
destroying files

Posted by AcePR - 2008/03/19 18:57

how long do you have to wait in order to destory old client files? The statute of limitations is 4 yr for malpractice, so can i destory them after 4 yrs?

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Re:destroying files

Posted by chris - 2008/03/19 23:43

i'd say keep them forever, or scan them into your computer and then shred. Or give copies back to clients.

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Re:destroying files

Posted by steve - 2008/03/20 00:21

If you are not willing to hold client records forever, then I would scan & store attorney work product electronically and return duplicate document copies to the clients, if necessary.

If a client picks up file a from you I would make sure you have them sign a statement saying they picked up their files and retain the signed statement for your records.

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Re:destroying files

Posted by chris - 2008/03/31 17:38

what if you already started destroying the files?

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Posted by LK311 - 2008/03/31 19:09

Rule of thumb in legal circles is generally you store the file for 5-7 years from the date of the last transaction. Its not just for statute of limitations purposes, but you need to hold the file for things like, in case another potential cause of action comes out fo the same transaction, statute of limitations issues, tax purposes and a host of other reasons. Usually after 5-7 years, people consider it more than reasonable to start destroying files, but it must be from the date of the last transaction on the file. Scanning is another good way to go, but for large files that could be a project unto itself and may not be worth the time since you are not going to be paid for it.

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Posted by Brian - 2008/05/12 20:49

The problem with storing files electronically is that computer hackers maybe able to capture client data. Or is everything is stored electronically and there is a fire or file corruption, then you are screwed. There is no absolute way to preserve everything forever.

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Posted by Brian - 2008/05/13 04:18

Rules of professional conduct usually require only that reasonable means be used to maintian records or return them to

the client.

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Posted by melvs - 2008/05/17 08:31

Make reasonable means and effort to maintain records or return them to the client.

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Posted by Samantha - 2008/05/23 04:37

FYI: You can also use an internet hard drive like an X-drive and scan/save all your files there. Storing files can get expensive, especially if you close your practice.

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