

**KAPLIN STEWART MELOFF REITER & STEIN, P.C.**

**RECORDS RETENTION AND DESTRUCTION POLICY**

**LEGAL REPRESENTATION RECORDS**

**April 1, 2023**

**I. PURPOSE**

The records of Kaplin Stewart Meloff Reiter & Stein, P.C. (“**KS**” 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 for the firm to effectively utilize storage space and control storage costs.

Our Records Retention and Destruction Policy (“**Policy**”) provides for the review, retention and destruction of documents received or created by KS in connection with the transaction of firm business and representation of the Firm’s clients. This Policy covers all records and documents, regardless of physical form (including electronic documents), contains guidelines for how long 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 (“**Records**”) are stored, returned to clients, and when appropriate, destroyed on a schedule that protects our clients’ interest and complies with our professional obligations.

**II. DEFINITIONS**

Records relate to each engagement or representation undertaken by KS and consist of documents generated by or exchanged between KS and the client, or between KS 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.

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

- (i) written and e-mail correspondence
- (ii) documents filed or made public
- (iii) fully executed contracts
- (iv) wills
- (v) deeds
- (vi) pleadings
- (vii) motion papers
- (viii) other documents having legal significance to the specific matter
- (ix) Firm’s internal correspondence and memoranda relating to the legal representation
- (x) drafts of unsigned contracts and documents created for review or use within the Firm.

Transient records are 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**”).

Transient Records 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 otherwise directed by the responsible attorney.

### **III. RECORDS RETENTION**

KS follows record retention guidelines for Records unless specifically excluded. The Firm’s default retention period is **12 years from the last activity on the file** with the following exceptions:

- (i) attorneys may request an exception that individual files are retained for a longer period on a case-by-case basis
- (ii) estate planning files will be maintained permanently
- (iii) estate administration files will be maintained permanently
- (iv) corporate minute books will be maintained permanently by Firm and/or client

### **IV. ELECTRONIC DOCUMENTS AND RECORDS**

Electronic records are maintained in the Firm’s Document Management System (“**DMS**”). Email may be stored in DMS but also maintained in a second data repository. Electronic records and email are retained until they may be destroyed in compliance with the Firm’s Policy or when administratively feasible. Substantive e-mail 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 in the firm’s network.

### **V. EMERGENCY PLANNING**

Records will be stored in a safe, secure and accessible manner. Electronic records and documents stored on the network that are essential to keeping KS operating in an emergency are replicated and a backup is stored offsite.

## **VI. RECORDS DESTRUCTION**

The Chief Operating Officer, designated staff, and originating attorney(s) 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 Policy.

Hard copy Records shall be shredded. Electronic records wherever practical, will be permanently destroyed. All duplicate records that exist on network servers wherever practical, will be identified and destroyed by the firm's IT department and/or by a third-party consultant.

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

## **VII. COMPLIANCE**

Failure on the part of KS employees to follow this Policy may result in serious consequences to KS including possible disciplinary action. The Chief Operating Officer will periodically review these procedures and make any changes or updates to remain compliant with Firm Policy or federal and state rules and regulations.