

# 680-SUPREME COURT

Dept #: /001/ Department Name: DIRECTOR OF STATE COURTS - MGMT SERVICES

RDA #	RDA Title	Retention	Disposition	PII
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<u>00300000.</u>	<u>CIRCUIT COURT JUDGE AFFIDAVIT</u>	<u>CR+5</u>	<u>DEST</u>	<u>Y</u>
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Circuit court judge affidavit is required under Supreme Court Rule 70.36. Each judge shall file monthly a certification of pending cases.

Dept #: /004/ Department Name: BOARD OF BAR EXAMINERS

RDA #	RDA Title	Retention	Disposition	PII
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<u>00014000.</u>	<u>BAR APPLICANT FILES: ADMISSIONS</u>	<u>EVT+45</u>	<u>SHSW</u>	<u>Y</u>
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Board of State Bar commissioners and bar applicant's application and examination admitted to the practice of law in WI by bar examination Supreme Court Rule 40.04, or on proof of practice elsewhere. Supreme Court Rule 40.05.

Retention Justification: It is important to retain these files because there may be applicants who withdrew, were denied admission or had conditional admission because of serious character and fitness issues. These files would need to be referenced should they reapply. There also may be attorneys who run into character and fitness issues while practicing. These files would need to be referenced if the Court or The Office of Lawyer Regulation would initiate an investigation.  
Change Justification: Records prior to 1978 were kept in the Court of Appeals office under RDA #28 and #29 and at disposition were sent to the Wisconsin Historical Society (WHS). When Board of Bar Examiners department was created in 1978, RDA #14 was created but marked "destroy confidential" but should have been marked "Transfer to WHS".

Relevant Rule: Confidentiality: Supreme Court Rule 40.12. "The application files of an applicant and all examination materials are confidential. The supreme court or the board may authorize the release of confidential information to other persons or agencies."

EVENT: Date admitted to practice law + 45 years

<u>00015000.</u>	<u>BAR APPLICANT FILES: BAR EXAMINEES NOT ADMITTED</u>	<u>EVT+45</u>	<u>DEST</u>	<u>Y</u>
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Bar applicant files of applicants not admitted to the practice of law in WI by bar examination. Supreme Court Rule 40.40.

Retention Justification: It is important to retain these files because there may be applicants who withdrew, were denied admission or had conditional admission because of serious character and fitness issues. These files would need to be referenced should they reapply. There also may be attorneys who run into character and fitness issues while practicing. These files would need to be referenced if the Court or The Office of Lawyer Regulation would initiate an investigation.

Relevant Rule: Confidentiality: Supreme Court Rule 40.12, "The application files of an applicant and all examination materials are confidential. The supreme court or the board may authorize the release of confidential information to other persons or agencies."

EVENT: Date failed bar exam

<u>00016000.</u>	<u>BAR APPLICANT FILES: MOTION APPLICANTS NOT ADMITTED</u>	<u>EVT+45</u>	<u>DEST</u>	<u>Y</u>
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Bar applicant files and motions of applicants not admitted to the practice of law in WI on proof of practice elsewhere. Supreme Court Rule 40.05.

Retention Justification: It is important to retain these files because there may be applicants who withdrew, were denied admission, or had conditional admission because of serious character or fitness issues. These files would need to be referenced should they reapply. There also may be attorneys who run into character and fitness issues while practicing. These files would need to be referenced if the Court or The Office of Lawyer Regulation would initiate an investigation.

Relevant Rule: Confidentiality, Supreme Court Rule 40.12, "the application files of an applicant and all examination materials are confidential. The supreme court or the board may authorize the release of confidential information to other persons or agencies."

EVENT: date applicant denied admission

<u>00023000.</u>	<u>WISCONSIN BAR EXAMINATION INFORMATION</u>	<u>EVT+45</u>	<u>DEST</u>	<u>Y</u>
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The Wisconsin Bar Examination information and materials relating to the administration of the exam.

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Relevant Rule: Confidentiality: Supreme Court Rule 40.12. "The application files of an applicant and all examination materials are confidential. The supreme court or the board may authorize the release of confidential information to other persons or agencies."

EVENT: date of examination

<u>00024000.</u>	<u>BOARD MEETING MATERIALS</u>	<u>EVT+45</u>	<u>DEST</u>	<u>Y</u>
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The Board of Bar Examiners (1991- ) materials at their meetings. Prior to 1991, the department of Board of Bar Examiners was referred to as "The Board of Continuing Legal Education" (1976 - 1977), and "Board of Attorneys Professional Competence" (1978 - 1990).

Retention Justification: It is important to retain these files because there may be applicants who withdrew, were denied admission or had conditional admission because of serious character and fitness issues. The files would need to be referenced should they reapply. There also may be attorneys who run into character and fitness issues while practicing. These files would need to be referenced if the Court or The Office of Lawyer Regulation would initiate an investigation.

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Relevant Rule: Confidentiality: Supreme Court Rule 40.12. "The application files of an applicant and all examination materials are confidential. The supreme court or the board may authorize the release of confidential information to other persons or agencies."

EVENT: date of meeting

<u>00025000.</u>	<u>REINSTATEMENT/READMISSION FILES</u>	<u>EVT+45</u>	<u>SHSW</u>	<u>Y</u>
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Files containing information regarding reinstatement/readmission of individual lawyers to the Wisconsin bar such as individual petitions for reinstatement, supporting materials, staff reports and related materials, final action on petitions.

Retention Justification: It is important to retain these files because there may be applicants who withdrew, were denied admission or had conditional admission because of serious character and fitness issues. These files would need to be referenced should they reapply. There also may be attorneys who run into character and fitness issues while practicing. These files would need to be referenced if the Court or The Office of Lawyer Regulation would initiate an investigation.

EVENT: Date of final action + 45 years

<u>00026000.</u>	<u>BAR APPLICANT FILES: DIPLOMA PRIVILEGE</u>	<u>EVT+45</u>	<u>DEST</u>	<u>Y</u>
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Bar Applicant files of persons who were admitted to the practice of law by diploma privilege; Supreme Court Rule 40.03.

Retention Justification: It is important to retain these files because there may be applicants who withdrew, were denied admission or had conditional admission because of serious character and fitness issues. The files would need to be referenced should they reapply. There also may be attorneys who run into character and fitness issues while practicing. These files would need to be referenced if the Court or The Office of Lawyer Regulation would initiate an investigation.

It is important to retain these files because there may be applicants who withdrew, were denied admission or had conditional admission because of serious character and fitness issues. These files would need to be referenced should they reapply. There also may be attorneys who run into character and fitness issues while practicing. These files would need to be referenced if the Court or The Office of Lawyer Regulation would initiate an investigation.

Relevant Rule: Confidentiality: Supreme Court Rule 40.12. "The application files of an applicant and all examination materials are confidential. The supreme court or the board may authorize the release of confidential information to other persons or agencies."

EVENT: date admitted to practice by diploma

<u>00070000.</u>	<u>CORPORATE COUNSEL REGISTRATION</u>	<u>EVT+45</u>	<u>DEST</u>	<u>Y</u>
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Persons who were not admitted to the bar but registered as in-house counsel and include those who are in active status and those who are no longer registered as in-house counsel. Includes the application, employer affidavit, good standing certificate, disciplinary history letter, and correspondence to the applicant including registration certificate.

It is important to retain these files in case the registrant applies for admission to the bar. That time that the registrant worked as in-house counsel may be applied toward the three to five year requirement for proof of practice elsewhere.

Retention Justification: It is important to retain these files because there may be applicants who withdrew, were denied admission or had conditional admission because of serious character and fitness issues. These files would need to be referenced should they reapply. There also may be attorneys who run into character and fitness issues while practicing. These files would need to be

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referenced if the Court or The Office of Lawyer Regulation would initiate an investigation.

Relevant rule: Confidentiality: SCR 40.12. "The application files of an applicant and all the examination materials are confidential. The supreme court or board may authorize the release of confidential information to other persons or agencies."

EVENT: Date of final action + 45 years

Dept #: /006/ Department Name: COURT OF APPEALS CLERKS OFFICE

RDA #	RDA Title	Retention	Disposition	PII
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<u>00013000.</u>	<u>COURT OF APPEALS AND SUPREME COURT CASE FILES</u>	<u>EVT+45</u>	<u>SHSW</u>	<u>Y</u>
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File contains briefs, motion papers, court orders, documents required by rules and statutes, opinions and correspondence on cases terminated by The Court of Appeals and/or Supreme Court. Includes cases originating by appeal, supervisory writ, leave to appeal and original action.

EVENT = Date files + 45 Years

<u>00017000.</u>	<u>ORIGINAL OPINIONS</u>	<u>CR+53</u>	<u>SHSW</u>	<u>Y</u>
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FILE CONTAINS THE ORIGINAL TYPEWRITTEN COPIES OF THE SUPREME COURT'S PUBLISHED AND UNPUBLISHED OPINIONS.

<u>00018000.</u>	<u>ORDERS OF ADMISSION TO PRACTICE LAW IN WI</u>	<u>EVT+55</u>	<u>SHSW</u>	<u>Y</u>
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File contains court orders admitting attorneys to practice law before the Wisconsin State Bar.

Retention Justification: It is important to retain these files because there may be applicants who withdrew, were denied admission or had conditional admission because of serious character and fitness issues. These files would need to be referenced should they reapply. There also may be attorneys who run into character and fitness issues while practicing. These files would need to be referenced if the Court or The Office of Lawyer Regulation would initiate an investigation.

Box 16: SCR 40.12 Confidentiality. The application files of an applicant and all examination materials are confidential. The supreme court or the board may authorize the release of confidential information to other persons or agencies.

EVENT = Date filed + 55 Years

Dept #: /007/ Department Name: MEDICAL MEDIATION PANELS

RDA #	RDA Title	Retention	Disposition	PII
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<u>00200000.</u>	<u>CLOSED MEDICAL MALPRACTICE CASE FILES</u>	<u>EVT+20</u>	<u>DEST</u>	<u>Y</u>
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Files contain formal pleadings and other case related documents from Medical Malpractice Claims filed with pre-trial screening panels pursuant to Wis. Stat. Ch. 655. Files include: submission of controversy; pleadings and correspondence; panel appointments and questionnaires; panel findings and disposition; internal working document; register of actions.

EVENT: date closed

Dept #: /010/ Department Name: LAWYER REGULATION-OFFICE

RDA #	RDA Title	Retention	Disposition	PII
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<u>00001000.</u>	<u>DISMISSED GRIEVANCE CASE FILES</u>	<u>EVT+3</u>	<u>DEST</u>	<u>Y</u>
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INFORMATION IN THIS RECORD SERIES CONTAINS CORRESPONDENCE, LEGAL DOCUMENTS AND INVESTIGATIVE INFORMATION RELATING TO GRIEVANCES AGAINST ATTORNEYS WITHIN THE STATE. THE FILES ARE MAINTAINED FOR

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Department Name: LAWYER REGULATION-OFFICE

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THE PURPOSE OF ACCUMULATING INVESTIGATIVE INFORMATION ON GRIEVANCES FILED AGAINST WISCONSIN ATTORNEYS. THESE FILES ARE CREATED BY OFFICE OF LAWYER REGULATION STAFF AND ARE USED DURING THE PERIOD OF TIME THE INVESTIGATION IS ON-GOING.

COPIES OF THE FILE CONTENTS CAN BE DISTRIBUTED TO OLR STAFF FOR 3 YEARS FOLLOWING CLOSURE. FILES ARE RETAINED AS REQUIRED BY SUPEREME COURT RULE 22.44 AND 22.45 AND ARE CONFIDENTIAL AS REQUIRED BY SUPREME COURT RULE 22.40.

RETAIN FOR 3 YEARS FOLLOWING THE END OF THE YEAR IN WHICH THE CLOSURE OF DISMISSAL OCCURED.

RETENTION: EVENT(CLOSURE OF DISMISSAL) + 3 YEARS AND DESTROY CONFIDENTIAL.

<u>00009000.</u>	<u>DISCIPLINARY AND REINSTATEMENT CASE FILES</u>	<u>EVT+50</u>	<u>SHSW</u>	<u>Y</u>
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DISCIPLINARY CASE FILES INCLUDE PRIVATE REPRIMANDS, PUBLIC REPRIMANDS, SUSPENSIONS AND REVOCATIONS. INFORMATION IN THIS RECORD SERIES CONTAINS CORRESPONDENCE, LEGAL DOCUMENTS AND INVESTIGATIVE INFORMATION RELATING TO GRIEVANCES AGAINST ATTORNEYS WITH IN THE STATE. THE FILES INCLUDE GRIEVANCES FORMS, CORRESPONDENCE, STAFF COUNSEL REPORTS, INVESTIGATIVE REPORTS, PLEADINGS AND COURT ORDERS AS WELL AS COLLATERAL COURT PLEADINGS. THESE FILES ARE MAINTAINED FOR THE PURPOSE OF ACCUMULATING INVESTIGATIVE AND DISCIPLINARY INFORMATION ON GRIEVANCES FILED AGAINST WISCONSIN ATTORNEYS. THEY ARE USED DURING THE PERIOD OF TIME THE INVESTIGATION IS ONGOING AND WHILE THE DISCIPLINARY ACTION IS PENDING BEFORE THE SUPREME COURT. THE FILES ARE CREATED BY OFFICE OF LAWYER REGULATION STAFF AND COPIES OF THE FILE CONTENTS CAN BE DISTRIBUTED TO OLR MEMBERS AND STAFF. THE FILES BECOME A PART OF AN ATTORNEY'S PERMANENT DISCIPLINARY HISTORY. SOME OLDER RECORDS PRIOR TO OCTOBER 2000 ARE RECORDS OF FORMAL DISCIPLINARY PROCEEDINGS BY THE BOARD OF ATTORNEYS PROFESSIONAL RESPONSIBILITY.

FILES ARE RETAINED AS REQUIRED BY SUPREME COURT RULE 22.44. PRIVATE REPRIMANDS ARE CONFIDENTIAL BY SCR 22.09(3). WHEN A COMPLAINT OR PETITION IS FILED WITH THE SUPREME COURT, A SUPEREME COURT CASE FILE IS CREATED, COVERED WITH RDA 124/78. LONG TERM RETENTION NECESSARY DUE TO POTENTIAL LENGTH OF ATTORNEY'S CARERR.

RETENTION: EVENT(CASE CLOSED) + 50 YEARS AND TRANSFER TO STATE ARCHIVES (WHS).