

# FILE CLOSING CHECKLIST

Client \_\_\_\_\_

File/Matter No. \_\_\_\_\_

Matter: \_\_\_\_\_

Date: \_\_\_\_\_

Atty: \_\_\_\_\_

DATE	INITIALS	ACTION FOR ALL FILES – PAPER AND ELECTRONIC
		1. Make sure notices of <i>lis pendens</i> or lien abstracts have been discharged.
		2. Make sure all original judgments, orders, decrees, cost bills, deeds, contracts, etc. are filed or recorded.
		3. If an unsatisfied judgment is involved, diary the file for 3, 6, and 9 years. Review for assets and file certificate of extension before expiration of 10 years.
		4. Make sure any UCC or security interest has been perfected and filed. Track appropriate renewal dates in your own system to prevent security interests from lapsing. (The Oregon Secretary of State's office no longer issues individual renewal notices.) Renewals can also be verified online against the UCC Renewal Report at <a href="http://www.filinginoregon.com/ucc/renewal.htm">http://www.filinginoregon.com/ucc/renewal.htm</a> . Individual renewals are easily identified by the lien number.
		5. If the file involves a lease or option to buy, diary the file for 6 months prior to expiration.
		6. If the file involves a criminal matter, check to see if expungement is possible and diary the file for 3 years.
		7. Check for unbilled activities or balance remaining in trust and send final bill or accounting to client.
		8. Review the file for any further work to be done.
		9. Review file for additional names to be included in conflict system.
		10. Review file for documents to be included in the firm's form or template directory.
		11. If litigation or tribunal matter, withdraw as attorney of record.
		12. Assign destruction date. Regardless of how files are kept, the PLF recommends that all files be kept for a minimum of 10 years. See the PLF practice aid, <i>File Retention and Destruction</i> , available at <a href="http://www.osbplf.org">www.osbplf.org</a> . Select Practice Aids and Forms, then File Management.
		13. Send closing letter to client. Advise client of file destruction date and firm policy on retrieval and provision of closed file materials. Return client's original documents and include client questionnaire, if appropriate.
		14. Remove file from active status and enter destruction date into calendar, case management system, or closed file inventory.
DATE	INITIALS	ACTION FOR PAPER FILES ONLY
		15. Assign closed file number.
		16. Mark the file closed and enter closed file number in case management system or closed file inventory.
		17. Remove duplicate documents, unused note pads, and other unneeded items from file. (DO NOT remove draft work product, memos, phone messages, research, or attorney notes relating to the merits of the case.)
		18. Check for loose, unfiled documents and place in the file.
		19. Check network servers, local hard drives, laptops, zip drives, disks, flash drives, PDAs, etc. for electronic material not in file. Print hard copies, file, and purge electronic data or move electronic data onto appropriate storage media according to the firm's policy for retention of electronic records. Also see step 25 below.
		20. Move file to storage.

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Matter: \_\_\_\_\_

Date: \_\_\_\_\_

Atty: \_\_\_\_\_

DATE	INITIALS	ACTION FOR ELECTRONIC FILES
		21. Review the PLF practice aid, <i>Checklist for Imaging Client Files and Disposing of Original Documents</i> , available at <a href="http://www.osbplf.org">www.osbplf.org</a> . Select Practice Aids and Forms, then Technology.
		22. Does the matter involve original documents whose authenticity could be disputed? Or documents that have particular legal importance, such as an original Will? These documents cannot be discarded after scanning. Provide them to the client or make other arrangements to protect and store valuable originals.  The Professional Liability Fund recommends against storing client's original wills. See "Why Did We EVER Want to Keep Original Wills?" <i>In Brief</i> (March 2007). Available at <a href="http://www.osbplf.org">www.osbplf.org</a> . Select <i>In Brief</i> , then March 2007.
		23. Does the firm possess original documents or property belonging to the client? Documents, photographs, receipts, cancelled checks, or other materials provided by the client are generally considered <i>property</i> of the client and cannot be destroyed. Keep scanned copies of these items for <u>your</u> records. Return the client's original property <u>to the client</u> .
		24. Verify completeness of client's electronic file. Check for loose, unscanned documents, e-mails, or other records. Scan, save, or move items to client's electronic file as needed. If you are scanning a paper file in its entirety, consider providing the client with the paper version once you are assured the file has been accurately scanned. This will save destruction fees and give the client a complete copy of their file.
		25. If you possess electronic data containing "consumer personal information" within the meaning of the Oregon Consumer Identity Theft Protection Act (ORS 646A.600 to 646A.628) you are required to develop, implement, and maintain safeguards to protect the security and disposal of the data. Failure to do so can result in civil penalties. See "2007 Legislation Alerts - Business Law/Consumer Protection (Identity Theft)," <i>In Brief</i> (November 2007) and "Protect Client Information from Identity Theft," <i>In Brief</i> (August 2008.) Go to <a href="http://www.osbplf.org">www.osbplf.org</a> , select <i>In Brief</i> , then choose the month and year of the issue you wish to access.
		26. Be prepared to meet future requests for file material. Clients are entitled to file information in a format they can access. This may mean printing all or part of a file. Inform clients of the firm's policy on retrieval and provision of closed files at the time of file closing. See step 13 above.
		27. Enter closed file information into case management system or closed file inventory.
		28. Properly archive electronic file for duration of firm's retention period. Establish access rights to ensure that documents cannot be inadvertently modified, destroyed, or altered. Retain file material for 10 or more years. See step 12 above.
		29. Establish, test, and maintain on and off-site backups. See the PLF practice aid, <i>How to Back Up Your Computer</i> , available at <a href="http://www.osbplf.org">www.osbplf.org</a> . Select Practice Aids and Forms, then Technology.