

SECTION 19. LEGAL COUNSEL RECORDS

Records relating to litigation, potential litigation, claims, non-judicial proceedings and other activities of legal counsel.

General Instructions		
<ul style="list-style-type: none"> ▪ The minimum retention period applies to the record copy regardless of the storage format for the record (paper, electronic, microfilm, etc.). ▪ Unless otherwise specified in this retention schedule, duplicate copies may be destroyed at the discretion of the duplicate copy custodian provided they have no further administrative or other value. Duplicate copies should not be retained longer than the record copy. ▪ No record that is eligible for destruction under the retention schedule can be destroyed if it is pertinent to any anticipated, current or pending litigation, claim or audit or the subject of a legal hold. 		

Record Title	Record Copy Custodian	Record Copy Minimum Retention Period
1. ADMINISTRATIVE HEARING RECORDS.	See: Non-judicial Proceedings below	
2. AGREEMENTS AND SUPPORTING DOCUMENTATION.	See: Section 15 General Records – Agreements, Contracts and Supporting Documentation	
3. BOARD OF COUNTY COMMISSIONERS RECORDS.	See: Section 3 Board of County Commissioners Records	
4. CONTRACTS AND SUPPORTING DOCUMENTATION.	See: Section 15 General Records – Agreements, Contracts and Supporting Documentation	
5. CORRESPONDENCE AND GENERAL DOCUMENTATION. Correspondence and documentation of a general nature.	See: Section 15 General Records – Correspondence and General Documentation	
6. COURT FILES. Civil case files documenting pending and closed cases filed by the County and against the County, 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 County 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 County, court proceedings, research files of legal counsel, litigation case files, and hearing files for cases pertinent to the County, including mental health commitment case files.	County Attorney See also: Pending Lawsuits below	<p><i>Court Files – Court Rulings (Major):</i> 6 years + current after decision, expiration of appeals or expiration of time for filing of appeals, except evaluate prior to destruction to determine any continuing value</p> <p><i>Court Files – Court Rulings (Minor; excludes property):</i> 3 years + current after expiration of appeals or expiration of time for filing of appeals, except evaluate prior to destruction to determine any continuing value</p>

Douglas County – Records Retention Schedule

Record Title	Record Copy Custodian	Record Copy Minimum Retention Period
7. CRIMINAL CASE FILES – ZONING VIOLATIONS. Files used by County prosecutors to conduct trials against persons charged with zoning misdemeanors, including citations, police reports, complaints, subpoenas, motions, judgments and related records.	County Attorney	3 years + current after case concludes, then evaluate for continuing value prior to destruction
8. FINANCIAL RECORDS.	See: Section 13 Financial Records	
9. GARNISHMENTS.	See: Section 23 Payroll Records	
10. NON-JUDICIAL PROCEEDINGS. Records of external and internal proceedings before various regulatory bodies or entities (examples: Administrative Hearings, EEOC, Worker’s Comp hearings, PUC, Air Quality Control Commission, State Board of Assessment Appeals, Unemployment, etc.), arbitration and mediation on behalf of County, such as arbitration for property tax assessments.	County Attorney	At least 3 years + current after all rights of appeal have expired, then evaluate to determine whether the records have any continuing value; destroy thereafter at option of County Attorney
11. PENDING LAWSUITS.		
A. Claim Files. Records of notifications received by the County of contract or tort claims and potential lawsuits.	Major Claims That Proceed to Lawsuits: County Attorney Minor Claims Settled Without Proceeding to Lawsuit: Risk Management See also: Section 30 Risk Management Records – Claim and Litigation Records	Major Claims That Proceed to Lawsuits: 6 years + current after the claim is withdrawn, after the conclusion of any proceedings relating to the claim or after conclusion of any lawsuit, whichever is later, then evaluate for continuing value prior to destruction of the records Minor Claims Settled Without Proceeding to Lawsuit: 3 years + current after settlement
B. Risk Management Records.	See: Section 30 Risk Management Records	
12. PROPERTY CONDEMNATION CASE FILES. Files relating to land and property condemned by the County, including: <ul style="list-style-type: none"> ▪ Correspondence ▪ Legal descriptions of property ▪ Plats ▪ Tax proration requests (copies) ▪ Tax statements ▪ Other related records 	County Attorney	10 years + current after file is closed