



File Retention

A Malpractice Insurance Company's Perspective

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MINNESOTA LAWYERS MUTUAL
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PROTECTING YOUR PRACTICE IS OUR POLICY.™

File Retention

A Malpractice Insurance Company's Perspective

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MLM's Law Practice Management Booklet Series is available to MLM insureds in electronic form on www.mlmins.com. Lawyers may download some or all the component parts in the following booklets for their personal use appropriate to individual needs:

- File Retention
- Ethical Considerations & Malpractice Prevention in Client Communications
- Succession Planning and the Sale of Practice
- The Basic of Client Files and Paperless Office Systems
- Avoiding Conflicts of Interest

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Mr. Cooperstein has a solo practice devoted to ethics consulting and representation, a product of his work as a former Senior Assistant Director of the Office of Lawyers Professional Responsibility, where he worked from 1995 to 2001. Mr. Cooperstein defends lawyers against ethics complaints, provides advice and expert opinions and represents lawyers in fee disputes and law firm break-ups. He is also a frequent writer and speaker on ethics and law practice issues. Mr. Cooperstein is chair of the Rules of Professional Conduct Committee for the Minnesota State Bar Association, a member of the Association of Professional Responsibility Lawyers, and served from 2007 to 2008 on the Supreme Court Advisory Committee to Review the Lawyer Discipline Process. Mr. Cooperstein joined the executive committee of the Hennepin County Bar Association in 2010 and will serve as its president in 2013-2014.

Linda J. Hay, *Alholm, Monahan, Klauke, Hay & Oldenburg, LLC*



Ms. Hay is a shareholder in the firm of Alholm, Monahan, Klauke, Hay & Oldenburg, LLC. Ms. Hay actively defends professional liability cases. She has tried numerous cases to successful verdict and has also handled numerous appeals in this area. Ms. Hay regularly presents seminars on risk and claim management of professional liability cases and regularly publishes in the field as well. Ms. Hay is a member of the Board of Directors of the Illinois Association of Defense Trial Counsel, and was editor-in-chief of the IDC Quarterly, the legal journal of the Illinois Defense Bar, in 2005-2006.

Charles E. Lundberg, *Bassford Remele*



Mr. Lundberg has been a member of Bassford Remele for more than 30 years, practicing primarily as a “lawyer’s lawyer” – advising attorneys and law firms on matters involving legal malpractice, legal ethics and other areas of the law of lawyering. He served for 12 years on the Minnesota Lawyers Professional Responsibility Board, including six years as board chair. He also has been recognized as one of the leading appellate attorneys in Minnesota and elected as a Fellow in the American Academy of Appellate Lawyers – an invitation-only group of outstanding lawyers whose practice focuses substantially on appeals. Mr. Lundberg has been named a Top 100 Super Lawyer; Top 10 Appellate Super Lawyer; and a Leading American Attorney; and one of the Best Lawyers in America in the fields of Appellate Law and Legal Malpractice Law. He also teaches a class in Legal Malpractice Law at the University of St. Thomas Law School.

Vincent A. Thomas, *Gustavus Adolphus College*



Mr. Thomas serves as a member of Minnesota Lawyers Mutual’s Board of Directors. He previously served as a member of the Minnesota Lawyers Board of Professional Responsibility for eight years, the last four as vice-chair. Mr. Thomas practiced law for nine years at Briggs and Morgan in the areas of public finance and municipal law. He left Briggs and Morgan in 1995 to become the Assistant Dean of Students, and an Adjunct Professor of Law at Hamline University School of Law. He taught Professional Responsibility at Hamline from 1996-2005. In 2006, Mr. Thomas joined the University of St. Thomas School of Law administration and served UST as assistant dean for Student and Multicultural Affairs and Adjunct Professor of Law for four years. Mr. Thomas currently serves as the Internship Program Director for Gustavus Adolphus College in St. Peter, Minnesota, and as a volunteer mentor at the Hamline University School of Law.

ABOUT MINNESOTA LAWYERS MUTUAL

Founded in 1982 by members of the Minnesota State Bar Association, Minnesota Lawyers Mutual Insurance Company (MLM) provides professional liability insurance and risk management services for the legal community. MLM is committed to being an efficient, accountable and permanent practice management resource. Additionally, we have returned a dividend to policyholders every year since 1987.

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There are literally hundreds of books and articles covering just about every aspect of law practice management. So, why write another one? And, why should you read it?

Minnesota Lawyers Mutual has been in the risk management business for 30 years and we've seen plenty of well-planned, well-crafted and wonderfully maintained risk management materials. Unfortunately, we've also "paid the price" in instances where an insured attorney simply wasn't familiar with a particular risk management concept or didn't know "where to go" to find that information.

So, Minnesota Lawyers Mutual has developed a Law Practice Management Booklet Series written from the perspective of an *errors and omissions insurance company*. Our goal is to provide a single source of accurate, practical information and best practices for everything from conflict of interest, to client communications, to law office technology, with the additional commitment to keep it current and accessible.

By compiling all this information into checklists, avoidance tips and examples, we've turned a mountain of material into convenient, easy-to-scan, simple-to-use "chunks" of information organized by topic. In addition, you'll find reasonably detailed real-life experiences to ponder.

Using the tools in this book will help you "cover all the bases" from a risk management perspective. Use the checklists and tips as guidelines, not requirements set in stone. At the same time, understand that each of the items is included in this book for a particular reason. Hopefully, you'll be able to match your needs with our material and in doing so, avoid potential malpractice claims.

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What documents to keep, and how long to keep them, can be tricky questions when it comes to the retention of client files. Formulating and following an appropriate file retention policy is crucial to efficient office management and can protect your practice from overspending on file storage, as well as help you defend against malpractice or ethics complaints. Rules 1.15(a) and 1.16(d) offer minimal guidance (*see Appendix I*). What is appropriate or required for file retention is rarely clear-cut, as rules are often poorly defined and vary greatly from jurisdiction to jurisdiction. Most guidelines include hazy language like “good judgment should govern this decision,” that tends to leave attorneys confused and frustrated.



Stop & Review Rules on page 11

Proper file retention allows an attorney to properly defend himself or herself in the event of a malpractice claim and avoids the ethical missteps that can occur when important documents are destroyed prematurely or misplaced, resulting in prejudice to the client. In the end, how long to retain a given file must be an individual decision based upon the totality of the circumstances, however, adopting clear and thoughtful guidelines will ensure uniformity throughout the office and protect both the attorney and the client in the event that a conflict arises after the file has been closed. The following recommendations reflect the best practices from a malpractice perspective and are intended to provide the best protection from potential malpractice suits or ethical complaints.

Developing effective file retention guidelines involves learning to spot issues that can arise after representation has concluded and ensuring client property is properly safeguarded and returned to its owner. Introducing and implementing a new policy can be a difficult process for attorneys who are not used to managing file retention responsibilities, but a well-structured plan can make the transition smoother and the protection proper file retention can provide to a law office is well worth the effort. Moreover, minor additions to client letters and file management routines can make file storage and eventual destruction a much smoother process for both the attorney and the client.

Because the rules in this area are often vague, at best, and absent, at worst, attorneys should err on the side of caution and adopt conservative file retention guidelines that strike a balance between rising storage costs and the need to preserve client information.

The following sections will discuss what document retention guidelines should include, but the first step to a successful policy is determining how it will be used. First and foremost, document retention guidelines should be well-publicized and widely followed within a firm or office. The policy should be included in employee manuals and discussed with new attorneys, and existing staff should be reminded of the guidelines regularly to ensure compliance. Partners and more experienced lawyers should set an example by following the retention guidelines with their own files. Solo practitioners should notify any support staff to help them remember to implement the policy and schedule file retention activities in their calendaring systems.

Establishing File Retention Guidelines

In the beginning, it may be wise to form a file retention committee to formulate guidelines that are appropriate for the office and also to take responsibility for encouraging the entire office to adhere to the policy. It can be difficult to persuade already busy attorneys to take the time to review and prepare their files for storage or destruction, but discussing the significant overhead that can be saved by reducing storage costs can act as a motivator for the entire staff. To this effect, it is often helpful to hold a meeting when the new guidelines are implemented (or the current guidelines are reworked and reintroduced) with specific information regarding the cost of file storage or defending ethics or malpractice claims and the potential monetary benefits proper file retention can offer. Asking an office manager to draw up graphics or visual aids to show the impact such a policy could have on reducing overhead can help attorneys grasp the importance of committing their time to following the guidelines.

Clients should also be made aware of the file retention guidelines from the outset of the attorney-client relationship. Notice of the guidelines should be included in the standard retention agreement so clients are conscious of the storage period and eventual destruction of their file from day one (*see Appendix II*). Jurisdictions also vary regarding whether copying a client file should be at the cost of the client or

the attorney. However, even jurisdictions that hold an attorney is responsible for copying costs have exceptions for situations where the client agrees to be responsible for such expenses. Thus, if your office typically charges clients for a copy of their file, it is wise to include that obligation in your retainer agreement to cover all your bases.



Stop & Review Example Agreement on page 12

Carefully formulating appropriate document retention guidelines is an important first step to intelligent document retention and destruction, but guidelines that are not followed are of no help to anyone. Even worse, creating the guidelines can establish a standard of care, causing liability issues later on if the guidelines are ignored. Ensuring that every attorney and client is well aware of the file retention guidelines and understands the potential benefits they can provide will go a long way to encourage attorneys to actually follow the guidelines.

Closing the Client File

A client file is closed when the representation ends or the lawyer withdraws, either because a client terminates the relationship or because the work has reached its natural conclusion. Generally, an attorney should send a closing letter to confirm that the representation has terminated and to thank the client for their business. It is a good practice to again include the office's file retention guidelines in this closing letter, to notify the client that their file is available to them at any time, but may be destroyed after a minimum number of years (*see Appendix III*).



Stop and Review Example File Closing Letter on page 13

What to Keep

At closing, the attorney responsible for the case should review the file in its entirety. Original documents should be returned to the client, via a secure delivery service, after photocopies are made for the complete file. Unnecessary materials, such as duplicates, note pads, paperclips and writing utensils should be removed as the file is prepared for storage. The attorney should refamiliarize herself with the contents of the file as she considers how long it should be retained. The attorney should also add any external items to the file at this time, including e-mails, docket entries, notes from meetings or phone calls, bills or messages that were not previously included in the file.

What can or cannot be purged from a file at closing is not a well-settled issue, nor is it the same across every jurisdiction or practice area. Some jurisdictions hold that the entire client file belongs to the client and therefore every document must be kept as client property. Others hold that only final products belong to the client and therefore intermediate drafts or attorney notes may be purged. In the interest of erring on the side of caution, it is best to keep the client file in its reasonable entirety. In addition to satisfying any jurisdictional rule, this practice will also protect the lawyer in the event a malpractice or ethics complaint is filed, as the complete file will provide the best record of the representation.

Similarly, it is advisable for the lawyer to retain a complete copy of the file rather than returning the only complete file to the client when the representation concludes. While it may be a good idea to give the client their entire file at that time to avoid having to contact them later when the file is slated for destruction, leaving an attorney without a complete copy of their file can be very dangerous if the client, or a third party, chooses to assert an ethics or malpractice claim. Without any relevant notes or documents, the attorney is left with very little to rely on in formulating a defense and the client (now the opposing party) has the entire file and the ability to modify or destroy any part of the file at will. This is why MLM strongly recommends that lawyers always keep a copy of their client files for ten years. If an attorney's current policy is simply to return the file when the representation concludes, this practice should be modified to include retaining a copy of the file for the office.

Attorneys are often reluctant to copy an entire file for their own retention, especially when the file is substantial. While it is understandable for attorneys to want to avoid the burden of copying and retaining large files, failing to keep an entire file puts an attorney at a real disadvantage if a malpractice or ethics claim arises later on. Without the entire file, the attorney is unable to show documentation of actions like informed consent, or to shore up a defense of competent representation. The client is entitled to the entire file because it is considered client property, but the attorney should also be careful to retain the entire file to best document the representation, should such evidence be necessary later on.



Stop and Review Appendix IV File Closing Checklist on page 14

How Long to Keep It

MLM recommends that most files should be retained for a minimum of ten years, but there are many instances when a file should be retained longer than ten years. The minimum 10 year retention period accounts for most statutes of limitations for malpractice (in the jurisdictions where the limitation can be calculated from the act) the statute of limitations for contract claims in most jurisdictions and striking the best balance between caution and practicability.

However, there are many instances in which the minimum retention period should be extended due to enhancing circumstances. Examples of such instances include:

- If the file involves **estate planning**, it should be retained until the client has passed away and the estate has been closed.
- If it involves a **trust fund**, it may need to be retained for the life of that fund, which is often an indefinite.
- If the file involves a **divorce with minor children**, it should be retained until all children reach the age of majority.
- Any file involving a **minor** should be retained until the minor reaches the age of majority and until any applicable statute of limitations has passed after that date.
- The retention date for a file involving **spousal maintenance** should be extended when maintenance is reconsidered, as it often is.
- **Preuptial agreements** should be retained until after the divorce has been finalized, or, if the couple remains married, until both clients have passed away.
- **Tax-related** matters should be retained until any applicable tax windows, such as the 10 year window for determining tax credits, or governmental rules, like SEC regulations or retention rules under the Sarbanes-Oxley Act, have been satisfied.
- All files should be retained until any applicable statute of limitations has passed and until the destruction of the relevant documents would not prejudice the client.

In many instances, the date at which these events will occur is uncertain (such as prenuptial agreements or estate planning files). These files will need to be put into indefinite storage and reviewed periodically to determine whether they should be restored or destroyed (*see* “Storing the File”).

The attorney should also consider the nature of the representation and of the client. If the client was unhappy with the representation, or has a contentious nature, it may be necessary to lengthen the retention period to ensure the file is available in the event of a malpractice suit or ethics complaint (note that ethics complaints do not typically have statutes of limitations).

After the attorney has concluded his or her review of the file, the file should be marked with a tentative destruction date. This date should be at least 10 years after the closing date, but should take into account the enhancements discussed above. The attorney should include a brief note regarding possible issues discovered while reviewing the file, so these issues can be checked before the file is destroyed. It may be helpful to establish a uniform month for file destruction for the entire office, so that every file is slated to be destroyed in March, for example, of a given year. This way, when March approaches, all the attorneys can remind and encourage one another to review their closed files at the same time.

Storing the File

Once a file is closed, it should be placed in storage. It is a good practice to store recently closed files on-site, but files that have been closed for several years can be stored off-site for convenience, assuming the off-site storage is secure and satisfies appropriate confidentiality procedures. File storage has become increasingly problematic as files have grown exponentially in size and cheap storage space has become harder to find. One potential solution to this problem is to reduce your necessary storage space using digital media.

Scanning and storing documents on discs or data drives can drastically reduce the necessary storage space, but care must be taken to ensure this data is kept current and is stored in its entirety. As technology changes, outdated electronic storage must be converted (from floppy disc to CD, for example) so client data is not lost. Converting the paper file to electronic storage negates the need to retain the paper file, but attorneys should take care to ensure the entire paper file is

properly converted before destroying the physical file. File storage for documents that are marked for indefinite retention should also involve periodic review of the file to see whether its status has changed. For example, a file marked for indefinite storage because of its inclusion of a prenuptial agreement could be reclassified if the couple's divorce had been finalized (in which case it should be slated for destruction after a minimum of ten years after the divorce was finalized, assuming no other enhancements exist). Reviewing indefinitely stored files every ten to fifteen years ensures such files are not being stored unnecessarily.

If an attorney accesses a closed file to address a related problem that arose after the file was closed, or to assist the former client in troubleshooting a related issue, the retention date should be reconsidered in light of this continued representation (which can affect the statute of limitations for malpractice).

For information on electronic copies and storage, refer to MLM's Law Practice Management Booklet, *The Basics of Client Files and Paperless Systems*.

Reviewing the File for Destruction

Once a stored file nears its anticipated destruction date, the attorney should rereview the file to determine whether destruction at the original date is still appropriate. Some files will need to be kept open for reasons the attorney could not anticipate at closing, such as a client becoming unhappy with representation years after the case ended. Any file that involves an angry client or threatened or ongoing litigation should be placed back in storage. Without a complete client file, it is far more difficult to defend malpractice or ethics claims, which collapse into "he said, she said" arguments between the lawyer and the client due to lack of supporting evidence from the file. Further, destroying file information when a lawyer is aware of litigation is a serious offense and an attorney should err on the side of caution to avoid inadvertently destroying evidence when conditions seem strained.

Further, circumstances will arise when the attorney who closed the file is no longer with the firm. When an attorney leaves the office, review of that attorney's closed files should be assigned to someone else. The successor attorney should review a file slated for destruction in its entirety, along with the closing note from the original attorney, to ensure destruction is appropriate.

The file retention guidelines will need to assign the responsibility of determining when a stored file's review date is coming up. One approach is to have each individual attorney calendar their review dates when they close the file, but in this system it is crucial for any attorney that retires or otherwise leaves the office to transfer all of their review dates to another attorney, which can be difficult. Another option is to designate one person, like an office manager, to calendar all the review dates in one place and remind the attorneys of their review dates as they come up. This system is only effective if every attorney notifies the office manager of the file review date when the file is closed, but can streamline the process and add another layer of accountability because someone other than the attorney is aware the file needs to be reviewed.

Destroying the File

If review of the file leads to the conclusion that the file can be destroyed, the first thing the attorney responsible for the file should do is notify the client. A letter should be sent to the client's last known address 4 to 6 months before destruction notifying the client that the file is slated to be destroyed. (See **Appendix V**.) The letter should tell the client they are welcome to pick up their file, in its entirety, before a certain date and that failure to do so will result in the file being destroyed. It is also a good practice to include a "consent to destroy" form with a self-addressed stamped envelope, so clients who do not want their files can mail back a signed consent for the file to be destroyed. If a client cannot be located, some jurisdictions require a lawyer to publish their intent to destroy all files closed before a certain date (without publishing any client information) so clients have the opportunity to retrieve their files. (This practice is recommended by the New Hampshire Bar Association.) Including the file destruction timeline in the retention agreement and closing letter also provides some protection in the event a client cannot be located before the file is destroyed.

While it may be difficult or impossible to locate some former clients at the time of destruction, sending a letter at that time is the best practice.

If any original documents remain in the file after closing, every effort must be made to return those documents to the client. Original documents are client property, which is why they should be returned when the file is closed, to avoid being unable to locate the client and return the property when it comes time to destroy the file.

If the client chooses not to pick up their file or consents to its destruction, the final step is ensuring the documents are destroyed appropriately. Confidentiality of client documents must be maintained throughout the destruction process, so using a document destruction company that certifies confidential procedures is paramount. It is also crucial that the destruction method permanently destroy all client information beyond recognition, so merely throwing the files away will not suffice. Shredding, incineration and pulping are all good options for destroying the paper file.

Permanently destroying electronic documents can be more difficult. Simply deleting a file is not adequate to permanently erase the data with forensic technology today, so destroying electronic documents requires professional “scrubbing” of a disc or hard drive to permanently eradicate the information.

All destroyed files should be entered into a log that shows the date the file was destroyed. This log should be kept for firm records.



Stop & Review File Destruction Letter on page 15

There's Value in Those Musty Client Files

Rather than looking at file retention in terms of storage, consider old files as a source of information. Ed Poll's article, “There's Value in Those Musty Client Files” September 2, 2011, suggests a change in perception could make a difference.

There's Value In Those Musty Client Records

by Edward Poll; Published: September 2nd, 2011

Lawyers know they have an ethical duty to protect all documents on behalf of clients. The **American Bar Association's Rule of Professional Conduct 1.15** requires that client property and files be “appropriately safeguarded.” The rule stipulates no minimum time that this safeguarding must be done. Failure to keep these files safe is a failure in the overall duty to act competently in the best interests of a client. The rules and specific time periods for storing or destroying client files vary by jurisdiction. Some states, for example, require a lawyer to securely store a client's file for 10 years after completion

or termination of the representation unless lawyer and client make other arrangements.

Often this requirement is seen as a burden that creates nothing but problems for a small law office, where storage space will be at a premium. After all, who wants to spend money for storing and maintaining, whether physically or electronically, “dead” files from past matters? But what if a change in perception could make a difference? Are old files, after all, really dead?

Rather than looking at the issue in terms of storage, consider old files as sources of information for data mining or client management or practice development. After all, files are only dead if the past client himself or herself is dead. Otherwise, past clients have continuing legal needs. Why not send them reminder letters and letters announcing changes in the law every year or two? Such letters could spur a phone call or e-mail on a matter that otherwise would never have been raised. A former client who trusts your judgment will welcome such contact.

Even contacting clients about their existing files is a great marketing opportunity. It allows you to update your contact list, send letters to former clients offering them the option of picking up their file or having it shredded and to mention, “Oh, by the way, if we can help you in your current challenges, call us.” It’s often surprising how many calls will come in, proving a new variation on an old adage, “out of mind, out of sight.” When you as a lawyer get back into clients’ sight with such a letter/note, they will remember the things they intended to do with a lawyer and then call you, their latest legal contact.

There are ethical issues involved in making these contacts, particularly through e-mail, but if a client relationship has already been established the concern is much less. To eliminate any concerns, get full physical and e-mail addresses for the client in the initial intake session, and get permission to make contact and update this information periodically – a perfect reason to send a reminder letter. **This not only helps ongoing business development, it can have an ultimate payoff should you decide to sell your practice. A database with several thousand current contacts is ample evidence that your firm has considerable goodwill invested in its client base and client loyalty.** A buyer will of course want to review open files that are still active – but open client contacts, even if no active matter is associated with them, is an excellent indication that the firm has a strong potential work flow and should be valued accordingly.

Rules of Professional Conduct

ABA Model Rule 1.15 Safekeeping Property:

- (a) A lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property...Other property shall be identified as such and appropriately safeguarded. Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of [five years] after termination of the representation.

ABA Model Rule 1.16 Declining Or Terminating Representation:

- (d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by other law.

Example Retainer Agreement Language

File Retention and File Copying Costs

- 12.1** The Firm typically retains files for a period of ten years following the conclusion of the representation (determined either by the conclusion of the relevant legal process or by the termination of the attorney-client relationship, whichever occurs first). Client is entitled to possession of the file at any time prior to destruction, but understands and agrees that the file may be destroyed in accordance with The Firm's file destruction guidelines.
- 12.2** Any expenses for copying and/or producing the file at Client's request will be the responsibility of the Client.

Example File Closing Letter

Firm Letterhead, PLLP

March 15, 2002

Mr. Steve Anderson
1211 Shoreview Drive
Minneapolis, MN, 55411

Dear Mr. Anderson,

This letter will serve to confirm our recent conversation of March 13, 2002 regarding the conclusion of our representation in the matter Anderson v. Johnson, as settlement was reached on February 23 and the matter has thus reached its natural conclusion. I want to again express my gratitude for the opportunity to represent you in this matter and my appreciation for your business and your confidence in this firm's work.

As a reminder, our firm will retain the complete file for this matter for a minimum of ten years, but may destroy the file after ten years have passed without further notice to you. All original documents you provided to me were returned to you at our meeting of March 3, but the rest of the file remains at our office and will soon be placed in storage. You are welcome to pick up the file at any time, but please be advised that we will need advance notice in order to retrieve the file from storage and copy the documents, per our retainer agreement, at your expense. If you choose not to collect the file in the next ten years, it will be destroyed in accordance with our file destruction policy, taking care to preserve your confidentiality and conform to environmental standards without further notice to you.

Thank you again for entrusting this matter to our firm, it has been my pleasure to work with you and your family. If you have any further questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Sarah Jones

Sarah Jones, Esq.
MLM Firm
800.888.8888 ext. 1234
sjones@mlmfirm.com

File Closing Checklist: MLM Firm

- ✓ Return original documents to the client (after making a copy for the complete file).
- ✓ Remove extra note pads, paperclips, duplicates and writing utensils from the file.
- ✓ Organize the file and ensure any misplaced documents are replaced before the file is stored.
- ✓ Review the file for any enhancements and statutes of limitations that should extend the retention period and set an appropriate tentative destruction date.
- ✓ Write a short note regarding the retention period and circumstances that should be reviewed before the file is destroyed, to be read before the file is destroyed. Include this note in the file.
- ✓ Add the file destruction date to the attorney's or office manager's calendar.
- ✓ Send the client a closing letter notifying them of the file retention policy, the client's right to pick up the file and the possible destruction of the file after ten years.

Example File Destruction Letter

Firm Letterhead, PLLP

January 1, 2012

Mr. Steve Anderson
1211 Shoreview Drive
Minneapolis, MN, 55411
Forwarding Service Requested

Dear Mr. Anderson,

This letter will serve to inform you that representation in the matter Anderson v. Johnson concluded more than ten years ago and the file for that matter is slated for destruction in April of 2012. Please contact me if you would like to pick up the file from our office, or arrange to have the file delivered to you. If you do not wish to keep the file, please sign the enclosed form, indicating your consent to have the file destroyed and mail it back to my office using the enclosed stamped envelope. If I do not hear from you by April 15th, I will assume the file can be destroyed.

Once again, on behalf of MLM Firm, I would like to thank you for your business. It has truly been a pleasure to represent you and I hope to hear from you soon. If you should have any questions regarding the destruction of the file or anything else in this regard, please do not hesitate to contact me.

Best wishes,

Sarah Jones

Sarah Jones, Esq.
MLM Firm
800.888.8888 ext.1234
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