

**In re amendment to SCR 72.01(8),
72.01(9), and 72.01(10), relating to
retention of records in eviction cases**

Petition 22- _____

For the reasons set forth in the Supporting Memorandum, the non-profit legal aid law firm, Legal Action of Wisconsin, Inc., petitions the Wisconsin Supreme Court to amend SCR 72.01(8), 72.01(9), and 72.01(10), relating to the retention of small claims case files, court records, and minute records to shorten the record retention period for eviction cases in which no money judgment is entered to one year. This petition is made pursuant to the Wisconsin Supreme Court's rulemaking authority under Wis. Stat. § 751.12, and its superintending and administrative authority over all courts conferred under Wis. Const. art. VII, § 3.

TEXT OF PROPOSED CHANGES

SCR 72.01(8) Small claims case files.

All papers deposited with the clerk of circuit court in every proceeding commenced under ch. 799, stats.: ~~20 years after entry of final order or judgment for all cases, including contested cases, stipulated dismissals and default judgments; except 2 years from date of entry of judgment for cases dismissed because issue was not joined and the case was not disposed of by judgment or stipulation within 6 months from the original return date.~~ (a) 1 year after entry of final order or judgment for all eviction cases in which no judgment for money is entered against any party, including contested cases, stipulated dismissals, and default judgments;
(b) 2 years from date of entry of judgment for small claims cases dismissed because issue was not joined and the case was not disposed of by judgment or stipulation within 6 months from the original return date;
(c) 20 years after entry of final order or judgment for all other small claims cases not specified above in (a) or (b).

SCR 72.01(9) Small claims court record.

A history and index of proceedings: ~~20 years after entry of final order for contested cases, stipulated dismissals, and default judgments; except 2 years from the date of~~

~~entry of judgment for cases dismissed because issue was not joined and the case was not disposed of by judgment or stipulation within 6 months from the original return date. (a) 1 year after entry of final order or judgment for all eviction cases in which no judgment for money is entered against any party, including contested cases, stipulated dismissals, and default judgments;~~
~~(b) 2 years from date of entry of judgment for small claims cases dismissed because issue was not joined and the case was not disposed of by judgment or stipulation within 6 months from the original return date;~~
~~(c) 20 years after entry of final order or judgment for all other small claims cases not specified above in (a) or (b).~~

SCR 72.01(10) Small claims minute record.

~~A brief statement of in-court proceedings commenced under ch. 799, stats., generally maintained in the case file: 20 years after entry of final orders for contested cases, stipulated dismissals, and default judgments; except 2 years from the date of entry of judgment for cases dismissed because issue was not joined and the case was not disposed of by judgment or stipulation within 6 months from the original return date. (a) 1 year after entry of final order or judgment for all eviction cases in which no judgment for money is entered against any party, including contested cases, stipulated dismissals, and default judgments;~~
~~(b) 2 years from date of entry of judgment for small claims cases dismissed because issue was not joined and the case was not disposed of by judgment or stipulation within 6 months from the original return date;~~
~~(c) 20 years after entry of final order or judgment for all other small claims cases not specified above in (a) or (b).~~

Respectfully submitted this 29th day of March, 2022

LEGAL ACTION OF WISCONSIN, INC.

Korey C. Lundin
State Bar No. 1030868
E-mail: kcl@legalaction.org
744 Williamson Street, Suite 200
Madison, WI 53703
Phone: (608) 256-3304