

**MEYER, SUOZZI, ENGLISH & KLEIN, P.C.**  
**RECORD RETENTION AND DESTRUCTION POLICY**  
**October 2013**

**I. PURPOSE**

The records of Meyer, Suozzi, English & Klein, P.C. (“MSEK” or “Firm”) and those we hold for our clients are important and must be managed in a way that both protects the interests of our clients and allows the Firm to effectively utilize storage space and control storage costs.

The MSEK Record Retention and Destruction Policy provides for the systematic review, retention and destruction of documents received or created by MSEK in connection with the transaction of Firm business. This policy covers all records and documents, regardless of physical form (including electronic documents, e.g. email), contains guidelines for how long certain documents should be kept and procedures for how records should be destroyed.

The policy is designed to ensure compliance with federal and state laws and regulations, to eliminate accidental or innocent destruction of records, and to ensure that Legal Representation Records are stored, returned to clients and, when appropriate, destroyed on a schedule that protects our clients’ interests and complies with our professional obligations.

**II. DEFINITIONS**

**“Legal Representation Records”** are records that relate to each engagement or representation undertaken by MSEK and consist of documents generated by or exchanged between MSEK and the client, or between MSEK and others, during the course of the legal services being rendered and documents generated as a result of services performed on the client’s behalf.

By way of examples, Legal Representation Records include the following:

- (i) Written and e-mail correspondence
- (ii) Billing records
- (iii) Documents filed or made public
- (iv) Fully-executed contracts
- (v) Wills (original copy)
- (vi) Deeds (original copy)
- (vii) Pleadings

- (viii) Motion papers
- (ix) Other documents having legal significance to the specific matter
- (x) Firm's internal correspondence and memoranda relating to the legal representation
- (xi) Drafts of unsigned contracts and documents created for review or use within the Firm
- (xii) Attorney notes reflecting impressions and thoughts concerning the client's matter

**"Firm Administrative Records"** are internal documents and data generated by an attorney or the Firm or used in the management and/or administration of the Firm that may be unrelated to any specific client or client matter. They include, but are not limited to, the following:

- (i) Engagement letters and/or fee agreements
- (ii) Organizational and/or administrative policies and communications
- (iii) General accounting and tax records
- (iv) Accounts payable invoices
- (v) Employee compensation and payroll records
- (vi) Internal time-keeping and billing records
- (vii) Firm Corporate/Shareholder/Board of Director Meeting Minutes
- (viii) Other administrative documents

**"Transient Records"** are transient memoranda or notes, and unused or insignificant drafts or copies having such limited or short-term value or usefulness that they need not be maintained.

Transient Records may include, but are not limited to, the following:

- (i) Exact duplicates of other records already maintained
- (ii) Copies of cases or other published material used for research
- (iii) Internal or personal notes

Transient Records should be removed from the file once they are no longer needed, unless directed otherwise by the Responsible Attorney.

**“Responsible Attorney”** is the attorney primarily responsible for managing the engagement according to the terms outlined in the firm’s signed retainer/engagement letter.

**III. RECORD RETENTION**

MSEK follows record retention guidelines for Legal Representation Records by the Area of Law designations noted below. Areas of Law that are not listed, but are similar to those listed, will be retained for the appropriate length of time, or a default retention period of 7 years.\*\*

\*\* *The firm’s default retention period of 7 years was determined in accordance with federal and New York State laws and the CNA Professional Counsel Guide for creating a record retention and destruction policy for lawyers and law firms.*

**IV. LEGAL REPRESENTATION RECORDS**

<b>Area of Law</b>	<b>Retention Period</b>
Bankruptcy Bankruptcy –Chapter 11	7 years Permanent
Corporate Corporate -Minute Books Corporate -Closing Binders Corporate –Mergers & Acquisitions	7 years Permanent Permanent 7 years
Criminal	Annual Review; may be destroyed 7 years after release from incarceration.
Employee benefits/ERISA	7 years
Estate Planning/Administration Trust and Wills Estate Tax Returns	7 years 7 years 7 years
Government Representation	7 years
Labor	7 years
Litigation	7 years
Municipal & Zoning	7 years
Negligence	7 years
Real Property Surveys & Deeds Original title policies/insurance	7 years Permanent Permanent
Tax Certiorari	7 years

## **V. ELECTRONIC DOCUMENTS AND RECORDS**

In addition to Email, electronic documents that are in the firm's Document Management System are retained indefinitely until they are destroyed in compliance with the firm's destruction policy. Substantive email and/or other electronic documents, at the discretion of the Responsible Attorney, may be printed in hard copy and kept in the appropriate Legal Representation file or will be archived on the firm's network. Electronic files, including email, that have been archived and fall into one of the designated Areas of Law on the above schedule will be maintained for the designated retention period. Backup and recovery methods will be tested on a quarterly basis.

## **VI. EMERGENCY PLANNING**

Legal Representation and Firm Administrative Records will be stored in a safe, secure and accessible manner. Electronic Legal Representation Records and Firm Administrative, Financial, Human Resource files and documents stored on the network that are essential to keeping MSEK operating in an emergency are replicated to the firm's designated Document Recovery (DR) site. In addition, a copy of the replicated backup is stored offsite and is overwritten every two weeks.

## **VII. RECORD DESTRUCTION**

The Director of Operations and designated staff, are responsible for the ongoing process of identifying records which have met the required retention period and overseeing their destruction in accordance with the firm's record destruction procedures.

Hard copy Legal Representation and Firm Administrative Records shall be shredded or incinerated. Data storage devices (CDs, floppy disks) shall be physically destroyed and not overwritten. Electronic Legal Representation and Firm Administrative Records, wherever practical, will be permanently destroyed. All duplicate records that exist on network servers, personal computers and data storage devices (tapes, hard drives, flash drives) wherever practical, will be identified and destroyed by the firm's IT Department.

In the event MSEK has knowledge or has reason to believe an official investigation and/or litigation is pending on a specific legal representation, the MSEK electronic file destruction procedure will be suspended immediately in compliance with all federal and state rules and guidelines. The MSEK electronic file destruction procedure may be reinstated upon conclusion of any official investigation and/or litigation proceeding.

## **VIII. COMPLIANCE**

Failure on the part of MSEK employees to follow this policy can result in serious consequences to MSEK and possible disciplinary action. The Management Committee will periodically review these procedures.