

## **E-filing Tips for Appellate Attorneys**

Electronic filing is now mandatory in most counties across Wisconsin. For a schedule of current e-Filing counties, visit <https://www.wicourts.gov/ecourts/efilecircuit/participation.htm>.

### **Opting into the Case**

Under the e-Filing statute, clerks are not required to send paper copies of the electronic court record in post-conviction proceedings anymore. Rather, attorneys will have to opt-in to the electronic filing system in order to view the electronic court record. (Please note that clerks should still be giving attorneys copies of items in the record that have not been electronically scanned into the case).

***It is essential that you promptly opt-in to your cases.*** First, for court reporters to electronically "serve" an attorney with transcripts, that attorney needs to be opted into the case. Without the attorney opted in, the court reporter does not have the ability to give the attorney electronic access to the transcript. Second, the failure to opt in to the case early could have a substantial impact on timelines under Ch. 809. Third, opting in early allows the attorney an opportunity to see if they need to follow-up with the clerk on any missing items in the record (for example, if the attorney does not have electronic access to the PSI when they opt-in, the attorney can call the clerk to get access).

### **Electronic Transcript Access and Deadlines**

Under the e-Filing statute, transcripts are now electronically filed through the circuit court's new e-Filing system. The requesting attorney is not "served" with a copy of the transcript until the court reporter has given that attorney electronic access to view the e-Filed transcript. Under [Wis. Stat. § 801.18\(15\)\(b\)](#), upon "making arrangements for payment, the court reporter shall indicate which users may have access to the electronic transcript." The granting of electronic access (and corresponding notification from the CCAP e-Filing system) is integral to assessing statutory deadlines in our cases. See [Wis. Stat. § 809.30\(2\)\(h\)](#):

***Notice of appeal, post-conviction or post-disposition motion.*** *The person shall file in circuit court and serve on the prosecutor and any other party a notice of appeal or motion seeking post-conviction or post-disposition relief within 60 days after the later of the service of the transcript or circuit court case record.*

### **Disappearing Electronic Transcript Access**

CCAP has identified a small glitch in the court reporter e-Filing system. This glitch causes access to some electronic transcripts to disappear, forcing court reporters to grant access to transcripts multiple times. CCAP worked on a fix to this glitch which was released a few weeks ago. From now on, when court reporters grant access to the electronic transcript, this access should remain.

### **Troubleshooting the e-Filing System**

If you are having trouble navigating the e-Filing system, I would recommend reaching out to the CCAP support staff. They are very helpful in addressing questions that may arise. You can chat with them online at <https://www.wicourts.gov/ecourts/efilecircuit/efilefeedback.htm> or call 1-800-462-8843.