

SCHEDULE NO. 13

LITIGATION AND LEGAL COUNSEL RECORDS

General Description: Records pertaining to claims, lawsuits and advice received from the municipality's legal counsel.

*The retention periods specified in this schedule apply to the information contained within the record, regardless of the physical format of the record (paper, microfilm, computer disk or tape, optical disk, etc.). **Duplicate Copies**: Provided that no retention period is specified for duplicate copies, retain those that are created for **administrative purposes** for 1 year, and retain those created for **convenience or reference purposes** until no longer needed or for 1 year, whichever is first. Duplicate copies should not be retained longer than the record copy.*

13.10 ATTORNEY CORRESPONDENCE

See 7.90, *Correspondence and General Documentation*.

13.20 BILLINGS – LEGAL COUNSEL

See 5.10, *Accounts Payable Records*.

13.30 CLAIMS

Records of notifications of claims regarding potential lawsuits received by the municipality or an authorized representative that are forwarded to legal counsel and/or the municipality's insurance carrier. See also 5.240.B, *Claim Records*.

Retention: 6 years + current after closure of claim

A. Medical Records – Personal Injury Claims <Added 3/07>

Medical records that provide supporting documentation needed for resolution of personal injury claims.

Retention: Until claim is resolved, then evaluate for continuing value prior to destruction

13.40 CRIMINAL CASE FILES

Files used by municipal prosecutors to conduct trials against persons charged with criminal misdemeanors, including citations, police reports, driving records, complaints, subpoenas, motions, judgments and related records.

Retention: 2 years after case is closed

13.50 GARNISHMENTS

See 15.170.F, *Garnishments*.

13.60 LEGAL OPINIONS

Formal opinions written by legal counsel to advise the municipality, the governing body or the municipal staff regarding the legality or legal consequences of various courses of action and to present the basis and rationale for legal recommendations.

Retention: Permanent

A. *Advisory Opinion* <Added 1/03>

Formal opinions written by legal counsel to advise the municipality, the governing body or the municipal staff regarding the possible legal consequences of various courses of action.

Retention: 6 years

13.70 LITIGATION CASE RECORDS

Civil case files documenting pending and closed cases filed by the municipality and against the municipality, including legal documents, notes, reports, background material, settlement records and other documentation created in handling of claims and legal disputes and civil actions between the municipality and other parties. These records will include documentation such as complaints, summonses, investigations, reports, attorney's notes, photographs, orders and judgments, dispositions, pleadings and related records. Litigation records include any court decisions affecting the municipality, court proceedings, research files of legal counsel, litigation case files, and Public Utilities Commission hearing files for cases pertinent to the municipality.

A. *Major Litigation*

Documentation of civil suits by the municipality against another party or in defense of the municipality and/or its employees against suits filed by another party. Records of litigation that sets legal precedents, that has widespread importance or long-term major significance to the municipality and how it operates, that has historical interest or that is perceived by the municipality or legal counsel to have enduring reference value.

Retention: Permanent

B. *Minor Litigation*

Documentation of civil suits of a minor nature by the municipality against another party or in defense of the municipality and/or its employees against suits filed by another party; records of litigation with relatively short-term reference value.

Retention: 7 years after case closed, dismissed or date of last action unless there is historical value⁸

⁸ Washington Guidelines: Case closed + 10 years unless there is archival value. Utah Guidelines: 7 years after case closed. Oregon Guidelines: 10 years after case closed, dismissed, or date of last action.