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COLLEEN FOLEY
EXECUTIVE DIRECTOR

August 25, 2022

Clerk of Wisconsin Supreme Court

Attn: Deputy Clerk – Rules
P.O. Box 1688
Madison, WI 53701-1688

Via email: clerk@wicourts.gov

Re: Rule Petition 22-03, In re Amendments to SCR 72.01(8), 72.01(9), and 72.02(10) Related to Retention of Record in Eviction Cases

Dear Clerk:

The Legal Aid Society of Milwaukee writes to support Rule Petition 22-03 filed by Legal Action of Wisconsin. The petition requests amendment of Supreme Court Rules 72.01(8) and (9) and 72.02(10) to shorten the retention period for eviction cases where no money judgment is entered.

The Legal Aid Society of Milwaukee (Legal Aid) celebrates its 106th anniversary this year as one of the nation's longest tenured public interest law firms. We provide free civil legal services to qualifying Milwaukee County residents. On September 1, 2021, Legal Aid launched a Right-to-Counsel program titled *Eviction Free MKE*, based on successful national models and in an effort to change the eviction landscape in Milwaukee laid bare by Matthew Desmond's book "Evicted".

Eviction Free MKE provides free legal representation to individuals at or below 200% of the federal poverty guidelines who face eviction. Data highlights from the first 6 months of our program are illustrative regarding who is most impacted by an extended record retention period where no money judgment exists. Approximately 73% of clients are female heads of household with at least 1 child in the home and 66% of our clients are at or below 100% of the federal poverty guidelines. Black households make up 28% of Milwaukee County residents but 76% of clients seeking *Eviction Free MKE* legal assistance.

Evictions are simply different from other case filings in that loss of housing impacts nearly every facet of a family's life, from employment to educational success to mental and physical health and well-being. The ABA issued its "Ten Guidelines for Residential Eviction Laws" urging governmental bodies to seal renter names in dismissed evictions, pointedly acknowledging the devastation wrought by an existing eviction court record in an individual's ability to obtain future rental housing. See American Bar Ass'n Resolution 612 (2022).

Reducing the record retention period to 1 year for cases where there is no money judgment removes the stigma that accompanies a filing devoid of any outcome except reducing already scarce housing options. It still permits open record review in that first year. And landlords have other data sources to evaluate tenants besides a misleading CCAP entry. Let's make the system work in a more fair and efficient manner and not as an inadvertent club.

Legal Aid respectfully supports Petition 22-03.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Colleen Foley', with a stylized flourish at the end.

Colleen Foley
Executive Director