

**MEYER, SUOZZI, ENGLISH & KLEIN, P.C.**  
**RECORD RETENTION AND DESTRUCTION POLICY**  
**January 2025**

**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 Email and Facsimiles) and contains guidelines for how long certain documents should be kept and procedures for how records should be destroyed.

The policy is designed: (i) to ensure compliance with federal and state laws and regulations and the New York Rules of Professional Conduct and other applicable ethics rules to eliminate accidental or innocent destruction of records; and (ii) 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**

**“Electronic Documents”** are defined as text, graphics, or spreadsheets generated by a computer or electronic device for any electronic processing, including social media sites and Electronic Data Interchange (EDI). Electronically stored documents follow no format or readability requirement except when retrieved for actual use. It is information recorded in a manner that requires a computer or other electronic device to display, interpret, and process.

**“Email”** is defined as an online transfer of text, voice, and/or video messages. Email emanates from one computer or electronic device and arrives at another computer or electronic device.

**“Facsimile”** is defined as an image of a document made by electronic scanning and transmitted as data by telecommunication links and emails.

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

**“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) Attorney notes reflecting impressions and thoughts concerning the client’s matter
- (ii) Billing records
- (iii) Deeds (original copy)
- (iv) Documents filed or made public
- (v) Drafts of unsigned contracts and documents created for review or use within the Firm
- (i) Engagement/Retainer letter and/or fee agreements
- (ii) Firm’s internal correspondence and memoranda relating to the legal representation
- (iii) Fully-executed contracts
- (iv) Motion papers
- (v) Other documents having legal significance to the specific matter
- (vi) Pleadings
- (vii) Wills (original copy)

(viii) Written and e-mail correspondence

**“Responsible Attorney”** is the shareholder or supervising attorney primarily responsible for managing the engagement according to the terms outlined in the Firm’s signed engagement/retainer letter of fee agreement letter.

**“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) Copies of cases or other published material used for research
- (ii) Exact duplicates of other records already maintained
- (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.

### 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 10 years, consistent with federal and New York State laws and the New York Rules of Professional Conduct.

### IV. **LEGAL REPRESENTATION RECORDS**

<b>Area of Law</b>	<b>Retention Period</b>
Appeals, General/Commercial Litigation	10 Years
Bankruptcy	10 years
Bankruptcy –Chapter 11	Permanent
Corporate Law	10 years
Corporate -Minute Books	Permanent
Corporate -Closing Binders	Permanent
Corporate –Mergers & Acquisitions	10 years
Criminal	Annual Review; may be destroyed 10 years after release from incarceration.
Employee Benefits/ERISA	10 years

Area of Law	Retention Period
Estate Planning/Administration	10 years
Trust and Wills	Permanent
Estate Tax Returns	Permanent
Labor & Employment	10 years
Municipal & Zoning	10 years
Negligence	10 years
Real Property	10 years
Surveys & Deeds	Permanent
Original title policies/insurance	Permanent
Tax Certiorari	10 years

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

Electronic Documents and Emails that are stored in the Firm's Document Management System are retained indefinitely until they are destroyed in compliance with the Firm's destruction policy. At the discretion of the Responsible Attorney, substantive Electronic Documents and Emails may be printed in hard copy and kept in the appropriate Legal Representation file. At the discretion of the Responsible Attorney, Facsimiles along with related coversheets providing date/timestamp showing proof of transmittal may be archived on the Firm's Document Management System. Such printed and archived Electronic Documents, Facsimiles and Emails that 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.

Emails not stored in the Firm's Document Management System will be retained for a period of 50 years in Mimecast (Cloud Provider) and 1 month in Microsoft Exchange.

## **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 records and documents stored on the network that are essential to keeping MSEK operating in an emergency are replicated to the Firm's designated Disaster Recovery site. In addition, a copy of the replicated backup is stored off network 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. Clients are advised when signing the engagement/retainer letter or fee

agreements that a copy of the Firm's Record/Electronic Document Retention/Destruction Policy is available upon request and is available on the Firm's website. In addition, it is a recommended practice that clients are reminded, in writing, when legal representation on the specific matter comes to a conclusion.

Hard copy Legal Representation and Firm Administrative Records shall be shredded. 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.

#### **VIII. LITIGATION HOLD**

In the event MSEK has knowledge or has reason to believe an official investigation and/or litigation is pending on a specific legal representation where a litigation hold has been applied, the MSEK electronic file destruction procedure will be suspended immediately in compliance with all federal and state rules and guidelines. Employees have a duty to preserve potential evidence when litigation to which the Firm is a party is initiated, or is reasonably anticipated or foreseeable. Employees must immediately conserve potential evidence in such circumstances and suspend deletion, destruction, purging, overwriting or disposal. If a legal hold has been initiated by a notice or communication from legal counsel a copy of that notice should be immediately sent to the IT Department, Director of Operations, Litigation Chair and Managing Attorney. Once received, the IT Department will confirm receipt, and initiate holds on all relevant identifiable email and documents stored in its systems, until such time that the hold can be lifted. The IT Department will set the disposition to indicate the "Litigation hold" status of the matter to ensure that all records are held until such hold is lifted. The MSEK electronic file destruction procedure may be reinstated upon conclusion of any official investigation and/or litigation proceeding by authority of the shareholder in charge of the matter and/or the Managing Attorney.

#### **IX. 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.