

Colo. Lic. Paraprofe. R. Profe. Cond. 1.16A

Rule 1.16A - Client File Retention

- (a) An LLP shall retain a client's files respecting a matter unless:
- (1) the LLP delivers the file to the client or the client authorizes destruction of the file in a writing signed by the client and there are no pending or threatened legal proceedings known to the LLP that relate to the matter; or
 - (2) the LLP has given written notice to the client of the LLP's intention to destroy the file on or after a date stated in the notice, which date shall not be less than thirty days after the date of the notice, and there are no pending or threatened legal proceedings known to the LLP that relate to the matter.
- (b) At any time following the expiration of a period of ten years following the termination of the representation in a matter, an LLP may destroy a client's files respecting the matter without notice to the client, provided there are no pending or threatened legal proceedings known to the LLP that relate to the matter and the LLP has not agreed to the contrary.
- (c) Reserved.
- (d) An LLP may satisfy the notice requirements of paragraph (a)(2) of this Rule by establishing a written file retention policy consistent with this Rule and by providing a notice of the file retention policy to the client in a fee agreement or in writing delivered to the client not later than thirty days before destruction of the client's file or incorporated into a fee agreement.
- (e) This Rule does not supersede or limit an LLP's obligations to retain a client's file that are imposed by law, court order, or rules of a tribunal.

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Amended and Adopted by the Court, En Banc, April 13, 2023, effective 7/1/2023.
