

The following are the main sources of rules pertaining to document storage for law offices.

California Business and Professions Code 6068: Bus & Prof. Code Section 6068 section (e)(1), states: Attorneys are “to maintain inviolate the confidence, and at every peril to himself or herself to preserve the secrets, of his or her client.” It is our ethical obligation to make the confidentiality of our clients a priority. No matter our role in a law firm, we are responsible for how we handle our clients’ information.

American Bar Association: Rule 1.6, Confidentiality of Information, states: (c) A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.

California Rule of Professional Conduct: The State Bar of California overhauled the Rules of Professional Conduct for the first time in nearly 30 years. The new Rules went into effect on November 1, 2018. The following rules pertain to document storage:

Rule No. 1.6 (a), Confidential Information of a Client, states: A lawyer shall not reveal information protected from disclosure by Business and Professions Code section 6068, subdivision (e)(1), unless the client gives informed consent. . . .

Rule No. 1.15 Safekeeping Funds and Property of Clients and Other Persons states, in part:
(d) A lawyer shall:

- (1) promptly notify a client or other person of the receipt of funds, securities, or other property in which the lawyer knows or reasonably should know* the client or other person has an interest;
- (2) identify and label securities and properties of a client or other person promptly upon receipt and place them in a safe deposit box or other place of safekeeping as soon as practicable;
- (3) maintain complete records of all funds, securities, and other property of a client or other person coming into the possession of the lawyer or law firm;
- (4) promptly account in writing to the client or other person for whom the lawyer holds funds or property;
- (5) preserve records of all funds and property held by a lawyer or law firm under this rule for a period of **no less than five years** after final appropriate distribution of such funds or property;
- (6) comply with any order for an audit of such records issued pursuant to the Rules of Procedure of the State Bar; and
- (7) promptly distribute, as requested by the client or other person, any undisputed funds or property in the possession of the lawyer or law firm that the client or other person is entitled to receive.

(e) The Board of Trustees of the State Bar shall have the authority to formulate and adopt standards as to what “records” shall be maintained by lawyers and law firms in accordance with paragraph (d)(3). The standards formulated and adopted by the Board, as from time to time amended, shall be effective and binding on all lawyers.

* This actually depends on the type of case.