



Summary of Areas to Address in a Records Management Policy

1. An identification of the responsibilities for the policy, including the responsibilities of the following groups
 - a. Firm Management – in particular, who has the ultimate responsibility for the policy?
 - b. Practice Group Leaders
 - c. Attorneys
 - d. Legal Assistants and Paralegals
 - e. Secretaries
 - f. Records Management Managers and Staff
2. Definitions of key terms used in the Policy, such as Firm-owned vs. Client owned.
3. A definition of what should be included in and what should be excluded from the “official” record.
4. How Records will be created – files opened
5. How Records will be maintained
6. Litigation Hold Policies
7. Policies related to the Records closing process. In particular, culling guidelines and identifying who is responsible for this process.
8. Client notification requirements – this usually starts with the Engagement Letter and typically includes notification when the matter is closed as well as prior to the final disposition of the records.
9. Policies related to the process for returning materials to the client.
10. Policies related to the final disposition of records. This includes responsibilities, client notification, documentation of the task and a review process to ensure that the final disposition is handled appropriately.
11. Policies related to the processing of Records for lateral hires. Few firms have addressed this. In many firms, the documents of laterals are taken in hard copy and electronic form with little, if any, review. This may pose substantial risk to the firm if, as an example, documents that may create a conflict for the firm are accepted.

12. Policies related to the processing of the Records of departing attorneys. This isn't just a Records Management issue, there are potentially KM as well as substantial risk issues.
13. Policies related to documents pre-dating the policy.
14. Retention schedule, issues to address include
 - a. How the retention schedule should be organized
 - b. How detailed should the retention schedule be
 - c. How many exceptions should there be – in general, effective retention schedules have few exceptions, and those are generally by Practice Area and/or document type.
 - d. Include client and administrative records retention