WISCONSIN STATE
PUBLIC DEFENDERS
Mission driven. Client centered.

Requesting a Copy of Your Case File

Important: Did you have a Staff Attorney or a Private Attorney?

- **If you had a Private Attorney:** The State Public Defender (SPD) office **does not have your file**. Private attorneys keep their own files. You must contact your attorney directly to request your file. You can search for their contact information on the Wisconsin State Bar Website.
- **If you had an SPD Staff Attorney:** Please review the guidelines below.

1. When Can You Request Your File?

Your file belongs to you. You have the right to ask for and receive a copy of your file at any time.

Retention Policy (How Long We Keep Files)

We do not keep closed files forever. Under state rules and guidelines, client files are kept for a limited period after a case is closed (typically 6 to 20 years, depending on the charge or case outcome). Once that period passes, your file is permanently destroyed to protect your privacy.

Because files are destroyed after a set time, you should request your file as soon as possible after your case ends. If you wait too long, your file may no longer exist.

2. Where Do You Make the Request?

- If your case is still open: Make your request directly to the attorney currently representing you.
- If your case is closed (meaning there is no pending litigation in the trial and appellate court or that you have waived your right to counsel and are proceeding pro se): Contact the local SPD office that handled your case. You can find contact information for local offices on the Wisconsin Public Defender Website.

3. What Will You Receive?

You are entitled to all documents related to your case, including notes and digital materials. SCR 20:1.16, EF-16-03.

However, the following documents will not be released:

- Presentence Investigation Reports (PSI): State law prohibits us from giving you a copy of the report prepared by the Department of Corrections. (Wis. Stat. 972.15)
- Court-Ordered Holds: Any document a judge has ordered us not to share.

- Certain Juvenile/Youth Documents if restricted by specific state statutes or local court rules.

How Files Are Delivered

- Before sending your file, we may confirm your name and mailing address by phone, through personal contact, or through an inmate locator.
- The SPD will work to provide your file to you within 30 days of receiving your request.
- If your case is closed, we will send you the original file. The SPD will not keep a copy.
- If you are currently incarcerated, we will work with you to decide whether a paper or electronic copy is best to ensure you have access to the information. We will also contact the facility in advance so staff know the file is coming and can deliver it to you safely.

4. Requests from Your New Lawyer (Successor Counsel)

A "new lawyer" (successor counsel) includes any attorney taking over your representation on the same matter, such as a privately retained attorney or an appellate lawyer.

- We will send your original file (including digital media and the PSI) directly to your new lawyer.
- The only items we will not send them are documents prohibited by court order or items you specifically instruct us not to share.
- Your new lawyer does **not** need to sign a records release form to receive your file.
- Once sent, the SPD will not retain a copy of your file.

5. Requests from Other People

If anyone else asks for your file (such as a family member, district attorney, or civil rights attorney), we will not release it without your explicit permission unless specifically authorized by law. All outside requests are reviewed by an attorney to protect your confidentiality.

SAMPLE RELEASE LETTERS

Letter 1: Initial File Release to Client

[DATE]

[Name of Client]
[Address of Client]

Re: Request for Copy of File — [Case Name / Case Number]

Dear [Client Name]:

We received your letter requesting a copy of your case file. Enclosed is your original case file. These documents are your responsibility to safeguard.

[Optional withholding language:
Please note that the following documents have been withheld as required by law:
• List withheld documents (e.g., Presentence Investigation Report per Wis. Stat. § 972.15)]

[Optional copy language:
We have retained a copy of the following administrative documents for our records: (List documents)]

Because we have provided you with the original file and have not kept a duplicate copy, we will be unable to produce these records for you again in the future.

Sincerely,

[Attorney / Staff Name]
[Title]
State Public Defender's Office

Enclosure: Client File

Letter 2: File Release to Successor Counsel

[DATE]

[Name of Attorney]
[Firm/Agency Name]
[Address of Attorney]

Re: File Request for [CLIENT NAME] — [Case Name / Case Number]

Dear [Counsel Name]:

We received your request for a copy of [Client Name]'s case file. Enclosed is the complete original file.

[Optional withholding language:
Please note that I have withheld the following document(s) for the reasons indicated below:
• [List document(s) and legal/court order basis for withholding]]

Please note that we have provided you with our original file and have not retained a copy. Consequently, we will not be able to produce these records again in the future.

Sincerely,

[Attorney / Staff Name]
[Title]
State Public Defender's Office

Enclosure: Client File
cc: [Client Name]