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July 17, 2020

Chief Justice Patience D. Roggensack
Justice Ann Walsh Bradley
Justice Annette Kingsland Ziegler
Justice Rebecca G. Bradley
Justice Daniel Kelly
Justice Rebecca F. Dallet
Justice Brian K. Hagedorn

Re: eFiling Progress Report

Dear Chief Justice and Justices:

I write to provide a progress report on the appellate electronic filing pilot project. Since my last report dated September 6, 2019, we have made significant progress in all aspects of the project, including programming, training, and drafting a long-term eFiling rule.

Pilot project: The Clerk's office has now accepted twelve Court of Appeals cases as part of the pilot project. There are currently three pilot cases pending in District 1, five in District 2, two in District 3, and two in District 4. We have a mix of civil and criminal cases, with clients represented by several private attorneys, the Attorney General, and the State Public Defender's Office. The attorneys that we approach to participate have been happy to help and excited to learn that appellate eFiling is becoming a reality. The process overall has gone smoothly and we have worked out a number of small problems along the way.

I am training all of my staff members in using electronic case files and keeping on top of the electronic queue where new filings come in. My staff members are methodically scanning open Court of Appeals cases, and we expect to have all open Court of Appeals cases scanned and ready for electronic filing by early August.

The next step in the pilot process is to begin offering electronic filing on a voluntary basis. An appellate eFiling release with new features is scheduled for the beginning of August. Following this release, we will make voluntary eFiling available in District 3 for all attorneys who want to participate. The District 3 judges are on board and ready to begin working more extensively with electronic files. We will then roll out voluntary eFiling every 2-4 weeks to District 2, then District 4, and finally District 1. This rollout schedule will be publicized through the State Bar of Wisconsin, local bar associations, press releases, and communications to circuit court eFiling users.

Based on the reactions we've had so far, we expect that many attorneys will start using the system, so we should have a large number of cases in the pilot project by November. This will allow us to test the system thoroughly and make software changes before eFiling becomes mandatory. It also gives us time to identify any practice issues that might need to be addressed as part of the new eFiling rule.

Programming: Programming for appeals from the circuit court to the court of appeals has been completed. The August release will update both the appellate eFiling site and the SCCA application to allow the filing of original actions and writs in the Court of Appeals. Additional programming is being done to ensure the appellate eFiling website works across multiple browsers and is accessibility compliant. In addition to accepting new cases, the clerk's office will soon have the ability to convert any existing case to be an eFiled case, in the clerk's discretion.

After voluntary eFiling is underway in the four Court of Appeals districts, we will be in a position to offer voluntary eFiling in the Supreme Court as well. Although the August release includes most of the programming needed for filing in the Supreme Court, these features will not be activated until the Supreme Court dashboard is ready, the justices and staff are trained, and the Court gives its approval. As we get closer to the end of the year, I will be in touch to see what kind of a rollout schedule the Court envisions for itself.

Judicial tools and training: The judicial dashboard provides judicial officers and support staff a tool to efficiently review briefs and case information on cases they are actively involved in. Development of this popular tool has been completed for the Court of Appeals. The judges and staff attorneys have been given an electronic means to collaborate on draft orders resulting from eFiled petitions and motions. CCAP has completed training for judges and support staff on how to use the dashboard. As the volume of eFiled cases grows, CCAP will offer additional training for support staff on adapting office procedures to incorporate electronic filing.

Later this year we will begin development of any new dashboard features for the Justices, Supreme Court Commissioners, and support staff. CCAP staff will be soliciting your ideas for what you need from this tool. We will return to offer training and support as you and your staff begin to use the dashboard.

Appellate eFiling Committee: The Appellate eFiling Committee has met three times to discuss these plans, most recently on July 2. The eFiling committee has been expanded to include representation from each Court of Appeals district. Members are Chief Justice Roggensack; Court of Appeals Judges Donald, Reilly, Stark, and Blanchard; attorneys James Goldschmidt (Quarles & Brady), Eric Pearson (Foley & Lardner), Winn Collins (DOJ), and Katie York (SPD); court commissioners Kopp, Rich, and Runke; court of appeals staff attorney Jennifer Andrews; Ms. Bousquet; and me. Marcia Vandercook, a staff attorney who worked on the circuit court eFiling rule, has returned from retirement to lead drafting of the new appellate rule and to provide staff support for the eFiling committee.

The draft eFiling rule: A subcommittee was formed to work on drafting a long-term eFiling rule for the Supreme Court and Court of Appeals. The subcommittee has met seven times so far and presented a draft rule for the committee's review at the July meeting. The full committee will reconvene on July 23 to offer further comments. The rule covers required participation by attorneys, filing and service of documents, specific requirements for briefs and appendices, and making the official court record electronic, along with necessary amendments to related rules.

Once the draft rule is complete, we plan to present it to the relevant court and bar committees for comments so we can take those comments and concerns into account before finalizing the rule petition. The committee plans to have a report and recommended rule ready for submission to the court in the late fall of this year. With the court's approval, a mandatory eFiling rule could become effective on July 1, 2021.

We are pleased at the progress we have made so far and look forward to sharing our recommendations with the court this fall. Please contact me at any time if you have questions.

Sincerely,



Sheila T. Reiff

Clerk of the Supreme Court and Court of Appeals