

IOWA STATE BAR ASSOCIATION

Client File Retention Guide¹

At some point, most lawyers face the question of “**What do I do with client files that are closed and dormant?**” How long should the lawyer retain a client file? What documents in the file are required to be maintained by the lawyer? Which contents of the file belong to the client? Can the contents of the file be electronically scanned and then destroyed? What do the Iowa Rules of Professional Conduct require?

Lawyers are required to comply with a number of ethical and legal obligations related to client files and property. Applicable Iowa Rules of Professional Conduct include:

● **Prof.Cond.R. 32:1.1**

A lawyer shall provide competent representation.

● **Prof.Cond.R. 32:1.3**

A lawyer shall act with reasonable diligence and promptness.

● **Prof.Cond.R. 32:1.4**

A lawyer shall keep the client reasonably informed and promptly comply with all of a client’s reasonable requests for information.

● **Prof.Cond.R. 32:1.6**

A lawyer shall not reveal information relating to representation of a client.

● **Prof.Cond.R. 32:1.15**

A lawyer shall safeguard the property of the client.

● **Prof.Cond.R. 32:1.16(d)**

A lawyer shall, upon termination of representation, take reasonable steps to protect a client’s interest including surrendering paper and property to which the client is entitled.

Confidentiality of Files

What must be kept confidential?

Maintaining the confidentiality of client files is a duty imposed upon lawyers by Prof.Cond.R. 32:1.6. An important step toward complying with this duty is the maintenance of a paper or digital filing system with access limited only to authorized personnel.² Equally important, a lawyer must use “reasonable efforts to prevent the

¹ **ADVISORY OPINIONS AND PRACTICE GUIDELINES ISSUED BY THE IOWA STATE BAR ASSOCIATION DO NOT HAVE THE FORCE OF LAW AND ARE NOT BINDING ON THE IOWA SUPREME COURT, AS IOWA LAW PLACES SOLE RESPONSIBILITY FOR THE REGULATION OF THE PRACTICE OF LAW IN THE SUPREME COURT.**

The Iowa State Bar Association is grateful to the Ohio Board of Professional Conduct for permission to base this Client File Retention Guide in large part on the Ethics Guide on Client File Retention prepared by the Ohio Board of Professional Conduct.

² See Restatement (Third) of The Law Governing Lawyers, Sec.46.

inadvertent or unauthorized disclosure” or access to a client’s file regardless of whether it is maintained in paper or digital format.³

Iowa Client File Retention Requirements

How long must a lawyer maintain a closed client’s file?

The Iowa Rules of Professional Conduct do not prescribe a minimum period of time for the retention of client files, nor is a lawyer required to permanently preserve all files of current or former clients. The Iowa State Bar Association’s Committee on Ethics and Practice Guidelines has suggested a retention period of not less than 6 years after the rendering of last legal service if a written file destruction policy is in place or 10 years without a written policy.⁴ It is nearly impossible to establish a minimum retention period for client files that applies in all circumstances. The decision of how long to maintain a client file always lies within the professional judgment of the lawyer, and may be influenced by the nature and subject matter of the representation, relevant statutes of limitations, and potential malpractice issues.

However, lawyers should always be mindful of one time period for document retention required by the Iowa Rules of Professional Conduct:

IOLTA/trust account records shall be kept by lawyer for six years after termination of representation (Prof.Cond.R. 32:1.15).

Despite the lack of minimum file retention requirements in Iowa, other jurisdictions suggest client file retention periods that run concurrently with IOLTA/trust account recordkeeping requirements. In these situations, a lawyer maintains both required trust account and financial records and the underlying client file for the entire IOLTA retention period, *i.e.* six years.

Although maintaining client files for the duration of the IOLTA retention period may be appropriate in many cases, certain client matters may require a longer or possibly an indefinite period of retention. For example, certain files related to minors, probate matters, estate planning, tax, criminal law, corporate formation, business entities, and transactional matters should be retained until the files no longer serve a useful purpose to the current or former client. Consequently, a careful and particularized review of each client file, and the establishment of a specific file retention period for the file, may be necessary with regard to some matters.⁵

A retention period for the client file should take into consideration the statute of limitations to bring claims against the lawyer or any retention period required by the lawyer’s malpractice carrier. Special attention should also be given to the discovery rule and its application to legal malpractice matters when establishing a file retention policy.

³ Prof.Cond.R. 32:1.6, comment [18]. “Reasonable” when used in relation to conduct by a lawyer means conduct of a reasonably prudent and competent lawyer. Prof.Cond.R. 32:1.0(h).

⁴ See Iowa State Bar Assoc. Ethics and Practice Guidelines Committee, Op. 08-02 (2008).

⁵ See also *Client File Retention Policy*, page 3.

What are Client Papers and Property? Who owns the Client's File?

The Iowa Rules of Professional Conduct provide that upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect the client's interest, 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 expenses that has not been earned or incurred.⁶ While Iowa's rules do not define client papers and property, client papers and property may include correspondence, pleadings, deposition transcripts, exhibits, physical evidence, expert reports, and other items reasonably necessary to the client's representation.⁷

The Iowa Supreme Court has adopted the "entire file" approach for determining who owns the documents within a client's file. As a result, a client is entitled to all materials possessed by the lawyer in the client file, but with a few narrow exceptions, which include:

1. Items that are properly refused to be disclosed for a client's own benefit unless a tribunal has required disclosure.⁸
2. Certain law firm documents reasonably intended only for internal review, such as assignment of personnel to case, withdrawal because of client's misconduct, or the firm's possible malpractice liability to the client.⁹

The Iowa Rules of Professional Conduct do provide in a comment that a lawyer may retain papers as security for a fee to the extent permitted by Iowa Code section 602.10116 or other law.¹⁰ Still, the ISBA Committee on Ethics and Practice Guidelines has opined that a lawyer may not assert a statutory retaining lien against a client's original documents if, by doing so, the client would be otherwise prejudiced.¹¹

Client File Retention Policy

A lawyer should adopt and consistently follow a written client file retention policy. Such a policy should meet the needs of the lawyer's practice and comply with the Iowa Rules of Professional Conduct. A retention policy should include the step-by-step details necessary for the lawyer to (1) close and store the client file, (2) transfer the file to the client, a third party, or subsequent lawyers, and (3) eventually destroy the file. The policy also should address document review processes and procedures, IOLTA records,

⁶ Prof.Cond.R. 32:1.16(d)

⁷ See *supra* n.3 for definition of "reasonable."

⁸ See Iowa Supreme Court Att'y Discip. Bd. v. Gottschalk, 729 N.W.2d 812, 819-820 (Iowa 2007).

⁹ *Id.*, Restatement (Third) of The Law Governing Lawyers, Sec. 46, cmt. c (2000), ABA Comm. on Ethics and Prof'l Responsibility, Formal Op. 15-471(2015).

¹⁰ See Prof.Cond.R. 32:1.16, Comment [9].

¹¹ See Iowa State Bar Assoc. Ethics and Practice Guidelines Committee, Op. 07-08 (2007).

backup and archival procedures of digital and paper documents, the designation and duties of a firm's client file custodian, and the creation of a destroyed client file register.

In developing a retention policy, a lawyer should consider the nature of his or her practice and the types of client materials that come into his or her possession. A different retention period may be required for each area of the lawyers' practice. For example, a corporate practice may require the retention of certain closed files for the life of the corporation; a collections practice may require a retention period until a judgment can no longer be revived; and a practice that includes cases involving minors may require retention beyond the age of majority. The separate retention period established for each practice area or matter type should be described in the firm's retention policy.

Even if the lawyer concentrates his or her practice in a single area of the law, the retention policy may need to distinguish between different case types within that area of practice. For example, a lawyer practicing domestic relations law would likely need to establish a longer file retention period for divorce cases involving minor children compared to the dissolution of a marriage with no children.

Notice to Clients

At the beginning of the representation, the lawyer should notify the client, in writing, of the general provisions of the firm's file retention policy.¹² This is best accomplished through a statement in the initial engagement letter or fee agreement explaining when the file will be returned to the client. It is also acceptable and strongly advised that the lawyer provide the client with copies of correspondence, pleadings, deposition transcripts, and expert reports during the representation to keep the client reasonably informed as well as to comply with requests for information as required by Prof.Cond.R. 32:1.4(a) (3)-(4). The release of materials to the client during representation does not relieve the lawyer of obligations to maintain a complete client file or to turn over documents upon request.

The following is a sample statement in an initial engagement letter, regarding the final disposition of the client's file:

It is the policy of the firm that we will keep and store your file for _____ years after the date of the last legal service as evidenced by the date of the letter closing the file. Thereafter, the file and all of its contents will be permanently destroyed without further notice to you. You may retrieve your file and all of its contents at any time during that period.

The closing letter at the conclusion of representation should include a recitation of the firm's file retention policy and the date when the file will be destroyed.¹³ The letter

¹² See Iowa State Bar Assoc. Ethics and Practice Guidelines Committee, Op. 08-02 (2008).

¹³ *Id.*

should allow the client a reasonable period of time to request a copy of his or her file before it is destroyed.

The file closing letter may contain language similar to the following:

Under the firm's file retention and destruction policy, your file will be kept for ___ months/years from the above date after which time the file will be permanently destroyed. You may retrieve your file and its contents at any time prior to the date of destruction.

A file retention policy, explained in both the initial engagement and file closing letters, give the client sufficient notice of the length of time the file will be retained and that it may not be kept indefinitely by the lawyer. As indicated above, a retention period for the client file should take into consideration the statute of limitations to bring claims against the lawyer or any retention period required by the lawyer's malpractice carrier. Special attention should also be given to the discovery rule and its application to legal malpractice matters when establishing a file retention policy. In addition, a policy should address suspension of destruction of any records that are relevant to any threatened or existing action, including malpractice matters.

A retention policy may still be adopted even after lawyer has been in practice for a significant period of time. When implementing a policy after accumulating files for years or even decades, the lawyer should set a date for implementation and draft a letter to current and former clients detailing the retention policy, dates for file destruction, and the time period the client may request and obtain their file.

Closing and Transmittal of the Client File

A lawyer is required to take reasonable steps to protect the client's interest when a client file is closed at the end of representation.¹⁴ This duty applies regardless of the reason for the termination of the representation.

A lawyer should take certain steps when closing a client file:

1. Determine that the matter has concluded (e.g., file contains a dismissal entry, satisfaction of judgment, lease termination, etc.) and inventory the file determine its contents;
2. Determine which documents the client is entitled to receive;
3. Determine whether the file contains other client property, such as, (a) items provided by the client or (b) original documents: wills, powers of attorney, advance healthcare directives, other executed estate planning documents, cash, bonds, negotiable instruments, deeds, official corporate or other business and

¹⁴ Prof.Cond.R. 32:1.16(d).

financial records, and settlement agreements produced during the representation;

4. Determine which of the identified items can or should be returned to the client for their safekeeping. If you make the determination that you should retain some of the items provided by the client or original documents, identify the item or document and its location on a separate list; and
5. Cull, at the lawyer's discretion, publicly available documents such as pleadings and briefs, hard copies of transcripts available digitally, and work product (e.g. internal firm correspondence, drafts of documents, and lawyer's notes).

When the client file is transferred to the client, a letter listing the general contents of the file should be prepared with a receipt to be signed by the client. Alternatively, a copy of the file might be retained by the lawyer. Clients should be encouraged to pick up the file from the lawyer's office whenever possible. A lawyer should maintain a copy of the signed receipt with his or her copy of the client file. Files mailed at the client's direction should be sent by certified mail. If the client directs the lawyer to send the file to a third party or another lawyer, the request should be made in writing with a signed release to transfer the file. If the location of the client is generally unknown, it is advisable to withhold all original documents or client papers for transmittal until the client's address is confirmed or the client contact the lawyer. A lawyer should not charge the client for providing the file or making copies of the file.¹⁵ Charging a client a separate fee to store his or her file during any retention period is discouraged unless the expense is reasonable and agreed upon in writing.¹⁶

Destruction of Retained Files

A file may be destroyed at any time with the client's consent. However, it is the best practice for a lawyer to retain either a paper or digital copy of the file for the duration of the firm's file retention period. Even if the client previously has been advised of the file retention period, it is the best practice to send a final file destruction notice to the client before any client files are destroyed.¹⁷

The file destruction notice should be sent to the last known address of the client. A lawyer is required to take reasonable steps, but not extraordinary measures, to locate missing clients.¹⁸ For example, contacting known family members, placing a notice in a newspaper of general circulation, or a search of commonly used electronic databases,

¹⁵ See, e.g., Iowa Supreme Court Att'y Discip. Bd. v. Gottschalk, 729 N.W. 2d at 819-820; Prof.Cond.R. 32:1.16(d) Iowa State Bar Assoc. Ethics and Practice Guidelines Committee, Ops 08-02 (2008) and 07-08 (2007); G. Sisk & M. Cady, 16 Ia. Prac., Lawyer and Judicial Ethics, section 5:15(c).

¹⁶ See Prof.Cond.R. 32:1.5(b); Iowa State Bar Assoc. Ethics and Practice Guidelines Committee, Op. 08-02 (2008), Iowa Code section 602.10116.

¹⁷ See Iowa State Bar Assoc. Ethics and Practice Guidelines Committee, Op. 08-02 (2008).

¹⁸ See *supra* n.3.

social media, or the internet are considered reasonable efforts undertaken to locate the client.

Lawyers are not required to send a file destruction notice by certified mail, but unique circumstances may warrant the use of this method. For example, the use of certified mail may be prudent when a client has made contact with the firm requesting to pick up a copy of the file prior to its destruction but has failed to do so after a reasonable period of time.

A file destruction notice should inform the client when the file will be destroyed:

You are advised that your file will be destroyed any time after _____ pursuant to the file closed letter dated _____. You may request the file at any time before that date.

Each file that is scheduled to be destroyed should be reviewed again by the lawyer. A lawyer should use care not to destroy or discard information that the lawyer knows or should know may still be necessary or useful in the assertion or defense of the client's position in a matter for which the applicable statutory limitations period has not expired. This will require a lawyer to consider all relevant statutes of limitations, substantive law, and the nature of the client's case before destroying the client's file. If a client cannot be located, but the file contains property owned by the client, it should be "segregated and preserved."¹⁹

Although the Iowa Rules of Professional Conduct do not prescribe any particular method for the destruction of client files, a lawyer is obligated to maintain client confidentiality even after the representation terminates, including when disposing of a client's file.²⁰ Cross-hatch shredding or incineration of closed files are recommended methods of destruction of client files. If third party vendors are contracted to destroy records, the lawyer is primarily responsible to ensure the vendor uses methods that minimize the risk of disclosure of confidential information. Destruction of email and other digital records also requires the use of technologically secure methods to preserve confidentiality. Lastly, it is recommended that physical hard drives be wiped pursuant to the National Institute of Standards and Technology guidelines prior to resale or disposal of electronic devices.²¹

After a file is destroyed, a lawyer should maintain a permanent "destroyed client file register" in either paper form or an electronic database organized by client and matter number, that includes:

1. The date of the opening and closing of the file;

¹⁹ G. Cunningham and J. Montana, *The Lawyers' Guide to Records Management and Retention* (ABA 2006), at 117,

²⁰ See Prof.Cond.R. 1.6.

²¹ See NIST Special Publication 800-88 Rev. 1.

2. The date of the termination of the representation;
3. A copy of the letter to the client notifying the client of the pending destruction of the file;
4. The name of the lawyer(s) that reviewed the file at closing, prior to its destruction, and who authorized the destruction; and
5. Receipt for a file transferred to the client or a subsequent lawyer at the end of representation.

Electronic Correspondence

Email messages constitute papers or property to which the client is entitled under Prof.Cond.R. 1.16(d). Like other forms of client papers and property, a lawyer's ethical obligation to retain and safeguard materials relating to the representation of a client depends on the facts and circumstances of each representation.²² A lawyer should retain emails that have a substantive impact upon the client's future representation. For example, a lawyer should retain an email that communicates and evaluates a settlement offer from an insurance company but may discard a nonsubstantive email confirming a meeting or providing directions to a deposition.²³

The retention and maintenance of client related emails should be incorporated into the firm's file retention policy. A lawyer is responsible for following the firm's email policy and understanding the underlying technology that creates and stores the emails.²⁴ Failure to do so may cause the inadvertent loss of important lawyer-client communications that adversely affect the client's future legal needs. Consequently, a lawyer should undertake steps to collect and store emails by client and matter to ensure they are physically or electronically associated with the client file.

Digital Media and "Cloud" Storage of Client Files

As law firms adopt digital records as the primary method for producing and storing client papers and files, lawyers must ensure client information is securely stored. Lawyers who continue to handle paper documents may consider digital scanning as an alternative to traditional file storage methods. The Iowa Rules of Professional Conduct authorize the scanning and simultaneous destruction of paper documents; however, there are instances when original paper records may constitute part of the client's file and will still need to be maintained. Client property or originals of legally significant documents in paper form should never be destroyed after scanning and should be returned to the client. When using technology, a lawyer is required to use the requisite "legal knowledge, skill, thoroughness, and preparation reasonably necessary for the

²² See ABA Comm. on Ethics and Prof'l Responsibility, Formal Op. 15-471 (2015).

²³ *Id.*

²⁴ See Prof.Cond.R. 1.1, Comment [8].

representation” including making decisions concerning the maintenance of digital client files.²⁵ The dual application of Prof.Cond.R. 1.6 and 1.15 requires that any internal or external digital file storage method employed by a lawyer must be secure, and that reasonable measures be taken to protect the confidentiality and security of the client property.

“Cloud” File Storage

Although not required to do so, a lawyer should inform clients regarding the use of “cloud” storage of all or part of the client’s file.²⁶ Some clients may have legitimate concerns about the level of security employed by vendors selected by the lawyer. A lawyer must exercise due diligence in selecting a vendor that the lawyer has determined will provide services consistent with the lawyer’s ethical obligations.²⁷ Outside service providers hired for “cloud” storage of client files are considered nonlawyer assistants under Prof.Cond.R. 32:5.3(a), thus a lawyer must use reasonable efforts to ensure that a vendor’s “conduct is compatible with the professional obligations of the lawyer.”²⁸

The ABA has concluded that the Model Rules of Professional Conduct allow for the outsourcing of legal and nonlegal support services, if the lawyer makes reasonable efforts to ensure compliance with the rules relating to competency, confidentiality, and supervision.²⁹

The use of “cloud” storage systems should prompt the lawyer to consider a vendor’s compliance with the same confidentiality standards set forth in Prof.Cond.R. 32:1.6. In selecting a vendor, the lawyer must “act competently to safeguard information relating to the representation of a client against unauthorized access by third parties and against inadvertent or unauthorized disclosure by the lawyer or other persons who are participating in the representation of the client or who are subject to the lawyer’s supervision.”³⁰ Consequently, a lawyer using the services of an outside service provider for digital “cloud” storage is required to undertake reasonable efforts to prevent the unauthorized disclosure of client information.³¹ This may require a reasonable investigation by the lawyer of the methods employed by the third-party vendor. Factors to be considered in determining the reasonableness of the lawyer’s efforts to safeguard information, the likelihood of disclosure if additional safeguards are not employed, and the cost of employing additional safeguards.³²

²⁵ *Id.*

²⁶ See Prof.Cond.R. 32:1.4(a)(2) and 1.6.

²⁷ See Iowa State Bar Assoc. Ethics and Practice Guidelines Committee, Op. 11-01 (2011).

²⁸ Prof.Cond.R.32:5.3(b).

²⁹ See ABA Comm. on Ethics and Prof’l Responsibility, Formal Op. 08-451 (2008).

³⁰ Prof.Cond.R. 32:1.6, Comment [18].

³¹ See Prof.Cond.R. 32:5.3.

³² See Prof.Cond.R. 32:1.6, Comment [18].

At a minimum, the lawyer employing “cloud” storage methods should ensure:

1. The vendor understands the lawyer’s obligation to keep the information confidential;
2. The vendor is itself obligated to keep the information confidential; and
3. Reasonable measures are employed by the vendor to preserve the confidentiality of the files.

Client Files and Succession Planning

A lawyer’s duty of competent representation includes safeguarding the client’s interest in the event of the lawyer’s death, disability, impairment, or incapacity.³³ This can be ensured through a firm succession plan that contains explicit instructions to a named successor lawyer for the handling of open client files and matters, as well as closed client files maintained pursuant to a file retention policy.³⁴ The instructions should include the location of the client files and, in the event the files are maintained electronically either locally or in the “cloud,” any necessary passwords or login information. Compliance with Iowa Court Rule 39.18 requires naming a designated representative with knowledge of the location of paper and electronic files and the ability to access these files.³⁵

The retirement or resignation of a lawyer can also present client file issues if the lawyer has never implemented an adequate file retention and destruction schedule. A lawyer considering retirement or resignation should take certain steps to ensure the proper transfer of the files to a successor lawyer or begin the process of inventorying and disposing of client files. The inventorying process should follow the aforementioned steps in this guide, including using reasonable efforts to contact former clients prior to the destruction of files.

³³ See ABA Comm. on Ethics and Prof’l Responsibility, Formal Op. 92-369 (1992).

³⁴ *Id.*

³⁵ See Iowa Court Rule 39.18 (2018)

Appendix 1

RECORD RETENTION

The Iowa Rules of Professional Conduct require IOLTA and trust account records for six years after termination of representation. All other records can be returned to clients at any time.

The following are general recommendations for a lawyer's retention of other types of records.

GENERAL GUIDELINES

TYPE OF RECORD	RECOMMENDATION
No Written Retention Policy	10 years
Written Retention Policy	6 years
IOLTA/Trust Account Records	6 years

EXCEPTIONS

TYPE OF RECORD	RECOMMENDATION
Adoption Files	Indefinitely
Child Support/Alimony	6 years after payments end per decree
Civil Judgments	More than 6 years if renewal, payments, or collection apply

Organization Charter, Stock/Unit Certificates, Minutes, and Bylaws/Operating Agreement	Indefinitely (To the extent lawyer is maintaining documents for client)
Criminal Convictions	Life of client
Custody Files	6 years after age of majority
Documents Under Seal	10 years
Estate Planning	Indefinitely
Estate Probate Matters	Tax basis information should be retained indefinitely; all other documents retained at least 6 years after estate is settled
Real Estate Transactions	10 years. Retain abstracts, surveys, legal descriptions not of record, and chain of title information indefinitely
Real Estate Purchases	Indefinitely (to the extent lawyer is maintaining documents for client)
Securities	Contact SEC
Structured Settlements	Life of client
Tax Matters	Contact IRS
Title Documents	Indefinitely
Trust Deeds	Indefinitely

Union Negotiations

Indefinitely

Appendix 2

SAMPLE COMMUNICATIONS TO CLIENTS **File Destruction Letter to Former Client**

Sample 1 *From Law Firm*

Dear Former Client:

As you may recall, I represented you in a legal matter several years ago. It has now been more than ____ years since I closed that file. Under my firm's office procedures I would customarily destroy the file at this point in time. Before doing so, however, I wanted to give you an opportunity to have the file returned to you. Accordingly, if you would like to have the file returned, please advise me by _____. Unless I hear from you by that date, I will assume that you do not want the file and it will be destroyed.

Very truly yours,

Sample 2 *From Minnesota Lawyers Mutual*

Dear Client:

This letter will serve to confirm our recent conversation regarding the conclusion of our representation in the matter _____, as the matter has reached its 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 _____, 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. If you have any further questions regarding this matter, please do not hesitate to contact me.

Sample 3 *From Minnesota Lawyers Mutual*

Dear Former Client:

This letter will serve to inform you that representation in the matter _____ concluded more than ten years ago and the file for that matter is slated for destruction on _____. 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 _____, I will assume the file can be destroyed. Once again, on behalf of the 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.

Sample 4 *From CNA*

Dear Client:

Thank you again for selecting our firm to represent you with respect to case/matter _____. This letter is being sent to confirm that case/matter _____ is now concluded and we will be closing our file, as our representation of you has terminated. Enclosed with this letter are our final invoice and any original documents related to your case/matter that we have not previously returned to you, as listed in the appendix. [Alternatively, we have previously returned to you all original documents related to your case/matter.] In accordance with our firm's document retention policy, we will retain your legal file for ____ years from this date. At the expiration of this period, we will destroy these files unless you notify us in writing that you wish to take possession of them. We reserve the right to charge administrative fees and costs associated with researching, retrieving, copying and delivering such files.

In the event that you need legal representation in the future, I hope that you will consider engaging our law firm again. Thank you for allowing us to represent you in this matter.

Sample 5 *From CNA*

Dear Client:

Our firm recently revised our existing record retention and destruction policy covering files, records and data related to all engagements, including past representations. I have enclosed a summary of this policy for your information. This policy became effective on _____ and applies to all current pending client matters as well as all future matters.

Additionally, on _____, we will begin reviewing closed files for destruction in accordance with our revised policy. Those files that are older than the retention period specified in the revised policy will be destroyed on or after _____. This will result in the destruction of our files for most matters that closed on or before _____.

As you know, for some time it has been our policy to return all of your original records to you at the conclusion of each engagement. You are responsible for maintaining these records for your business or personal needs.

If you would like to obtain copies of file records from closed matters, please provide our office with a letter or e-mail no later than _____, listing the specific records you would like researched and copied. We will bill you at our regular hourly rates to retrieve these records, as well as for all expenses incurred in connection with such requests. If we do not hear from you by that date, we will begin the destruction of all records contained in closed files per the policy as indicated in the summary.

Sample 6 *From Law Firm*

Dear Client:

This letter is sent to confirm that we have concluded our work for you with respect to. I am pleased that we were able to represent you. Working with you has been a pleasure.

Our file pertaining to the matter will be retained by us for _____ years, pursuant to the Firm's record retention policy. For various reasons, including the minimization of unnecessary storage expenses, we reserve the right to destroy or otherwise dispose of the file at the end of that period without further notice to you.

Because we may need to contact you during this period, please inform us, in writing, of any changes in your name, address, telephone number, contact person, or email address and of any other relevant changes in your contact information.

We enclose the following documents, which we deem your property:

We consider this matter closed. If other matters arise for which our Firm can be of assistance, please do not hesitate to contact us. We would be delighted to work with you again on a future matter.

Sample 7 *From Law Firm*

Dear Client:

We are in the process of scanning closed files in our office. We are returning the original documents in this matter. We suggest that you keep all your information relating to this matter in a safe place where you can easily locate it. Your file in our office will now be stored in an electronic format. This means we will not retain a hard (paper) copy of the file, but will keep an electronic version on a secure computer server. Of course, if you have a need for a copy of these documents after the paper file has been destroyed, we will be able to print these documents from the electronic version of the file for the next six years. Upon expiration of six years from today's date, the electronic version of the file will be permanently destroyed and we will no longer be able to retrieve any of the documents for you.

Should you have any questions or concerns regarding the information set forth above, please do not hesitate to contact me.

Sample 8 *From ALPS Property & Casualty Insurance Company*

Dear Client:

This matter now is closed. We are returning your original [records, documents] related to your case and we are closing our file. As we discussed during our initial interview with you, your file will be kept for a period of [number of] years. The file will then be destroyed unless you request that we store it longer or return it to you at that time. If you wish to have us to store the file for a longer period or return it to you when our normal retention period expires, you must give us written notice of that desire within thirty days of receipt of this letter. Please note that if it is your wish to not have your file destroyed, you will need to be responsible for keeping us informed as to how to reach you should your contact information ever change.

Sample 9 *From ALPS Property & Casualty Insurance Company*

Dear Client:

Our law firm destroys files [number of] years after they are closed. We have retained your file for that period of time and are now preparing to have it destroyed. If your desire is to have us continue to store it or see that it is returned to you, you must send us a letter telling us of your desire and this must be done no later than thirty days after the date you receive this letter.

Sample 10 *From Iowa State Bar Assoc. Ethics and Practice Guidelines Committee, Op. 08-02*

File Destruction Policy (to be included in Engagement Letter)

It is the policy of the firm that we will keep and store your file for < no less than six> years after the date of the last legal service as evidenced by the date of the letter closing the file. Thereafter, the file and all of its contents will be permanently destroyed without further notice to you. You may retrieve your file and all of its contents at any time during that period.

File Destruction Closing Letter

Your case has now been closed. Under the firm's file destruction policy, we will keep your file for 10 years from the above date after which time the file will be permanently destroyed. You may retrieve your file and its contents at any time during that period.

Notice of File Destruction

You are advised that as per the File Destruction Closing Letter dated <DATE> a copy of which is attached, your file will be destroyed any time after <DATE>. You may retrieve the file at any time before that date.