NEW YORK COUNTY LAWYERS’ ASSOCIATION

RECORD RETENTION POLICY

This Policy was approved by the Board of Directors of the New York County Lawyers' Association at its regular meeting on February 5, 2007.

The New York County Lawyers’ Association (“NYCLA”) is a not-for-profit bar association comprising over 8,000 members located in and around New York City, and is incorporated in the State of New York. NYCLA’s governance is subject to numerous statutes and regulations that require the retention of certain business records, including, but not limited to, the New York State Not-for-Profit Corporation Law, Uniform Commercial Code, Internal Revenue Code, Employment Income Security Act and the Regulations of the New York State Attorney General. As a bar association, NYCLA has several programs such as Continuing Legal Education, Fee Dispute Resolution and Complaint Mediation that are also governed by the rules and policies of the Office of Court Administration or other court-based oversight bodies. Further, although the Sarbanes-Oxley Act of 2002 (“SOA”) is only applicable to for-profit corporations, the SOA provides a standard for document disposal that has a persuasive effect upon not-for-profit corporations.

The NYCLA Record Retention Policy provides a schedule for business record retention, a policy concerning the disposal of documents no longer governed by NYCLA’s record retention guidelines, and procedures for NYCLA’s staff to follow to obtain additional information about these policies.

RECORD RETENTION SCHEDULE

Definition of Records

NYCLA’s records are defined to include any document, writing, printing, inscription, electronic, video or magnetic taping that its Board of Directors, officers, Executive Committee, sections, committees and any subcommittee thereof, staff, vendors, or its members create, devise or invent in the course of their duties, responsibilities and activities to and regarding NYCLA.

Permanent Records

Some (but not all) of NYCLA’s permanent records include cancelled checks for taxes, purchases of property, special contracts (checks should be filed with the papers pertaining to the underlying transaction); bank records and statements; investment and brokerage account statements, confirmations and instructions; cash books; chart of accounts; correspondence for legal and important matters; deeds, mortgages and bills of sale; contracts and leases; end-of-year financial statements and audited reports of Certified Public Accountants; general ledgers; insurance records, current accident reports and claims policies; journals; minute books of directors meetings; by laws and charter;
property records, including appraisals, costs, depreciation reserves, end-of-year balances, depreciation schedules, blueprints, plans and computational records related to property records; tax exemption determinations from federal, state and local agencies; tax returns, worksheets, IRS reports and other documents relating to the determination of income tax liability; letters, pledges, bequests and other related communications from and with donors; wiring schematics and drawings; copyrights; trademarks.

**Seven Years**

Joint Fee Dispute Program records; accident reports and claims of settled cases; accounts payable/voucher register; accounts receivable ledgers and trial balances; bank statements, including bank reconciliations; cancelled checks except for the exceptions listed under permanent records; cash receipts and disbursement records; expired contracts and leases; employee personnel records after termination (if a retirement plan was in effect, regardless of whether the employee was a plan participant); expense analyses and expense distribution schedules; inventory records; invoices from vendors; notes receivable ledgers and trial balances; payroll records and summaries, including payments to pensioners; pension and/or welfare plan returns and reports (from the filing date of such returns and reports; pension and/or welfare plan accounting records; purchasing department copy of purchase orders; scrap and salvage records; employee time records; voucher register and trial balances; vouchers for payments to vendors, employees, etc. (including allowances and reimbursement of employees, officers, etc. for travel and entertainment expenses); product guarantees and warranties.

**Five Years**

Complaint Resolution Program records (complaints referred by the Departmental Disciplinary Committee, First Department).

**Four Years**

Continuing Legal Education Program records for each program, including attendance lists, sample certificate of attendance, evaluation questionnaires, timed agenda, course brochure or advertisement and course materials; duplicate deposit tickets; employee personnel records after termination (except for records described above requiring retention for seven years); employment applications; general correspondence; expired insurance policies; internal audit reports, including working papers (in some situations, longer retention periods may be desirable); petty cash vouchers; sales records and summaries; miscellaneous internal reports; quotes for major purchases.

**Two Years**

Registered/insured mail logs.
Chits, correspondence of an unimportant nature with customers or vendors; receiving sheets; requisitions; stockroom withdrawal forms; postal records and stamp requisitions; telephone records, including installation and leases.

Administration of the Procedure

The NYCLA Executive Director is responsible for the administration of the record retention policy, including consulting with the auditors or other appropriate authorities when questions arise as to coverage or schedules. In the event the NYCLA Executive Director is either absent or otherwise unavailable or the position is vacant, any questions concerning this policy should be directed to the Counsel to NYCLA.

DOCUMENT DISPOSAL POLICY

NYCLA acknowledges its responsibility to preserve information relating to criminal or civil litigation, audits and investigations. The SOA makes it a crime to alter, cover up, falsify or destroy any document to prevent its use in an official proceeding. Further, several other federal and New York statutes make such conduct a crime as well.

Accordingly, as soon as any NYCLA staff member becomes aware of any potential or actual criminal or civil litigation, audit or investigation, that staff member should report such matters to the NYCLA Executive Director. Upon learning of such an event, the NYCLA Executive Director shall cause NYCLA to immediately suspend its Record Retention Policy as it applies to those documents covered by the breadth and scope of the potential or actual criminal or civil litigation, audit or investigation. The suspension should be interpreted broadly, and continue until the NYCLA staff receives specific instructions from either internal or outside counsel. Such a suspension will include any automatic electronic or voicemail deletion programs currently operating. The Executive Director shall also immediately inform the Counsel to NYCLA and the NYCLA President about the event and the actions taken to suspend the Record Retention Policy.

Definition of Documents

Pursuant to NYCLA’s Document Disposal Policy, the term “document” or “documents” shall mean any written, typed, printed, recorded or graphic matter, however produced or reproduced, of any type or description, regardless of origin or location, including without limitation all correspondence, electronic or voicemail, records, tables, charts, analyses, graphs, schedules, reports, memoranda, notes, lists, calendar and diary entries, letters (sent or received), telegrams, telexes, messages (including, but not limited to, reports of telephone conversations and conferences), studies, books, periodicals, magazines, booklets, circulars, bulletins, instructions, papers, files, minutes, other communications (including, but not limited to, inter- and intra-office communications), questionnaires, contracts, memoranda or agreements, assignments, licenses, ledgers, books of account,
orders, invoices, statements, bills, checks, vouchers, notebooks, receipts, acknowledgments, data-processing cards, computer-generated matter, photographs, photographic negatives, phonograph records, tape recordings, wire recordings, other mechanical recordings, transcripts or logs of any such recordings, all other data compilations from where information may be obtained, or translated if necessary, and any other tangible thing of a similar nature. Any drafts, preliminary versions, revisions or non-identical copies are expressly included within this definition of “document.”

**Reporting Procedures**

Each employee has an obligation to contact the NYCLA Executive Director about a potential or actual criminal or civil litigation, external audit, investigation or similar proceeding involving NYCLA. This duty supersedes any obligation under the approved record retention schedule.

**Disciplinary Actions**

Failure on the part of NYCLA staff to follow this policy can result in possible disciplinary action against responsible individuals, up to and including termination of employment.