

NOTE: This material is intended as only an example, which you may use in developing your own form. It is not considered legal advice and as always, you will need to do your own research to make your own conclusions with regard to the laws and ethical opinions of your jurisdiction. In no event will ISBA Mutual Insurance Company be liable for any direct, indirect, or consequential damages resulting from the use of this material.

File Retention & Destruction: Checklist

Client: _____

Matter Name: _____

Matter No.: _____

Responsible Lawyer: _____

Date: _____

CHECK ONE	AREA OF LAW	RETENTION PERIOD	DESTRUCTION DATE (IF CHECKED)
<input type="checkbox"/>	Antitrust	Conclusion of engagement plus 7 years	
<input type="checkbox"/>	Banking	Conclusion of engagement plus 7 years	
<input type="checkbox"/>	Commercial Finance	Conclusion of engagement plus 7 years	
<input type="checkbox"/>	Bankruptcy	Conclusion of engagement plus 7 years	
<input type="checkbox"/>	Collections	Conclusion of engagement plus 7 years	
<input type="checkbox"/>	Commercial Litigation	Conclusion of engagement plus 7 years	
<input type="checkbox"/>	Commodities	Conclusion of engagement plus 7 years	
<input type="checkbox"/>	Contract Actions	Conclusion of engagement plus 7 years	
<input type="checkbox"/>	Corporate	Conclusion of engagement plus 7 years	
<input type="checkbox"/>	Criminal	Review annually and destroy 10 years after client's release from incarceration	
<input type="checkbox"/>	Employee Benefits	Conclusion of engagement plus 7 years	
<input type="checkbox"/>	Estate Litigation	Conclusion of engagement plus 7 years	
<input type="checkbox"/>	Estate Planning and Administration	Indefinite	
<input type="checkbox"/>	Family Law - Adoption	Until adopted child reaches age of majority plus 7 years.	
<input type="checkbox"/>	Family Law - Dissolution of Marriage	If no minors or disabled individuals involved, conclusion of engagement plus 7 years.	

CHECK ONE	AREA OF LAW	RETENTION PERIOD	DESTRUCTION DATE (IF CHECKED)
		If minor(s) and/or disabled individuals involved, until the latest of the youngest child reaching the age of majority plus 7 years OR the removal of the disability plus 7 years.	
<input type="checkbox"/>	Family Law - Prenuptial	Conclusion of engagement plus 7 years.	
<input type="checkbox"/>	Government Regulations or Legislation	Conclusion of engagement plus 7 years.	
<input type="checkbox"/>	Health Care	If minor(s) and/or legally disabled individuals involved, until the latest of the youngest child reaches the age of majority plus 7 years OR the removal of the disability plus 7 years. Otherwise, conclusion of engagement plus 7 years.	
<input type="checkbox"/>	Intellectual Property	Conclusion of engagement plus 7 years.	
<input type="checkbox"/>	Joint Ventures	Conclusion of engagement plus 7 years.	
<input type="checkbox"/>	Juvenile	Until minor reaches age of majority plus 7 years.	
<input type="checkbox"/>	Labor	Conclusion of engagement plus 7 years.	
<input type="checkbox"/>	Litigation - General	Conclusion of engagement plus 7 years.	
<input type="checkbox"/>	Litigation - Appellate	Conclusion of engagement plus 7 years.	
<input type="checkbox"/>	Merger and Acquisition	Conclusion of engagement plus 7 years.	
<input type="checkbox"/>	Municipal	Conclusion of engagement plus 7 years.	
<input type="checkbox"/>	Personal Injury - Adults	Conclusion of engagement plus 7 years.	
<input type="checkbox"/>	Personal Injury - Minors or Legally Disabled Individual	If minor(s) and/or disabled individual(s) involved, until the later of the youngest child reaches the age of majority plus 7 years OR the removal of the disability plus 7 years.	
<input type="checkbox"/>	Products Liability	Conclusion of engagement plus 7 years.	
<input type="checkbox"/>	Real Estate Transaction	Conclusion of engagement plus 7 years.	
<input type="checkbox"/>	Regulatory	Conclusion of engagement plus 7 years.	

CHECK ONE	AREA OF LAW	RETENTION PERIOD	DESTRUCTION DATE (IF CHECKED)
☐	Securities	Conclusion of engagement plus 7 years.	

Notes:

A legal matter may fall into more than one of the categories set forth above. If so, use the longest retention period.

There are many exceptions to the general guidelines set forth above. For instance, if you or your client have entered into an agreement to maintain certain materials, this should be taken into consideration. Or, if you or your client know or have reason to know that file contents would be material to a potential civil action, the documents should be kept for the purpose of avoiding a spoliation claim or presumption. Moreover, if another law applies, such as the Uniform Preservation of Private Business Records Act., 805 ILCS 410/1, *et seq.*, or the Illinois State Records Act of 1957, 5 ILCS 160/1, *et seq.*, and requires preservation of records for a longer period of time, the longer period should control.

Documents of independent legal significance, such as original wills, trusts or deeds, if not returned to the client should be retained indefinitely.

Before a file is destroyed, the lawyer responsible for the engagement or another responsible lawyer with the firm should review the basis for establishing a file-destruction date, as circumstances may have changed which should necessitate a re-evaluation of the file-destruction date. For instance, if it is known that the client or an intended third-party beneficiary of the engagement became legally disabled after the engagement concluded, the file should be preserved until 7 years after the disability is removed.

DISCLAIMER: This checklist is intended to be an example that may be useful in developing your own policies and procedures and in creating your own file retention and destruction policy. Determining what documents may be destroyed and when, if at all, the documents may be destroyed will turn on the particular nature of each engagement. This is not intended to be legal advice and should not be relied upon as such.