
**In re Matter of the amendment of Rules of
Appellate Procedure, WIS. STAT. RULES §
809.01, 809.105, 809.11, 809.15**

**PETITION
15-**

The Clerk of the Wisconsin Supreme Court and Court of Appeals respectfully petitions the Wisconsin Supreme Court to amend WIS. STAT. RULES 809.01, 809.105, 809.11, 809.15, to authorize and facilitate the use of electronic appellate records. This petition is directed to the Supreme Court's rule-making authority under WIS. STAT. § 751.12.

SECTION 1. 809.01(9) and (10) of the Rules of Appellate Procedure, Wisconsin Statutes, are created to read:

(9) “Traditional methods” means those methods of filing, serving, and transmitting documents, other than electronic filing or transmittal, provided under statutes and local rules.

(10) “Transmit” means to send or transfer documents and records from one court to another and may be completed by making the documents and records electronically available to the other court.

SECTION 2. 809.105(3) (b) of the Rules of Appellate Procedure, Wisconsin Statutes, is amended to read:

The clerk of the trial court shall ~~forward~~ transmit to the court of appeals within 3 calendar days after the filing of the notice of appeal a copy of the notice of appeal

and a copy of the trial court case record maintained as provided in s. 59.40 (2) (b), using the name "Jane Doe" instead of the minor's name, and the record on appeal, assembled as provided in sub. (4).

SECTION 3. 809.105(4) (d), (e) and (f) of the Rules of Appellate Procedure, Wisconsin Statutes, are amended to read:

(d) Any other order made that is relevant to the appeal and the ~~papers~~ documents upon which that other order is based.

(e) Exhibits ~~material to the appeal~~, whether or not received in evidence, including photographs, video recordings, audio recordings, computer media such as disks or flash drives, except that physical evidence, models, charts, diagrams, and photographs exceeding 8 ½ x 11 inches in size shall not be included unless requested by the minor to be included in the record.

(f) Any other ~~paper document or exhibit~~ document filed in the trial court that the minor requests to have included in the record.

SECTION 4. 809.11 (Title) of the Rules of Appellate Procedure, Wisconsin Statutes, is amended to read:

809.11 Rule (Items to be filed and ~~forwarded~~transmitted).

SECTION 5. 809.11(2) of the Rules of Appellate Procedure, Wisconsin Statutes, is amended to read:

(2) ~~FORWARDING TO COURT OF APPEALS~~ TRANSMITTAL OF NOTICE OF APPEAL.

The clerk of the ~~trial circuit~~ circuit court shall ~~forward-transmit~~ transmit to the court of appeals,

within 3 days of the filing of the notice of appeal, a copy of the notice of appeal, the filing fee, and a copy of the ~~trial~~ circuit court record of the case maintained pursuant to s. 59.40 (2) (b) or (c).

SECTION 6. 809.15(1)(a)1. of the Rules of Appellate Procedure, Wisconsin Statutes, is amended to read:

1. The ~~paper~~ initiating document by which the action or proceeding was commenced;

SECTION 7. 809.15(1)(a)8., 9., and 10. of the Rules of Appellate Procedure, Wisconsin Statutes, are amended to read:

8. Order made after judgment relevant to the appeal and ~~papers~~ documents upon which the order is based;

9. Exhibits ~~material to the appeal~~ whether or not received in evidence, including photographs, video recordings, audio recordings, computer media such as disks or flash drives, except that physical evidence, models, charts, diagrams, and photographs exceeding 8 ½ x 11 inches in size shall not be included unless requested by a party to be included in the record.

10. Any other ~~paper~~ document ~~or exhibit~~ filed in the court requested by a party to be included in the record;

SECTION 8. 809.15(1)(c) of the Rules of Appellate Procedure, Wisconsin Statutes, is amended to read:

(c) For purposes of preparing the record on appeal, if the original record has been discarded as permitted under SCR 72.03 (3), the electronically scanned document constitutes the official court record. ~~The clerk of circuit court shall assemble a paper record under sub. (2).~~

SECTION 9. 809.15(2) of the Rules of Appellate Procedure, Wisconsin Statutes, is amended to read:

The clerk of circuit court shall assemble the record in the order set forth in sub. (1)(a), identify by number, date of filing, and title each ~~paper~~ document, and prepare a list of the numbered ~~papers~~ documents. If the record is in an electronic format, the clerk shall also include in the list of numbered documents a list of exhibits not electronically retained that are part of the record on appeal. At least 10 days before the due date for filing the record in the court, the clerk shall notify in writing each party appearing in the circuit court that the record has been assembled and is available for inspection. The clerk shall include with the notice the list of the ~~papers~~ documents constituting the record.

SECTION 10. 809.15(4)(a) of the Rules of Appellate Procedure, Wisconsin Statutes, is amended to read:

The clerk of the circuit court shall transmit the record to the court of appeals within 20 days after the date of the filing of the transcript designated in the statement on transcript or within 20 days after the date of the filing of a statement on transcript indicating that no transcript is necessary for prosecution of the appeal, unless the court extends the time for transmittal of the record or unless the

tolling provisions of s. 809.14(3) extend the time for transmittal of the record. If additional portions of the transcript are requested under s. 809.11(5), the clerk of the circuit court shall transmit the record to the court of appeals within 20 days after the date of the filing of the additional portions of the transcript. If the record is transmitted electronically, the clerk of the circuit court shall transmit by traditional methods any original documents or exhibits not electronically retained.

SECTION 11. 809.15(4m) of the Rules of Appellate Procedure, Wisconsin Statutes, is amended to read:

The clerk of the court of appeals shall notify the clerk of circuit court and all parties appearing in the circuit court of the date on which the record was filed. When the record is transmitted electronically and the clerk of the circuit court must transmit original documents or exhibits not electronically retained by traditional methods, the date on which the record was filed is the date the electronic transmission and index was received by the clerk of the court of appeals.

Respectfully submitted this 23rd day of June, 2015.

Diane M. Fremgen, Clerk of the Wisconsin Supreme Court and Court of Appeals