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DOUGLASE CHRISTENSEN
OFFICE MANAGER

June 27, 1990

Dear [REDACTED]

The Ethics Committee of the State Bar Association of North Dakota has addressed and discussed the question raised in your letter of June 1, 1990.

It is the opinion of the Committee that the current rules of professional responsibility do not address the issue you raised in your letter. The Committee is of the opinion that you would be obligated to make a reasonable effort to contact clients and give them a reasonable time in which to respond to the notice. If some clients cannot be personally notified, you might want to consider some type of a public notice by way of a notice in the local paper.

The Committee is also of the opinion that you must make an effort to review the files to assure that all original documents which are significant to the client would be returned to the client. If they cannot be returned, then we would assume that they would be transferred to the successor law firm. You must assure that originals which are of significant importance would not be destroyed.

This letter opinion is issued to you for advisory purposes only and is not binding on you, the Court's of North Dakota, the


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Disciplinary Board, Grievance Committees, or any other member of the Bar of the State of North Dakota.

Sincerely,

Paul F. Richard
Chairman-Ethics Committee
State Bar Association of North Dakota
cc: Sherry King

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June 1, 1990

Mr. Paul F. Richard
Chairman, Legal Ethics Committee
North Dakota Bar Association
P.O. Box 6017
Fargo, North Dakota 58108

Dear Mr. Richard:

I am in the process of closing out my law practice and I have made arrangements to sell all of my equipment to a local law firm.

My problem is, what do I do with all of my old files? What is my obligation to clients in regard to these files?

I understand that as to pending litigation my clients would have the option of selecting a lawyer of their choice. That option will certainly be made available to my clients.

My problem rests more with old files that have been inactive but that I maintain for clients who come in, perhaps once every three (3) or four (4) years.

Also, I have old files for clients that are now deceased; however occasionally a decedent or relative becomes involved in something that involves these old files therefore they have been useful; however in many cases I wouldn't know even where to contact relatives or decedents. Also, as I am sure that all of you are aware, it would very time consuming and expensive.

I had planned to notify the clients that I can locate that their files will be available for them to pick up or they may at their option leave their files with me and they will be transferred to my successor law firm.

In any event, I would appreciate some sort of guidance from your committee. Incidentally I intend to have this all concluded by

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Mr. Paul F. Richard

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the end of July; therefore your early response will be appreciated. Thank you.

I remain,

Yours very truly,

