

IN RE THE MATTER OF THE REMOTE  
ADMINISTRATION OF OATHS AT DEPOSITIONS  
VIA REMOTE AUDIO-VISUAL EQUIPMENT

**FILED**

**JUN 18, 2021**

Sheila T. Reiff  
Clerk of Supreme Court  
Madison, WI

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You are hereby notified that the Court has issued the following interim order, which terminates and supersedes those portions of the Court's order of May 22, 2020 regarding the remote administration of oaths at depositions via remote audio-visual equipment during the COVID-19 pandemic:

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 issued a number of orders intended to minimize in-person proceedings during the COVID-19 pandemic, including a May 22, 2020 order entitled "In re the Matter of the Extension of Orders Concerning Remote Administration of Oaths at Depositions, Remote Hearings in Appellate Courts, Filing of Documents in Appellate Courts, and Appellate Court Operations During the COVID-19 Pandemic," that extended until further order of the court an April 28, 2020 amended order "In Re The Matter of the Remote Administration of Oaths at Depositions via Remote Audio-Visual Equipment During the COVID-19 Pandemic," which allowed court reporters to administer an oath to a witness at a deposition remotely under certain specified circumstances; and

WHEREAS, the number of newly confirmed cases of COVID-19 has decreased

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significantly as the number of vaccinated individuals has increased in Wisconsin, and the United States Centers for Disease Control and Prevention declared on May 16, 2021, that "[f]ully vaccinated people can resume activities without wearing a mask or physically distancing," thereby causing the Court to re-examine the restrictions that the Court has previously placed on court proceedings, including appellate court operations, due to the pandemic; and

WHEREAS, the Court nonetheless concludes that it is necessary to issue an interim order for a limited period of time regarding certain procedures that have been permitted during the COVID-19 pandemic and that may warrant consideration of their continued use on a permanent basis, with the expectation that a petition for the adoption of a permanent rule addressing these procedures will be filed with and considered by the Court;

NOW THEREFORE, IT IS HEREBY ORDERED that the portion of the Court's order of May 22, 2020 entitled "In re the Matter of the Extension of Orders Concerning Remote Administration of Oaths at Depositions, Remote Hearings in Appellate Courts, Filing of Documents in Appellate Courts, and Appellate Court Operations During the COVID-19 Pandemic," extending the remote administration of oaths at depositions via audio-visual equipment during the COVID-19 pandemic is terminated as of 11:59 p.m. on June 30, 2021, and the following provisions shall take effect on an interim basis from July 1, 2021, to December 1, 2021; and

IT IS FURTHER ORDERED 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,

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provided the person administering the oath can see and hear the witness and can identify the witness; and

- 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
- 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. §§ 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 suspended; and
- 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. § 804.04; and the parties to an action or proceeding may, by written stipulation, modify the procedures provided by this order; and

IT IS FURTHER ORDERED that this interim order shall expire on December 1, 2021.

The Court expects that during the period in which this interim order is in effect, a rule petition regarding the remote administration of oaths at depositions via remote audio-visual equipment

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will be filed with and considered by the Court.

The State Bar of Wisconsin shall take all reasonable steps to notify its members of the contents of this order. In addition, a copy of this order will be posted on the court system website, [www.wicourts.gov](http://www.wicourts.gov).