

**In re amendment of SCR 72.01
regarding record retention**

PETITION

The Director of State Courts, on the recommendation of the Records Management Committee, hereby petitions the court to make an amendment to the Supreme Court Rules regarding record retention, pursuant to the court's rulemaking authority under Wis. Stat. §751.12 and its administrative authority over all courts conferred by Article VII, §3 of the Wisconsin Constitution.

Small Claims Dismissals. SCR 72.01(8) should be amended to increase the retention period for dismissed small claims cases from one year from the date of filing to two years from the date of entry of judgment. Wisconsin Statute §799.225 allows a judge to dismiss a small claims case where issue has not been joined, or the case otherwise disposed of, within six months of the return date. At the time SCR 72.01(8) was created, the period for reopening a small claims case pursuant to Wis. Stat. §799.29 was six months from entry of judgment. In 2003, by virtue of 2003 Act 138, the six-month time limit was lengthened to one year. Dismissed small claims cases can also be reopened pursuant to Wis. Stat. §806.07, which has a one-year limit on motion for relief from judgment. Combining the one-year time limits for reopening or relief from judgment with the six-month period for dismissal, a two-year retention period past the entry of judgment date would ensure that dismissed

small claims case files would be available for a sufficient amount of time to encompass the time limits of these statutes.

SCR 72.01(8) should be amended to read as follows:

SCR72.01(8). All papers deposited with the clerk of courts in every proceeding commenced under chapter 799 of the statutes: 20 years after entry of final order for contested cases, stipulated dismissals and default judgments; ~~±~~ 2 years from date of entry of judgment for dismissed cases.

Respectfully submitted this ____ day of _____, 2006.

A. John Voelker
Director of State Courts