# 680-SUPREME COURT

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

| RDA # | RDA Title | Retention | Disposition | PII |
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| 00003000. | CIRCUIT COURT JUDGE AFFIDAVIT | CR+5 | DEST | Y |

Circuit court judge affidavit is required under Supreme Court Rule 70.36. Each judge shall file monthly a certification of pending cases.

RETENTION: EVENT (Creation) + 5 years and destroy confidential

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

| RDA # | RDA Title | Retention | Disposition | PII |
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| 00014000. | BAR APPLICANT FILES: ADMISSIONS | EVT+45 | SHSW | Y |

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."

RETENTION: EVENT (Date admitted to practice law) + 45 years and transfer to State Archives (WHS)

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| 00015000. | APPLICANT FILES: NOT ADMITTED | EVT+45 | SHSW | Y |

Bar or Motion applicant files of applicants not admitted to the practice of law in WI by bar examination. Supreme Court Rule 40.40 .

Event is date bar exam failed or motion applicant denied admission.

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."

RETENTION: EVENT (See description) + 45 years and transfer to State Archives (WHS)

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| 00023000. | WISCONSIN BAR EXAMINATION INFORMATION | EVT+45 | DEST | Y |

The Wisconsin Bar Examination information and materials relating to the administration of the exam.

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."

RETENTION: EVENT (Date of examination) + 45 years and destroy confidential

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| 00024000. | BOARD MEETING MATERIALS AND ADMINISTRATIVE OFFICE INFORMATION | EVT+75 | SHSW | Y |

The Board of Bar Examiners (1991 -) meeting materials which includes minutes, agendas and ancillary information provided at the meetings. Also includes Accounting and Fiscal Records, Court Orders, Court Decisions and other miscellaneous administrative office records. 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. 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."

**Note: ADM 00025 was reviewed and found to be insufficient for the court's needs.

RETENTION: EVENT (DATE OF MEETING) + 75 years and transfer to State Archives (WHS)

**00025000.** **REINSTATEMENT/READMISSION FILES** EVT+45 SHSW Y

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.

RETENTION: EVENT (Date of final action) + 45 years and transfer to State Archives (WHS)

**00026000.** **BAR APPLICANT FILES: DIPLOMA PRIVILEGE** EVT+45 SHSW Y

Bar Applicant files of persons who were admitted to the practice of law by diploma privilege; Supreme Court Rule 40.03.

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.

RETENTION: EVENT (Date admitted to practice by diploma) + 45 years and transfer to State Archives (WHS)

**00070000.** **CORPORATE COUNSEL REGISTRATION** EVT+45 DEST Y

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 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."

RETENTION: EVENT (Date registration issued or denied) + 45 years and destroy confidential



**00013000.** **COURT OF APPEALS AND SUPREME COURT CASE FILES** EVT+45 SHSW Y

Court of Appeals and/or Supreme Court files containing briefs, motion papers, court orders, original opinions, correspondence, and documents required by rules and statutes. Includes cases originating by appeal, supervisory writ, leave to appeal and original action.

RETENTION: EVENT (Date filed) + 45 years and transfer to State Archives (WHS)

| RDA # | RDA Title | Retention | Disposition | PII |
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| 00001000. | DISMISSED GRIEVANCE CASE FILES | EVT+3 | DEST | Y |

The Office of Lawyer Regulation (OLR) is an agency of the Supreme Court of Wisconsin that receives inquires and grievances relating to attorney misconduct and medical incapacity, conducts investigations, and prosecutes violations of the Rules of Professional Conduct. This series consists of OLR's preliminary evaluation files and investigation files. These files include, but are not limited to, grievances, responses to grievances, correspondence, legal documents, and other investigative documents (e.g., witness statements, subpoenas, etc.)

Some of the material in these files may contain confidential or privileged information or otherwise personally identifiable information. These files may also contain material that is privileged and/or confidential because it is covered by the attorney-client privilege, Wis. Stat. § 905.03, the attorney work product doctrine, Supreme Court Rule 21.19, and/or Supreme Court Rule 22.40.

RETENTION: EVENT (case dismissal) + 3 years and destroy confidential

| RDA # | RDA Title | Retention | Disposition | PII |
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| 00009000. | DISCIPLINARY AND REINSTATEMENT CASE FILES | EVT+20 | DEST | Y |

The Office of Lawyer Regulation (OLR) is an agency of the Supreme Court of Wisconsin that receives inquiries and grievances relating to attorney misconduct and medical incapacity, conducts investigations, and prosecutes violations of the Rules of Professional Conduct. This series consists of OLR's investigative, disciplinary, and reinstatement case files. These files include, but are not limited to, investigative documents (e.g., grievances, responses to grievances, witness statements, subpoenas, underlying legal documents, etc.), legal documents (e.g., complaints, pleadings, discovery, motions, stipulations, orders), and reinstatement documents (e.g., petitions for reinstatement, letters of reference, investigative documents). When a disciplinary, medical incapacity, or reinstatement complaint or petition is filed with the Supreme Court, a Supreme Court case file is created. The Clerk of the Supreme Court is the records custodian and those records are subject to SCRs or RDAs relating to the Supreme Court and/or Clerk.

Some of the material in these files may contain confidential or privileged information or otherwise personally identifiable information. These files may also contain material that is privileged and/or confidential because it is covered by the attorney-client privilege, Wis. Stat. § 905.03, the attorney work product doctrine, SCR 21.19, and/or 22.40.

Some records relating to attorney misconduct and medical incapacity created before October 2000 may be records of the Board of Attorneys Professional Responsibility and/or the State Bar of Wisconsin.

RETENTION: EVENT (Case closed) + 20 years and destroy confidential