

Closed File Procedures- January 1, 2010

Effective January 1, 2010 we will no longer be accepting paper files for transfer into dead storage.

The exceptions include:

- Wills} Powers of Attorney and Medical Consents (these are stored separately in the Fire-proof cabinets located in the Estates Department)
- Original Documents relating to child protection and custody access

Under the new paperless system the following are the steps to be taken to get a file closed in Prolaw:

1. Review file to confirm that everything from the paper file that is required has been scanned into Prolaw. If necessary scan all printed emails into Prolaw and any other hand-written notes} external documents} etc. that have not yet been moved into Prolaw.
2. Check the Inquiry tab in Prolaw to be sure that:
 - a. The file has been billed.
 - b. There are no monies remaining in trust
3. At this point your options include:
 - a. Return the file materials to the client (if the client wants to have them). Get acknowledgement from the client that they have had the opportunity to keep the file, or parts of it. Set a deadline for file pick-up. On the Referral Information tab you would check off that the file was returned to client and on what date. You would then email The Document Centre to request that the file status be changed to reflect that the file is no longer active.
 - b. For Regular files: indicate "SHRED" on the file, and take it to the usual spot for files to be closed. The Document Centre will close the file, updating the Referral Information tab and Prolaw file status. These files will be *boxed*} and shredded on the same schedule as box files.
 - c. For box files: Let the document Centre know how many boxes (tagged for destruction) are to be shredded} and where they are. They will be removed to a temporary area} to be shredded on a regular schedule.
4. If the file is being shredded and not being returned to the client the Document Centre will allow 3 to 5 days from receipt of the file before destroying the physical file. This will ensure that all of the electronic documents have been fully captured on our network backup system.

Please note that the Document Centre will only accept a physical file for storage if approval has first been obtained from the Executive Director or the Managing Partner based upon reasonable justification for retention of the physical file being provided by the file lawyer. Confirmation of approval must accompany the file when sent to Document Centre.

CLOSED FILES AND SHREDDING OLD FILES

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When a file is closed, a coloured sticker is placed on the corner of the file to indicate how long the file is to be kept before destroying.

Each year a staff member or someone hired will go to the closed file room downstairs and pull the files from the individual lawyers' closed files that are coded to be destroyed that year. The files to be destroyed go into the blue bags or file boxes for the shredding company to take.

Attached is a list of the different categories and the length of time the files are to be retained.

The files are colour coded as follows:

Red - keep indefinitely

Blue - destroy after 25 years

Purple - destroy after 10 years

Orange - destroy after 7 years

Yellow - destroy after 6 years

Green - destroy after 3 years

The files are coded to destroy as follows:

- 1. Property**
 - a. Sale - 6 years
 - b. Mortgage - indefinitely
 - c. Migration - indefinitely
 - d. Purchase - indefinitely
- 2. Guardianship** - until estate closed
- 3. FCS - 3 years** (lawyer review before destruction)
- 4. Divorce**
 - a. 6 years for court docs
 - b. 10 years for full file
- 5. Other family files** - 25 years
- 6. Collections** - 25 years

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- 7. Mechanics' Liens** - 6 years
- 8. Motor vehicle accident** - 6 years
 - a. Infant Action - 6 years after age 19
- 9. Other litigation** - 6 years
- 10. Dept. of Justice** - retain all with special group indefinitely
- 11. Depart. of Labour** - 10 years (lawyer review before destruction)
- 12. Research and Opinion** - File opinion separately - 6 years
- 13. Probate & Estate files** - 6 years
- 14. Corporate files**
 - a. 6 years (annual resolutions, registered agent, miscellaneous - kept with closed files for each individual lawyer)
 - b. Indefinitely for incorporations, reorg., family trusts, most general.
 - c. Amalgamations - 10 years
- 15. Immigration** - 25 Years
- 16. Others** (i.e. committees, miscellaneous, personal - 3 years)