
purging files

Posted by Samantha - 2010/06/02 22:19

The CA MRPC doesnt "recommend" a length of time to retain client files. Other than holding them for at least 6 years (statute of limitations for my civil actions) what is the rule of thumb when determining when to destroy client files? The cost to warehouse the files is just took expensive, and most of the files are for cases that are well over 10 yrs old.

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Re:purging files

Posted by jano - 2010/06/22 23:10

There is no hard and fast rule. Many firms rent spaces to archive client files over the years. This can get very expensive.

My office scans the entire client file and then shreds the remainder. He hire law clerks to scan and organize. Worked out great for us.

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Re:purging files

Posted by Jackie - 2010/06/30 23:18

If you send a client a termination letter stating that you are no longer representing the client and the attorney client relationship is ending them you only need to do hold the file for the length of the statute of limitations.

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Re:purging files

Posted by et non - 2010/07/06 22:42

In the client termination letter have the client sign a release stating that they know that the attorney client relationship is ending and that if they want to engage you in the future that they need to sign a new engagement letter. If they dont sign and return the release, then contact them by phone and then if still no response, then scan all the records and then shred the paper copies.

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Posted by Lex - 2011/04/19 00:14

I just searched the forum and this thread was on point to one of my questions. Thanks. I'm taking a hybrid approach by scanning some, then savings them in a client directory, then shredding the paper. Now that computers are staked with terabytes of hard drive save, you can retain my documents in electronic format and purge the paper

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Posted by Kash - 2011/04/26 00:22

Get a law clerk to scan then into electronic media. Most high scan copiers also scan and within weeks you can archive all document onto a network. This will save storage space, money and time for retrieval.

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Posted by Sumo - 2011/06/30 23:38

Update your engagement letter to state that you will only retain files for say 4 hrs and after that you will purge the file. That way you are handling tphe file retention policy upfront and right at the beginning.

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Posted by Henkel - 2011/07/07 23:41

Most model rules of professional conduct state that the #1 priority upon termination of representation, is that you should take reasonable steps to protect the client's interest, such as giving notice to clints and allowing time for the client to retain another counsel for which you should transfer the file. Make sure you charge for making the copies.

Also, the model rules of professional conduct state that the burden of proof for showing that it was reasonable to destroy the records without prior notice to the client is on the attorney.

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