

RECORDS MANAGEMENT MANUAL

COLORADO SPECIAL DISTRICTS

SCHEDULE NO. 13

LITIGATION AND LEGAL COUNSEL RECORDS

General Description: Records pertaining to claims, lawsuits and advice received from the special district's legal counsel. *The specified retention period applies to the information contained within the record, regardless of the physical format of the record (paper, microfilm, computer disk or tape, optical disk, etc.).*

Duplicate Copies: *Provided that no retention period is specified for duplicate copies, retain those that are created for administrative purposes for 1 year, and retain those created for convenience or reference purposes until no longer needed or for 1 year, whichever is first. Duplicate copies should not be retained longer than the record copy.*

13.10 Attorney Correspondence

See Schedule 7 Correspondence and General Documentation.

13.20 Billings – Legal Counsel

See Schedule 5 Accounts Payable Records.

13.30 Medical Records – Personal Injury Claims

Medical records that provide supporting documentation needed for resolution of personal injury claims.

Retention: Until claim is resolved, then evaluate for continuing value prior to destruction

13.50 Garnishments

See Schedule 15 Payroll Records.

13.60 Legal Opinions

Formal opinions written by legal counsel to advise the district, the governing body or district staff regarding the legality or legal consequences of various courses of action and to present the basis and rationale for legal recommendations.

Retention: Permanent

Advisory Opinion

Formal opinions written by legal counsel to advise the district, the governing body or district staff regarding the possible legal consequences of various courses of action. <Added 1/03>

Retention: 6 years

13.70 Litigation Case Records

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Civil case files documenting pending and closed cases filed by the district and against the special district, 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 district 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 district, court proceedings, research files of legal counsel, litigation case files, and Public Utilities Commission hearing files for cases pertinent to the special district.

Major Litigation

Documentation of civil suits by the district against another party or in defense of the district and/or its employees against suits filed by another party. Records of litigation that sets legal precedents, that has widespread importance or long-term major significance to the district and how it operates, that has historical interest or that is perceived by the district or legal counsel to have enduring reference value.

Retention: Permanent

Minor Litigation

Documentation of civil suits of a minor nature by the district against another party or in defense of the special district and/or its employees against suits filed by another party; records of litigation with relatively short-term reference value.

Retention: 7 years after case closed, dismissed or date of last action unless there is historical value