
Wisconsin Legislative Council

ACT MEMO



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2019 Wisconsin Act 30
[2019 Assembly Bill 59]

**Service of Legal Documents by
Electronic Mail**

BACKGROUND

Under state law, when a court action is filed, the plaintiff in the case must generally serve a summons and complaint on the defendant, notifying him or her of the action. A summons and complaint must be served personally on the defendant, his or her designee, or a person authorized by law to receive the summons and complaint. In certain circumstances where personal service is not reasonably possible, the summons may be published in a newspaper.

Thereafter, pleadings and other documents may generally be served between parties by electronic filing via the electronic filing system established by the director of state courts or by traditional means. Under state law, traditional means of service include personal delivery, transmission by facsimile machine, or mail. State law requires attorneys to use the electronic filing system for documents that are filed in court and allows nonattorneys to opt into the electronic filing system. If a person who is not an attorney does not opt into the electronic filing system, pleadings and other documents must be served on him or her by traditional means.

2019 WISCONSIN ACT 30

2019 Wisconsin Act 30 adds delivery via electronic mail to the list of traditional means of service, if a party has consented in writing to receive service of pleadings or other documents by transmission to his or her primary, or other designated, electronic mail address. Under the act, service of a document via electronic mail is complete when the document is transmitted, unless the sender receives notification that the document was not delivered.

The act requires a person who files a document via the electronic filing system to include his or her electronic mail address and requires every document that contains a party's or a party's attorney's signature to also include the party's or the attorney's electronic mail address.

Effective date: November 22, 2019

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