

Wisconsin's Electronic Appellate Filing Pilot Project: Interim Rule

1. Statement of Purpose; Authority.

The Wisconsin Supreme Court intends to implement electronic filing and service and to phase out the filing of paper documents in the appellate courts of Wisconsin. This Interim Rule authorizes the Clerk of Supreme Court and Court of Appeals (the "Clerk"), in collaboration with the Consolidated Court Automation Programs (CCAP), the Wisconsin Court of Appeals, and the Wisconsin Supreme Court, to commence a Pilot Project to expand the current electronic filing system and implement an exclusively electronic filing system applicable to attorneys for all case types in the Court of Appeals and Supreme Court ("the Pilot Project"). This Interim Rule is adopted pursuant to the court's superintending and administrative authority over all courts conferred by Article VII, § 3 of the Wisconsin Constitution.

2. Effective Dates; Notice. The Pilot Project will begin and end by order of the Supreme Court, upon the recommendation of CCAP and the Clerk. The Clerk shall make the terms and requirements of the Pilot Project available to the public on the court's website.

3. Terms. Interim orders designed to implement pilot projects are typically drafted to anticipate rule changes that will be needed if the pilot project becomes a mandatory rule change. As this Pilot Project reflects the continuation of the court's ongoing electronic filing initiative, a number of rules and procedures are already in place for provisions such as Registration Requirements, Form and Content, Authentication, Notarization, Signatures, Confidential Information, Technical Failures, etc. See, e.g., Wis. Stat. §§ 801.18, 809.01, 809.105, 809.11, and 809.15.

Terms will generally have the meaning ascribed to them in Wis. Stat. § 801.18 and this Interim Rule shall, to the extent practicable, comport with the requirements of existing rules.

4. Official Record. Electronically filed documents have the same force and effect as documents filed by traditional means. For purposes of this Pilot Project, the electronic version of a document may constitute the Official Record.

5. Fee. A \$20 per party fee may be imposed on each case electronically filed as part of the appellate e-filing Pilot Project, consistent with the terms and exceptions set forth in Wis. Stat. § 758.19(4m). Approval shall be sought before any fee increase or additional electronic filing surcharge is imposed.

6. Time and Effect of Appellate Electronic Filing; Review. A document is considered filed on a particular day if the submission is completed by 11:59 p.m. central standard time, as recorded by the electronic filing system, so long as it is subsequently accepted by the clerk of court upon review. Upon completion of filing, the Electronic Filing system shall issue a confirmation that includes the date and time of receipt that will serve as proof of filing. The Clerk may review documents to determine if they are properly filed. In the event the Clerk rejects a document following review, the document will not become part of the court records, and the filer will receive notification of the rejection. Users may be required to refile the rejected documents. The

expanded availability of time to file shall not affect the calculation of time under other statutes, rules, and court orders. Due dates will remain the same, there will just be extra hours in the day to meet them.

7. Format and content of documents. Any requirement for sending multiple copies of a document, sending paper copies of a document, and requirements pertaining to binding, paper quality, and color of brief covers may be eliminated.
8. Application; Revision. Application of this and other rules should be consistent with the understanding that the rule was written for a Pilot Project. **This Interim Rule is temporary and is subject to change by CCAP and the Clerk, upon notice to the court, as the needs of the Pilot Project dictate.**