

## Tip of the Month

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LOS ANGELES COUNTY BAR ASSOCIATION

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### Understand Limits on Clients' Requests for Files

When responding to a request for "the file" by a client or former client, do not assume that you know what you need to give to the client. It is important to become aware of the requirements of your jurisdiction and to comply with those requirements. Review your state's version of ABA Model Rule 1.16(d), which provides that a withdrawing lawyer must take "reasonable steps to avoid foreseeable prejudice" to the client's rights, and among those steps are "delivering to the client all papers and property to which the client is entitled." In some states, the client is entitled to virtually everything in the file, with some narrow exceptions, while in other states the exceptions are more encompassing of the attorney's work product. Your jurisdiction may also have an ethics opinion, case law or a statute addressing the issue of what part of the file must be given to the client, what might be withheld, who pays for the copy cost and whether the file is subject to an attorney's retaining lien.

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