.

1. If the clerk accepts the electronic document, it shall be considered submitted to the court at the time the original submission to the electronic filing system was complete. Upon acceptance, the electronic filing system shall issue a confirmation with the date and time of the original submission to serve as proof of submission. The filing date for the document remains the date on which filing was accomplished under s. 809.80(3).

2. If the clerk rejects the electronic document following review, the filer will receive notification of the rejection. The filer may be required to resubmit the electronic document.

Respectfully submitted on July 14, 2008.

/s/ David R. Schanker
David R. Schanker
Clerk of Supreme Court