

FORM 2: Digital File Maintenance Clause

Ed. note: Use this clause to maintain a paperless office. This paragraph advises clients of their need to securely retain the digital files you will be sending during the representation, and shifts the burden of the cost of paper copies to the client, rather than to the lawyer. Additionally, if a client requires encryption, this clause shifts the burden of obtaining and installing encryption software to the client. Shifting that burden is discussed and authorized in ABA Formal Ethics Opinion 471, which allows lawyers who maintain paperless offices to disclose to clients up front that if the client wants paper copies, they will be expensed.

File Maintenance: During our representation of you, we will be sending you copies of all important contracts, pleadings, letters, notices, and other material that we believe you should review. Our office strives to maintain these documents in digital (paperless) format, so more often these copies shall be in digital format, for ease of retention and portability. You should have a secure place to keep these documents. If you need additional paper copies at any time, we can make those at your expense for our normal copy fees, or cooperate in sending the data to the secure copy service of Client’s choice. Clients may control such costs by keeping digital copies. Should you believe your particular file requires encryption, you should advise us of the form of such encryption. If our office is required to secure encryption software specifically for your case, the cost of that software shall be included in your bill.