



Supreme Court of Wisconsin

DIRECTOR OF STATE COURTS
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688

FILED

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**CLERK OF SUPREME COURT
OF WISCONSIN**

Annette Kingsland Ziegler
Chief Justice

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Hon. Audrey K. Skwierawski
Interim Director of State Courts

Mr. Samuel A. Christensen
Clerk of the Supreme Court
110 East Main, Suite 215
Madison, WI 53701

October 26, 2023

Dear Clerk of the Supreme Court,

I am submitting this supplemental comment to ask that the Wisconsin Supreme Court address a potential statutory conflict with what is anticipated to be the new Supreme Court Rule on eviction record retention and Wisconsin Statute § 758.20(2)(a). Although there was discussion at the oral argument and the open conference for Rule Petition 22-03 concerning the potential conflict with the proposed rule change and Wisconsin Statute § 758.20(2)(b), we do not believe the Court addressed the potential conflict with subsection (a) of that same statute.

The general understanding of the new retention rule for eviction cases is that the minimum retention period for eviction cases will be two (2) years from when final order or judgment is entered, when there is not an associated money judgment entered in the case. This retention period will apply to cases where an eviction judgment has been granted, when the eviction case has been dismissed, or when the parties enter into a stipulated dismissal.

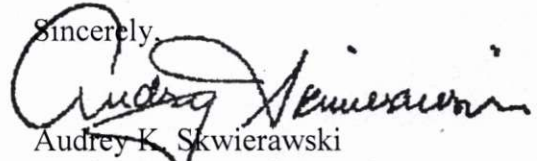
Not including the few exceptions made by the Director of State Courts in 2018, case information is displayed on Wisconsin Circuit Court Access website (WCCA) for the minimum retention period outlined in Supreme Court Rule 72. Therefore, if the minimum retention period for eviction cases without a money judgment is two years, eviction cases will be removed from WCCA after that 2-year period and are eligible to be purged by the Clerk of Court.

Wisconsin Statute § 758.20(2)(a) sets a different timeframe for how long cases must remain on WCCA if a writ of restitution has been granted in an eviction case. The statute directs the Director of State Courts not to remove an eviction case from WCCA for ten (10) years if a writ of restitution has been granted in the case. Writs of restitution are issued by the court when an eviction judgment is granted, as Wis. Stat. § 799.44(2) requires that "At the time of ordering judgment for restitution of premises, the court shall immediately order that a writ of restitution be issued...."

As a result, the anticipated new Supreme Court Rule and Wisconsin Statute § 758.20(2)(a) will provide for different display periods for cases in which an eviction judgment is granted and a writ of restitution is issued, and there is no associated money judgment in the case.

In order to accurately implement the new Supreme Court Rule, I'm respectfully asking the Court to address this statutory conflict in its final order and provide guidance to the Court System.

Sincerely,

A handwritten signature in black ink, appearing to read "Audrey K. Skwierawski". The signature is fluid and cursive, with a large initial "A".

Audrey K. Skwierawski
Interim Director of State Courts