

VAUGHN-MARTEL LAW

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FILE RETENTION AND DESTRUCTION POLICY

Thank you for choosing Vaughn-Martel Law to assist you in your legal matter. At Vaughn-Martel Law, the attorney-client relationship is central to everything we do. In order to build a strong and effective professional relationship, our attorneys and staff are committed to the highest standards of loyalty and confidentiality. In that regard, the Firm has implemented this File Retention and Destruction Policy with the goal of safeguarding your confidential papers and data.

Maintenance of the Client File During the Client's Matter

- 1) **The Client File.** The Client File consists of all papers, documents, electronic data, and tangible things delivered to the Firm by the Client, or which are created, prepared, sent to, or received by, the Firm during the course of the Client's representation. This may include correspondence, court pleadings and papers, drafts, agreements, billing records, client documents, and notes.
- 2) **Maintenance of Active Client Files.** The Client File shall be maintained in its entirety at the Firm's offices during the pendency of the Client's legal matter or representation.
- 3) **Access to Records and Files.** The Client shall have the right to inspect his or her Client File, or to request copies of specific papers or documents, upon reasonable advanced notice to the Firm. The cost, if any, to retrieve, reproduce, or deliver any such document or record shall be paid by the Client.

Closing of the Client File

- 1) **Closing Client Files.** The Client's File shall be closed at the conclusion of the Client's legal matter or representation, subject to the following:
 - a. a file cannot be closed until all outstanding fees are paid or discharged;
 - b. a file cannot be closed until there is a final distribution and accounting of all trust balances relating to the file;
 - c. at the discretion of the responsible lawyer, the file can be culled of unnecessary material.
- 2) **Closing Letter.** The Firm shall notify the Client in writing at the conclusion of the Client's legal matter or representation, and deliver to the Client a copy of the Firm's *File Retention and Destruction Policy*.

3) **Closing Date.** Unless otherwise indicated, the date of the closing letter shall be the effective Closing Date of the Client File.

4) **Change of Client Address. THE CLIENT SHALL NOTIFY THE FIRM OF ANY CHANGE IN RESIDENTIAL OR MAILING ADDRESS(ES), TELEPHONE NUMBER(S), E-MAIL ADDRESS(ES), OR OTHER CONTACT INFORMATION.**

Retention of the Client File After the Client's Matter

- 1) **Retention Schedule.** The original Client File shall be retained according to the following schedule and guidelines:
- a. closed files will be stored in their entirety for the first three (3) years following the Closing Date.
 - b. at the conclusion three (3) years following the Closing Date, a 3-Year Letter shall be sent to the Client via first-class mail stating that:
 - i. With the exception of any Vital Records, files held longer than three (3) years will be scanned and preserved in electronic form only;
 - ii. The Client may obtain his or her original Client File by requesting the same, in writing,

within thirty (30) days of receipt of the 3-Year Letter.

- iii. Unless the Client makes a written request to obtain his or her original File, the Client File will be scheduled for destruction ninety (30) days after the date of the 3-Year Letter.
 - iv. If the Firm has not heard back from the Client, the Firm will assume that the Client has no objections to the destruction of the original Client File in accordance with this Policy.
 - v. If the Client requests his or her original file in writing within ninety (30) days of the 3-Year Letter, the Client File will be prepared for delivery to the Client. The Client File will be shipped via Federal Express, and the cost of shipping shall be paid by the Client.
- c. The Firm will retain a complete electronic copy of the Client File for a minimum period of ten (10) years following the Closing Date of the Client's File.
 - d. **UNDER NO CIRCUMSTANCES WILL VITAL RECORDS BE DESTROYED. ORIGINAL VITAL RECORDS WILL BE RETAINED BY THE FIRM.**

- e. The Firm shall maintain a database of Closed Files, including a list of any original Vital Records retained by the Firm.

- g. original estate planning documents, including wills and trusts, etc.

Destruction of the Client File

- 1) **Review by Attorney.** No Client File may be destroyed until it has been reviewed individually by an attorney and found to be suitable for destruction. The attorney shall exercise professional judgment in determining whether a particular file is suitable for destruction erring on the side of retaining the Client's File if there is any reason why the file may be needed in the future.
- 2) **Retention of Vital Records.** Vital Records within a Client's File shall not be destroyed, unless the Firm is directed to do so in writing by the Client. These Vital Records include, but are not limited to:
 - a. original executions;
 - b. original agreements, contracts, or paperwork;
 - c. judgments, orders or agreements involving minor children, child support, custody, adoption, etc.
 - d. original marriage, birth, or death certificates;
 - e. original premarital and divorce agreements;
 - f. original settlement agreements and releases; and

- 3) Destruction of the Client's File shall be accomplished by a third-party professional document management company in a manner that preserves client confidences.