

FILE CLOSING CHECKLIST

Client _____
 Matter _____

File/Matter No. _____
 Date _____ Atty _____

DATE	INITIALS	ACTIONS FOR ALL FILES – PAPER AND ELECTRONIC
		1. Make sure notices of lis pendens 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, tickle 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 https://sos.oregon.gov/business/Pages/ucc-renewal-report.aspx . 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. In criminal cases, check to see if expungement is possible and tickle the file for 3 years.
		7. If the file involves a settlement agreement on behalf of a minor, the attorney representing the person entering into the settlement agreement on behalf of the minor must maintain the original signed affidavit or verified statement completed under ORS 126.725(1)(d) in the attorney's file for two years after the minor attains the age of 21 years. ORS 126.725(2).
		8. Bankruptcy petitions, lists, schedules, statements, amendments, and electronic filing declarations must be retained by the filing ECF Participant or the firm representing the party on whose behalf the document was filed in original paper form until the later of the closing of the case or the fifth anniversary of the filing of the document, except as otherwise provided for trustees by the U.S. Department of Justice. Oregon LBR 5005-4(e).
		9. Documents that contain the original signature of a person other than the "filer" in Oregon eCourt must be retained in original paper form for 30 days. UTCR

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		21.120, amended September 29, 2014, pursuant to CJO 14-049.
		10. If you possess personal health information of clients or others within the meaning of the Health Insurance Portability and Accountability Act (HIPAA), you are obligated to conduct a risk analysis and take proper steps to secure your records. Failure to do so can result in civil penalties. For more information, see Kelly T. Hagan, "The HIPAA Compliance Process," In Brief (May 2014), available on the PLF website, www.osbplf.org .
		11. Check for unbilled activities or balance remaining in trust and send final bill or accounting to client.
		12. Review the file for any further work to be done.
		13. Review file for additional names to be included in the conflict system.
		14. Review file for documents to be included in the firm's form or template directory.
		15. If a litigation or tribunal matter, withdraw as attorney of record.
		16. Assign a 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, "File Retention and Destruction Guidelines," available on the PLF website, www.osbplf.org .
		17. 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.
		18. Remove file from active status and enter destruction date into calendar, case management system, or closed file inventory.
		19. For information on proper disposal of file material (paper and electronic), refer to the PLF practice aid, "File Retention and Destruction Guidelines," available on the PLF website, www.osbplf.org .

DATE	INITIALS	ACTION FOR PAPER FILES ONLY
		20. Assign closed file number.
		21. Mark the file closed and enter closed file number in

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		case management system or closed file inventory.
		22. Remove duplicate documents, unused notepads, 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.)
		23. Check for loose, unfiled documents and place in the file.
		24. Check network servers, local hard drives, laptops, zip drives, disks, flash drives, cloud storage providers, etc. for electronic material not in the 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 29 below.
		25. Move file to storage.
DATE	INITIALS	ACTION FOR ELECTRONIC FILES ONLY
		26. Review the PLF practice aid, "Checklist for Scanning Client Files," available on the PLF website, www.osbplf.org .
		27. Does the file contain original documents whose authenticity could be disputed or a document with 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. Note: The PLF recommends against storing original wills.
		28. 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 property of the client and cannot be destroyed. Keep scanned copies of these items for your records. Return the client's original property to the client.
		29. Verify completeness of client's electronic file. Check for loose, unscanned documents, emails, 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.
		30. 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.

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		31. 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.
		32. Statutes or rules may require that certain documents be retained in original paper form. Refer to 7, 8, 9, and 27 above. This is not an exhaustive list. Conduct your own appropriate legal research to identify other instances where original paper documents must (or should) be retained.
		33. Enter closed file information into a case management system or closed file inventory.
		34. 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.
		35. Establish, test, secure, and maintain on and off-site backups. See the PLF practice aid, "How to Back Up Your Computer," available on the PLF website, www.osbplf.org .

IMPORTANT NOTICES

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