

[Appellate E-Filing](#)

Effective 7/1/2009

[Overview of Appellate E-Filing](#)

Purposes:

To make briefs, no-merit reports, petitions for review, and appendices available to judges, court staff, and attorneys in electronic form.

To make briefs available to the public in electronic form.

[The Benefits](#)

- Judicial Efficiency
- A Small Step Toward “Full-Blown” Appellate E-Filing
- Enhanced Briefs
- Greater Public Access

The new Appellate Rules will **NOT**:

- Replace Paper Copies
- Change Official Copy

Order of Presentation

1. Wisconsin's E-Filing System
2. The New Appellate Rules
3. How to Create Electronic Briefs
4. How to Access Electronic Briefs

1. Wisconsin's E-Filing System

Electronic documents will be filed using the Interface created by the Consolidated Court Automation Programs (CCAP) for e-filing in all Wisconsin courts.

Circuit Court E-Filing Rule

- 801.17 governs e-filing in the circuit courts.
- Effective July 1, 2008.
- Creates the system for all e-filing in circuit and appellate courts.

www.wicourts.gov

2. The New Appellate Rules

- Rule changes effective 7/1/2009 create new and amended provisions in Chapter 809:
- 809.19(8)(a)4. – sets out general requirement of one electronic brief and optional electronic appendix.

- 809.19(12) – sets out technical and content requirements for electronic briefs.
- 809.19(13) – sets out requirements for the optional electronic appendix.

- 809.32(1)(fm) – sets forth requirement of electronic copy of no-merit reports and supplemental no-merit reports.
- 809.62(4)(b), (c), and (d) – set forth requirement of electronic copy of petition for review and responses.

- 809.80(3) – amended to eliminate existing prohibition on e-filing and to make clear that the paper documents determine timeliness.
- 809.80(5) – sets forth a procedure for the Clerk’s Office to review e-filed documents before acceptance.

Summary of Appellate E-Filing

- Briefs, Appendices, No-Merit Reports, and Petitions for Review and Responses.
- In addition to traditional paper filing.
- E-Filing of Briefs, No-Merit Reports and Petitions for Review will be **mandatory** for attorneys and optional for the self-represented.
- E-Filing of Appendices will be optional.

Document Format

- Briefs, No-Merit Reports, and Petitions for Review (and responses thereto) must be submitted in Text-Searchable Portable Document Format (PDF).
- Appendices must be submitted in PDF Image Format.

- Text-searchable PDF is created by converting a document file electronically to PDF.
- PDF Image Format is created by scanning a paper document.

Timeliness

- Bottom Line: The deadlines for the electronic documents are the same as for the paper documents.
- Practical Aspects:
Hand Delivery – If you are hand-delivering your document on the deadline date, you must also e-file the document before 5 PM that day.

Mail – If you are mailing your paper document in advance of the deadline date, you must e-file your document by 5 PM on the date your document is filed by the Clerk’s Office. In most cases, this date will be the date the document is *received* by the Clerk’s Office.

Mailbox Rule – If you are taking advantage of 809.80(3)(b), which allows a brief to be filed as of the date it is placed in a mailbox, you must e-file the brief on the date it is mailed, not when it is received by the Clerk’s Office.

Requirements for Briefs

1. Text-searchable PDF Format.
2. Electronic Brief document must not contain Appendix.
3. Must be e-filed on date of filing of paper copies.

4. Must contain a certification that the text of the e-brief is identical to text of paper briefs.

Requirements for No-Merit Reports

- Same as for Briefs:
- Text-searchable PDF Format.
 - Electronic document must not contain Appendix.
 - Must be e-filed on date of filing of paper copies.
 - certification that text is identical to text of paper no-merit report.

Requirements for Appendices

1. Must be in PDF Image Format
2. Transmitted as Separate Document(s) from Brief
3. In files of no greater than 200 pages each.
4. Should be e-filed on same day the paper copies of appendices are filed.

5. If appendix is e-filed, it must contain a certification that the content of the e-appendix is identical to text of the paper appendix.

Requirements for Petition for Review

1. Text-searchable PDF Format.
2. Electronic Petition document must not contain Appendix.
3. Must be e-filed on date of filing of paper copies.
 - 809.62(c) and comment emphasize that timeliness of paper copy is jurisdictional.

4. Must contain a certification that the text of the electronic petition for review is identical to the text of the paper petition.

3. [How to Create an Electronic Brief](#)

(i.e., how to convert a document to Text-searchable PDF)

- Microsoft Office 2007: Create PDF files from within Word using the free 2007 *Microsoft Office* add-in: *Microsoft Save as PDF or XPS*.
- WordPerfect 9.0 or later: Create PDF documents within WordPerfect.

- Apple: PDF functionality is built into the print feature, which means any document that can be printed can be saved as a PDF.
- Adobe provides a subscription-based Web site called *Create Adobe® PDF Online* (see <http://createpdf.adobe.com/>).

- Adobe also sells its Adobe Acrobat software, which has a standard edition costing around \$300 and a pro edition for around \$450.00, that allow users to create PDF files from any application that can print.

Other options:

- Scribd (<http://www.scribd.com>): free document-sharing Web site that allows registered users to create PDF files.
- Open Office (<http://www.openoffice.org/>): free cross-platform office application suite that includes the ability to create PDF files.
- CutePDF (<http://www.cutepdf.com>): free software for creating PDF files on Windows.

4. [How to Access Electronic Briefs](#)

- Electronic documents may be accessed two ways:
 1. through the e-filing system
OR
 2. through the Wisconsin Supreme Court Court of Appeals Case Access (WSCCA).

Accessing documents
through the eFiling web interface

- Log into the appellate e-filing system.
- Click on the “My Cases” tab.
- Click on “Show Documents.”

- A list of all documents filed in that case will appear. This will include documents filed by you and other parties to the case, and it will include documents the public cannot access, such as appendices and briefs in confidential cases.

Accessing documents
through the WSCCA website

- The WSCCA website is where members of the public and attorneys not associated with the particular case can view electronic briefs filed in that case.

- To access WSCCA:
 - Go to courts' homepage.
 - Place cursor on "case search."
 - Choose "supreme court and court of appeals case access."
 - Enter case number.
 - Click "Case History."

- The electronic document will appear as a blue underlined link on the right side of the case history screen.

Performing a Document Search

- In WSCCA, on the upper right-hand side, there is now a "Document Search" button.
- Click "Document Search" to bring up search screen.

Search Fields:

- Appeal Number
- District
- Date
- Document Title
- Full Text Search.

- Full Text Search will look for documents containing a particular word or phrase (e.g., “personal injury” or “claim preclusion”).
- The system will retrieve a list of documents that match the search criteria. Click once on the document name to retrieve the document in PDF, or click once on the case number to bring up the chronological case history.

[Using PDF Documents](#)

- Once a text-searchable PDF document has been opened in Adobe Acrobat, it can be viewed, printed, or downloaded; text can be copied from it; and it can be searched. The document is not editable, however; text cannot be added to it, deleted from it, or moved within it.

- To print from PDF, click on the printer icon on the toolbar or click on “Print” under the “File” drop-down menu.
- To download from PDF, click on “Save as Copy” under the “File” drop-down menu.
- To highlight text for copying from PDF, drag your mouse over the text or press Ctrl-Shift and an arrow key.
- To search for words or phrases within a PDF document, use the search field box in the toolbar or press Ctrl-F.

Using Enhanced eBriefs

- The amended appellate rules permit the filing of electronic briefs enhanced with internal and external links.
- Internal links allow the reader to jump from the Table of Contents or Table of Authorities to places within the document.
- External links allow the reader to jump from a case or statutory citation to a website containing the case or statute.

- Links usually appear in blue underlined text, and usually a hand symbol will appear when the cursor is placed over the link. One click will activate the link.
- The document retrieved at the website – for example, a court opinion – can then be treated like any website document; it can be searched and text copied from it.
