



STATE BAR OF WISCONSIN
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March 1, 2021

Clerk of Supreme Court
Attention: Deputy Clerk-Rules
P.O. Box 1688
Madison, WI 53701-1688
clerk@wicourts.gov

RE: Petition 20-08 Records Retention

Dear Clerk of Supreme Court:

On behalf of the Board of Governors of the State Bar of Wisconsin, I am writing to express our support for Rule Petition 20-08, Records Retention. On February 26, 2021, the Board of Governors voted unanimously to support the petition.

The petition was circulated to all sections and divisions of the State Bar. The Board received general support from the Criminal Law Section and the Public Interest Law Section (PILS). Most notable was support for provisions related to retention of records based on outcome of a case rather than charges. In its letter to the Board of Governors supporting the petition, the Public Interest Law Section said, "Considering the harms associated with easy and lengthy access to criminal records, PILS agrees it is fair and appropriate to adopt the recommendation to retain criminal cases according to how the most serious charge in the case was disposed, as opposed to how it was originally charged. Researchers agree that automating and centralizing second-chance remedies for mass criminalization (like the record retention fix proposed here) is the cheapest and best way to ensure they are effective. PILS agrees that it is fair and logical to retain and display cases according to their disposition, not the charging decision, because the disposition of the case represents a more accurate assessment of the seriousness of the violation."

Thank you for considering this matter. If you have any questions, please do not hesitate to contact Executive Director Larry Martin (lmartin@wisbar.org) or Advocacy and Access to Justice Director Lisa Roys (lroys@wisbar.org).

Respectfully Submitted,

A handwritten signature in cursive script that reads "Kathleen A. Brost".

Kathleen A. Brost, President
State Bar of Wisconsin