

SCHEDULE NO. 80

LITIGATION AND LEGAL COUNSEL RECORDS

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

*No record may be destroyed under this Retention Schedule if it is pertinent to any current, pending or anticipated investigation, audit or legal proceeding. **The minimum retention periods specified in this schedule apply to the information contained within the record copy, regardless of the physical format of the record copy (paper, microfilm, electronic).** Each municipality must decide on the physical format for each type of record, ensuring authenticity, readability and accessibility for the entire retention period. **Duplicate Copies:** Retain duplicated copies until no longer needed but not longer than the record copy. <Amended 5/14>*

80.010 CLAIMS

A. Claim Notifications

Records of notifications of claims regarding potential lawsuits that are forwarded to legal counsel and/or the insurance carrier.

Retention: 6 years after closure of claim

B. Medical Records – Personal Injury Claims

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

80.020 CRIMINAL CASE FILES

Files used by 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

80.030 LEGAL COMMUNICATIONS

Communications and legal advisory opinions written by legal counsel to give advice regarding the legality or legal consequences of various courses of action and to present the basis and rationale for legal recommendations.

A. Enduring Long-Term Value

Legal counsel communications that have long-term administrative, policy, legal, fiscal, historical, informational, reference or research value.

Retention: Permanent

B. Routine Value

Routine legal counsel communications that contain no long-term significant administrative policy, legal, fiscal, historical, informational, reference or research value.

Retention: 2 years, then evaluate prior to destruction to determine that there is no further value

80.040 LITIGATION CASE RECORDS

Civil case files documenting pending and closed cases, including legal documents, notes, reports, background material, settlement records and other documentation created in handling of claims, legal disputes, civil actions and regulatory proceedings. These records include complaints, summonses, investigations, reports, attorney's notes, photographs, orders and judgments, dispositions, pleadings, court decisions, court proceedings and research material.

Retention: 6 years after case closed, dismissed or date of last action or thereafter until legal counsel determines that there is no further reference or historical value

Cross References

- Agreements and contracts – 40.030, Agreements and Contracts
- Billings to outside legal counsel – 30.010, Accounts Payable (A/P) Records
- Correspondence and general documentation – 40.100, Correspondence and General Documentation
- Garnishments – 90.140.A, Basis of Pay
- Policies and procedures – 40.220, Policies and Procedures Documentation
- Reports – 40.290, Reports
- Risk management – Schedule 105, Risk Management
- Rules, regulations and standards – 40.310, Rules, Regulations and Standards