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The following study was developed in reply to a member's question regarding managing both personnel and client records in law firms.

Disclaimer: The Editors' Response in this study is not intended as legal advice. Readers are encouraged to seek appropriate legal and other professional advice.

Records Management and Retention in Law Firms: Resources for Maintaining Both Personnel and Client Records

One of the best books available for developing records retention policies and guidelines is *Records Retention Procedures* by Donald S. Skupsky, available from ALA's online Bookstore at:

<http://www.alanet.org/bookstore/bookresults.asp?action=itemdetail&productId=88> . The book is a clear guide for development of a records policy for all your practice areas. Skupsky's work includes all the current legal cites and statutes for federal and most state requirements. It outlines a step-by-step process that is well defined and logical.

A recent ABA book, *The Lawyer's Guide to Records Management and Retention*, is suitable for large and small firms. The authors are two experts in this area, George Cunningham and John Montaña. While the title appears to address lawyers, the content is directed toward managing the firm's client and personnel records, which often falls to legal administrators.

The ALA Legal Management Resource Center (LMRC) has a number of articles from associations, consulting firms and government agencies, as well as ALA sources on facilities and records management. The LMRC resources are available at <http://thesource.alanet.org>. Log in with your ALA username and password for access to all ALA Members-only materials. Review materials in the Facilities & Operations Management Content Area, in the subfolder for "Records Management." Also check the Technology & Information Systems / Document Management Systems folder for the *Legal Management* article "Records Retention in a Digital Age" by Chuck Ange.

Here is an older (but still relevant) article from *Legal Management*:



SKUPSKY records
retention arti...

Also see “Instant Access,” a case study of a Canadian law firm’s technology-based solution to records management concerns, as published in the April 2009 *Legal Management*: <http://www.alanet.org/publications/issue/apr09/LM-Apr09-F5-CaseStudy.pdf>

Contact local and state bar associations re retention guidelines. Also check state and local governments to see if there are statutory or regulatory guidelines for financial record retention. Local court rules must be consulted regarding specific requirements: www.findlaw.com/06associations/state.html.

A very comprehensive article, “Records Management and Retention Policies for Law Firms” by Myron Frans and Christopher Kopka, is available from the *Minnesota Bench and Bar*. V. 55, no. 4. Page 28. (1998). One may be able to locate it using Westlaw or LexisNexis.

These state bar associations posted articles on records retention:

- Washington State Bar Association: “Guide to Best Practices for Client File Retention and Management”: <http://www.wsba.org/info/recordsmanagement.htm>
- Alabama State Rules: “Guidelines for Closing and Purging Files” [HTML; scroll down]: <http://74.125.45.104/custom?q=cache:mbjQemJOShkJ:www.alabar.org/pmap/articles/purging.pdf+Alabama+%E2%80%9CGuidelines+for+Closing+and+Purging+Files%E2%80%9D&hl=en&ct=clnk&cd=1&gl=us&client=pub-8993703457585266>
- New Jersey: “Managing electronic documents and files” www.njsba.com/law_office_manage/index.cfm?fuseaction=articles (scroll down for the link)
- Oklahoma Bar Association: “Case Closed!! Now What Do I Do with the File?” www.okbar.org/members/map/articles/case.htm
- State Bar of Georgia: “Developing a File Retention Policy for Your Firm” by Terri Olson: http://www.gabar.org/programs/law_practice_management/articles/developing_a_file_retention_policy_for_your_firm/
- the Missouri Bar: “FAQs on File Retention” <http://www.mo-legal-ethics.org/articles/File%20retention%20faqs%203-10-08.doc?PHPSESSID=c4af783d43482d1778ab3e1f3724d443> and “What to Do

with Client Files” www.mobar.org/1f6a00d3-0401-464b-b982-e62b5d2c43b7.aspx

This May 2004 article from *Legal Times* discusses document retention in the electronic era: “Document Management in the Digital Age”
<http://www.law.com/jsp/law/LawArticleFriendly.jsp?id=900005539075>

Consult ARMA International, the professional association for records managers, at www.arma.org/. ALA member Lee Nemchek recently published *Records Management in the Legal Environment: A Handbook of Practice and Procedure* through ARMA. The book is available at a discount to ALA members; for details click here: <http://www.alanet.org/bookstore/bookresults.asp?keywords=&title=&author=Nemchek&catid=&action=search&x=44&y=9>. For further discussion, you may contact Ms. Nemchek directly at 213.892.5359, at Morrison Foerster. She is tremendously helpful and knowledgeable on this subject.

Ms. Nemchek also wrote several articles available on the Web:

“Critical Issues in Legal Records Management: A Mid-Decade Review” published in a Best Practices compendium by ILTA [referenced below]:
http://www.iltanet.org/WhitePaperPDFs/RecordsManagement_1.aspx

“Records Retention in the Private Legal Environment: Annotated Bibliography and Program Implementation Tools” in *Law Library Journal*
http://www.aallnet.org/products/pub_ilj_v93n01/2001_01.pdf.

See information from our ALA Bookstore (<http://www.alanet.org/bookstore/books.asp>) on these additional resources:

- *Electronic Records Retention: New Strategies for Data Life Cycle Management*
- *Managing Risks for Records and Information*
- *Records Management in the Legal Environment: A Handbook of Practice and Procedure*
- *Retention Management for Records and Information*
- *Requirements for Managing Electronic Messages as Records*
- *The Lawyer’s Guide to Records Management and Retention*

The [ALA Management Encyclopedia](#)SM has three articles on record management and file creation, available by subscription or by individual article purchase:

- “ALA Guide to Active Client File Creation and Organization” by Lee Nemchek, CRM, MSLS; Jean Barr, CRM and Beth Chiaiese, CRM, MLIS
- “ALA Guide to Active Client File Management” by Lee Nemchek, CRM, MSLS; Beth Chiaiese, CRM, MLIS and Jean Barr, CRM
- “Recordkeeping Strategies” by Veronica M. Hurless.

These articles provide information on paper and electronic records: “Developing a Records Retention Program” from ARMA at www.arma.org/pdf/articles/DevelopingRecordsProgram.pdf and “Law Firm Document Retention Policies” from Sensei Enterprises, <http://www.senseient.com/articles/pdf/article23.pdf> (includes sample policy language).

See also “Building a Solid Records Retention Policy” by Nancy Beauchemin of InOutsource, and “Is Your File Room Being Left Behind?” by David Guilbault of Image Tag, in the June 2005 white paper *Records Management A to Z: From Compliance Issues to Best Practices* published by the International Legal Technology Association: http://www.iltanet.org/WhitePaperPDFs/RecordsManagement_1.aspx

Law.com published a December 2008 article, “Manage Client Matter Files the Green Way”: <http://www.law.com/jsp/legaltechnology/pubArticleLT.jsp?id=1202426600530>

Here is a link to additional guidance on personnel files. The Society for Human Resource Management (SHRM) offers a great synopsis of federal requirements for personnel records at: www.shrm.org/hrresources/whitepapers_published/CMS_000270.asp#P-4_0. (This item is available to SHRM members only.)

This SHRM paper is on point for HR/personnel records: “Maintenance of Personnel Files and Records” by Donn Broich, SPHR (available to SHRM members): www.shrm.org/hrresources/whitepapers_published/CMS_000271.asp#P-4_0

The Business Owner’s Toolkit site offers this page on general requirements for retaining personnel records: http://www.toolkit.com/small_business_guide/sbg.aspx?nid=P05_1770

Finally, remember that vendors of records management services may be helpful consultants: <http://www.alanet.org/vendors/index.asp>. Please note:

Vendors to the Legal Industry

The right products and services are key to successful legal administration. This section of the Association of Legal Administrators’ (ALA) Web site provides links to information supplied by consultants, suppliers, manufacturers, service providers and training organizations.

ALA offers no direct endorsement of products and services represented by vendors listed in this section. Likewise, ALA assumes no responsibility for the currency or accuracy of information, or the availability of any products or services, noted in any vendor materials.

Special Note: ALA members have free access to the ALA Reference Desk. Send questions on legal management to InfoCentral@alanet.org. Staff will conduct personal research on each question.