File Management

Once the conflicts screening procedure has been successfully completed and the matter has been accepted, it is time to open a new file. The file has to be properly managed during the life of the representation. At the conclusion, the file has to be stored, and eventually destroyed, to make room for new files. To determine when and what types of files can be destroyed and how long files need to be stored, refer to the Termination of Representation Section. The following checklist will assist lawyers in managing their files.

File Management Checklist

❑ Place a File Opening Form in each new file. (See page 70.)

❑ Maintain a master list of all files, and all documents in the files, in key locations throughout your office. This list will help you keep track of all matters being handled.

❑ Use a sturdy OUT CARD* when removing a file. The OUT CARDS should indicate who removed the file, when it was removed, and which file was removed.

❑ Create a policy for identifying physical objects or other documents that cannot be stored with the original file. This policy will help you locate these necessary objects and documents when needed during the matter, or at the close of the matter when it is time to return them to the client.

❑ Return any original documents to the client when the matter has ended.

❑ If requested, return the file to the client, whether or not the client still owes fees and expenses. If not, store the file in a safe place. You may never keep a client's file hostage for fees, and you should always keep a copy of the file.

❑ Place a File Closing Form in each file at the close of the matter. (See page 71.)

❑ Maintain a master list of destroyed files, including name, file number, date opened, date closed, date destroyed, and whether it was duplicated on another medium.

* OUT CARDS may be purchased at any office supply store.

Additional Resources for File Management

➤ ABA, Law Practice Management Section, *Law Office Policy and Procedure Manual* (4th ed. 2000).

➤ ABA, Committee on Continuing Professional Education, *A Practical Guide to Achieving Excellence in the Practice of Law* (1st ed. 1992).

➤ Lawyers Liability Review, "Closed Client Files: When Can They be Destroyed?", Vol. 14, No. 6 (June 2000).

Checklist for Opening Files

- ❑ Client Name: ____________________ ❑ Client Number: ____________________
- ❑ Client Matter: ____________________ ❑ Matter Number: ____________________
- ❑ Client Home Address: ____________________
- ❑ Client Home Telephone: ____________________ ❑ Client Home E-Mail: ____________________
- ❑ Client Business Address: ____________________
- ❑ Client Business Telephone: ____________________ ❑ Client Business E-Mail: ____________________
- ❑ Client Cell Phone Number: ____________________
- ❑ How was the matter obtained? ____________________
- ❑ Date file opened: ____________________
- ❑ Attorney assigned to the matter: ____________________
- ❑ Is the file for a new client, a new matter for a current client, or a new matter for a former client? __________
- ❑ Are there any partners, affiliates, subsidiaries, parent corporation or other related persons or entities? __________
- ❑ Was file placed on the Master File List/Client List and the Bookkeeping/Accounting List? __________
- ❑ Was written resolution of the Conflicts Search Results Memo placed in the file? __________
- ❑ Did the client sign an informed consent or waiver, if conflict found? __________
- ❑ What is the basis for the fee and the method for paying the fees and expenses? __________
- ❑ Was an Advance Deposit collected? __________
- ❑ Was the Deposit made into the client Trust Account? __________
- ❑ Was an Engagement Letter or other agreement sent to the client? __________
- ❑ Did the client sign or acknowledge the engagement letter? __________
- ❑ Were all critical dates, including prescription periods and closing dates, marked on the appropriate calendars? _____
- ❑ Who are the attorneys for the other parties, and/or the judge and arbitrator or mediator?
  (Obtain necessary information to communicate with each.)
  ____
- ❑ Were all necessary Client Authorizations and Consents obtained (including medical, financial, educational, etc.)?
  ____
- ❑ Is an expert or consultant needed for the matter? ____________________
- ❑ If so, name them and all necessary information to contact them. ____________________
  ____
- ❑ Has a copy of the fee agreement been given to the client at the time of execution?
- ❑ Has a copy of Rule 1.8(e) been given to the client in every instance where the client has been provided financial assistance?

Checklist for Closing Files

- ❑ 1. Date closed: ____________________
- ❑ 2. Attorney closing: ____________________
- ❑ 3. Date that refund was requested from Clerk's office: ____________________
- ❑ 4. Reconcile client trust account monies - completion date: ____________________
- ❑ 5. Return funds to client: $____________ Date returned: ____________________
- ❑ 6. Withdraw money, if necessary, to pay bill: $_________ Date: ____________________
- ❑ 7. Items recorded in public records: (Recordation information)

  Act of Sale: _________________ , _______________ Parish

  Mortgage: __________________ , _______________ Parish

  Judgment: __________________ , _______________ Parish

  Lien: ______________________ , _______________ Parish

  UCC Financing Statement: _______________ , _________________ Parish

  Other: _____________________ , _______________ Parish
- ❑ 8. Items recorded with Secretary of State: ____________________

  Description: ____________________

  Recordation information: ____________________

  ____
- ❑ 9. If money judgment not paid, calendar date to file suit to revive judgment: ____________________
- ❑ 10. Motion to Withdraw, if necessary - filing date: ____________________
- ❑ 11. Close out on Master File List/Client List, Bookkeeping/Accounting List and Subject Matter List - completion date:

  ____
- ❑ 12. Put on Closed File List/Delete from Active Case List - completion date: ____________________
- ❑ 13. Judgments/settlement documents sent to client - date: ____________________
- ❑ 14. Letter sent to client confirming conclusion of representation - date: ____________________
- ❑ 15. File reviewed for documents to be returned to client - date: ____________________
- ❑ 16. Original documents returned to client - list: ____________________

  ____

  Method of delivery: ____________________

  Date returned: ____________________
- ❑ 17. File reviewed and all duplicates removed - date: ____________________
- ❑ 18. Items retained by the firm: ____________________
- ❑ 19. Items destroyed: ____________________

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COMMENTS:

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NOTE: Place one copy in the file, one copy in the Closed File Register and one copy in the closing attorney's Closed File Record.

CHECKLIST IS TO BE PLACED IN FILE AND UPDATED UNTIL COMPLETED.