Chapter 5

File Management

If no conflicts preclude your representation and you have accepted the matter, it is time to open a new file and devise a system for managing the documents for your client's matter.

File management is the creation of a system which results in the filing of every document of every client matter. Good file management helps to discharge your obligation of competent representation, to safeguard client confidences and with the easy retrieval of needed documents. It is important to note that proper file management continues through the life of the representation and for a time thereafter. After a matter concludes, the file should be stored, and eventually destroyed and/or electronically copied to make room for new files. To determine when and what types of files can be destroyed and how long files need to be stored, refer to the Termination of Representation Section.

Effective file management depends on: a system of centralized storage for all files; whether that method is electronic, through a "cloud" service or through local storage on your server or computer; by paper; or both. If storing files electronically, provide for regular redundant backup of your files. If using a "cloud" provider for file management, inquire how documents are backed up on the company's end. If storing files through a combination of electronic and paper, be clear which documents are to be stored electronically or by paper, and communicate this to staff. Whichever methods are chosen, basic file organization achieves the same purpose – the easy and efficient retrieval of client documents. Regardless of method, good categorization of the documents contained within a file is key to a good file management system.

For example, a personal injury matter might require the following document subfolders (whether labeled such in a separate manila folder in a larger expandable folder sleeve for the entire client matter, or in your server directory):

File Opening Form (*see* below)
Intake Notes
Pleadings (in chronological date order)
Discovery (Propounded; Responses) (in chronological date order)
Client Correspondence (Letters, Emails) (in chronological date order)
Research and Your Notes
Client-Provided Documents
File Closing Form (*see* below)

A transactional file might require different subfolder titles. The point is to create a filing system whereby you can retrieve documents quickly and efficiently.

Organize documents that you have on computers using the same categories that you would use if the file was a paper file. Create and adhere to a standard document naming and storage convention for your electronic file. Each file should have its own electronic file name with subfolders for the particular document categories. If you have many client matters that need organizing electronically, do one file at a time and chip away at the files, starting with the ones which are the most active.

You might consider a file naming convention that incorporates a date. For instance, instead of "Client Letter 1" and "Client Letter 2" to identify documents in your Correspondence subfolder, use "Client Letter 8-15-2016."

If scanning documents, make sure that the scanned document finds its way to the correct subfolder for the client matter.

Good, secure, electronic file management services in the cloud will cause you to organize your files efficiently. Adapt them to meet your file needs.

Please note that Rule 1.6(c) provides that a lawyer must make reasonable efforts to prevent inadvertant or authorized release of client information. The following checklists will assist lawyers in managing their files.

Additional File Management Resources

- ***Document Management Software: The Electronic File Butler for the Law Office*** by Steven J. Best, Esq., *Law Practice Today*, American Bar Association Law Practice Division Monthly Webzine (January 2011).

- ****Flying Solo: A Survival Guide for the Solo and Small Firm Lawyer*** (5th Ed. 2014), by K. William Gibson, Ed.

- ***How to Organize Paperless Client Files*** by Sam Glover, *The Lawyerist* (Nov. 13, 2013).

- ****Legal Project Management in One Hour for Lawyers*** (2013) by Pamela H. Woldow and Douglas B. Richardson.

- ****Paperless In One Hour for Lawyers*** (2014), Sheila M. Blackford and Donna S. M. Neff

- ***Paralegal Basics – How to Organize a File*** by Ana Pierro, The Paralegal: Blogging about the Business of Being a Paralegal (June 11, 2014).

- ***The Basics of Client Files: File Organization*** by Todd Scott, *Legal Law & Trends*, Practice Area Newsletter, ABA GP Solo and Small Firm Division.

- ****The Lawyer's Guide to Records Management and Retention*** (2d Ed. 2014), by George C. Cunningham

*Members may borrow these titles and others, at no cost, from the LSBA's Lending Library.