SUPREME COURT OF WISCONSIN

IN RE THE MATTER OF THE REMOTE ADMINISTRATION OF OATHS AT DEPOSITIONS VIA REMOTE AUDIO-VISUAL EQUIPMENT DURING THE COVID-19 PANDEMIC

FILED

MAR 25, 2020

Sheila T. Reiff
Clerk of Supreme Court
Madison, WI

You are hereby notified that the Court has issued the following order:

WHEREAS Governor Evers has declared a public health emergency for the State of Wisconsin in connection with the COVID-19 pandemic; and

WHEREAS the public health emergency requires certain mitigation procedures, including social distancing measures, meant to reduce the increase in person-to-person transmission of the virus that causes COVID-19; and

WHEREAS the Supreme Court has administrative and superintending authority over the courts and judicial system of this state and a duty to promote the efficient and effective operation of the state's judicial system, Wis. Const. Art. VII, § 3; In re Kading, 70 Wis. 2d 508, 519-20; 235 N.W.2d 409 (1976); and

WHEREAS the Supreme Court has determined that, in light of the existing public health emergency, it is necessary to establish a temporary rule that court reporters taking depositions in this state need not be in the physical presence of the witness for the purpose of administering an oath for a deposition upon oral examination pursuant to Wis. Stat. §§ (Rules) 804.03 and 804.05 or court order so long as the court reporter can both see and hear the witness via audio-visual communications equipment for the purposes of readily identifying the witness;

NOW THEREFORE, IT IS HEREBY ORDERED, pursuant to this court's administrative and superintending authority, that court reporters qualified to administer an oath in the State of Wisconsin may administer an oath to a witness at a deposition remotely via audio-visual

communications technology from a location within the State of Wisconsin, provided the person administering the oath can see and hear the person and can identify the witness; and

IT IS FURTHER ORDERED that if a witness is not located within the State of Wisconsin, the witness may consent to being put on oath remotely via audio-visual communication technology by a court reporter qualified to administer an oath in the State of Wisconsin pursuant to this order; and

IT IS FURTHER ORDERED that (1) this order does not alter the ability of parties, by written stipulation, to provide that depositions may be taken before any person, at any time or place, upon any notice, and in any manner pursuant to Wis. Stat. § (Rule) 804.04; and (2) the parties to an action or proceeding may, by written stipulation, modify the procedures provided by this order; and

IT IS FURTHER ORDERED that the remote administration of an oath at a deposition via audio-visual communications technology pursuant to this order shall constitute the administration of an oath "before" a court reporter under Wis. Stat. §§ (Rules) 804.03(1) and 887.01(1) or any court order authorizing a deposition upon oral examination; and any other rule of procedure, court order, or opinion applicable to remote depositions that can be read to limit or prohibit the use of audio-visual communication equipment to administer oaths at depositions remotely is hereby suspended, and will remain suspended until April 30, 2020; and

IT IS FURTHER ORDERED that the provisions of this order shall remain in effect until April 30, 2020, unless otherwise modified by further order of this court.