

Family Violence Appellate Project Records Retention Policy

Introduction	Family Violence Appellate Project (“FVAP”) has adopted this Records Retention Policy (this “Policy”) to help it manage its records efficiently, report its performance accurately, and comply with applicable laws relating to preservation and confidentiality of such records. These laws include the Internal Revenue Code, the Sarbanes-Oxley Act, other statutes, and court rules of procedure.
General policy	FVAP is committed to compliance with legal requirements relating to document integrity, document retention, and privacy. FVAP will retain documents as necessary to comply with law and as needed for operations, but, organizational capacity permitting, will seek to retain them no longer than as needed for such purposes or to assist the organization’s mission. FVAP may establish retention schedules for specific categories of records after which management may elect not to retain records; several such schedules are set out in the table below. While the table reflects minimum retention schedules for certain categories of records, retention of a document, whether or not identified in the table, and of documents not identified in the table, should be determined primarily by application of the general principles of this policy and the specific requirements below relating to litigation-relevant materials.
Legal proceedings	FVAP will not alter, destroy, mutilate, conceal, cover up, falsify, or make a false entry in a record, or attempt to do so, with the intent to impair the record’s integrity or availability for use in a legal proceeding (defined below) or impede, obstruct, or influence a legal proceeding. If FVAP learns of, or reasonably anticipates, a claim that may give rise to a legal proceeding, FVAP will take appropriate actions, including cessation of destruction of records, to ensure safeguarding of records relevant to the legal proceeding. “Legal proceeding” means any investigation, civil or criminal litigation, official proceeding, or any proper administration of any matter within the jurisdiction of any department or agency of the United States or of any state or local government.
Coverage	This Policy covers documents in electronic as well as hard copy format. FVAP will seek to maintain e-mail and other electronic documents in the same manner as those in hard copy format. This Policy covers FVAP’s directors, officers, employees, contractors, volunteers and, as appropriate, vendors and other outside providers.
Administration	The executive director is responsible for administering this Policy in a manner that is reasonably attainable given FVAP’s resources and administrative capacity. Those responsibilities include (i) setting standards for document integrity, such as guidelines for handling electronic files, backup and archiving procedures, document retention in case of an emergency, and checkups of system reliability; (ii) consulting with FVAP associates about storage and destruction of specific categories of documents; (iii) overseeing protocols for compliance with privacy laws and FVAP’s own privacy policies; (iv) issuing instructions with respect to litigation matters; and (v) reviewing arrangements with volunteers and outside providers. The Board of Directors may amend this Policy at any time.
Noncompliance	Failure to comply with this Policy, including, particularly, disobeying any destruction halt order, could result in possible civil or criminal penalties including fines and imprisonment, contempt orders, litigation sanctions, disciplinary action for individual employees, and increased costs and inefficiencies.
Relationship to laws and	This Policy is intended to supplement and not supersede any applicable federal and state laws, or any contracts to which FVAP is party, relating to retention and

contracts confidentiality of specific documents and information.

Document/Record	Retention Period (after active period)	Location/Storage ¹
Accounting records, including: <ul style="list-style-type: none"> • Accounts payable ledgers and schedules • Accounts receivable ledgers and schedules • Bank statements • Cash books • Checks (canceled) • Depreciation schedules • Deposit slips • Expense analyses and expense distribution schedules (includes allowance and reimbursement of employees, officers, etc., for travel and other expenses) • Invoices to customers • Invoices from vendors • Journals • Purchase orders • Sales records • Scrap and salvage records • Subsidiary ledgers 	7 years	Locked file cabinet and/or Electronic
Audit reports of accountants	5 years	Locked file cabinet and/or Electronic
Capital stock and bond records: ledgers, transfer payments, stubs showing issues, record of interest coupon, options, etc.	7 years after sale or transfer of asset	Locked file cabinet and/or Electronic
Case/client and potential client files, consisting of the following:	When requested by a client/potential client before records retention period, see note 2 ²	File cabinet and/or Electronic
A) Electronic documents and records, including email and other correspondence, and electronic copies of client documents and case pleadings	May be destroyed 5 years after conclusion of FVAP's	Electronic

¹ Referenced file cabinets and locked file cabinets shall be located in FVAP's office, which is locked.

² When a client or potential client (collectively, "PC") requests their case file within the retention period for such documents, FVAP will provide it within a reasonable period of time. This includes electronic and paper documents received from the individual, whether photocopies or originals; correspondence with the PC or the opposing party/counsel; pleadings or other documents filed with the court; and other required components of a case file as defined by statute or case law. FVAP may reserve documents that are not part of a case file as defined by statute or case law, such as attorney work product, correspondence, time records, and case management database entries, unless reserving such records would unduly prejudice the PC.

	representation or case screening	
B) Paper case file documents not received from client/potential client, including case pleadings and correspondence (regardless of whether the document is a signed original or a copy)	May be destroyed 5 years after conclusion of FVAP's representation or case screening	File cabinet or Electronic (if not originally signed pleading or otherwise verified document, which must be retained on paper)
C) Paper photocopies received from client/potential client (defined as documents that are duplicates or print-outs of a document or information that may be reproduced in the same form as the paper photocopy) ³	See note 3	File cabinet or Electronic
D) Paper original documents or other property received from the client/potential client (defined as documents or other property, other than "intrinsically valuable material," that are not able to be reproduced in the same form as the paper original, e.g., because it contains an original signature or is the only existing version of a document) ⁴	See note 4	File cabinet
E) Intrinsically valuable materials, including original stocks, bonds, wills, deeds, notes, judgments, estate planning documents, traveler's checks, and money orders; and other materials that have value	Permanently; see note 5	File cabinet

³ FVAP shall keep paper photocopies provided by clients/potential clients in paper or electronic form for 5 years after the end of the representation or case screening, *except*, for potential clients whose matters are not accepted for representation, if the volume makes maintaining a full copy of such documents impractical, FVAP shall make reasonable efforts to return the documents to the potential client or contact the potential client to confirm the documents may be destroyed. If these reasonable efforts are unsuccessful, the Executive Director may decide to retain the documents for 5 years or destroy them at that time. FVAP shall inform clients and potential clients of this policy.

⁴ Policy Not to Receive Original Documents: FVAP's policy is not to receive or accept any original client documents unless necessary for the scope of the engagement, which FVAP alone shall determine (in other words, FVAP declines to establish a depositor-deposittee or a bailor-bailee relationship, and FVAP declines to receive any papers, property, or other matter that would be subject to the law of deposits, Cal. Civ. Code §§ 1813-1847 & Prob. Code §§ 700-735). FVAP shall inform clients and potential clients of this policy, and that any original documents inadvertently received are not accepted and may be destroyed without review at the end of 1 year after the end of the representation or case screening, unless the client requests delivery of the original documents earlier.

Original Documents Inadvertently or Intentionally Received: Notwithstanding that notification, any original documents received by FVAP shall be returned as soon as reasonably possible to the owner (except those deemed by FVAP as necessary for the engagement), with electronic copies or photocopies retained by FVAP, unless the volume makes maintaining a full copy impractical, in which case the Executive Director may decide which copies will be maintained. If original client papers or property are determined to be necessary for the scope of engagement and are received by FVAP for that purpose, FVAP shall retain those original documents until the end of representation, at which point FVAP shall return the original documents to the client as soon as reasonably possible, after making electronic or paper copies. If original documents cannot be returned, the Executive Director shall decide if FVAP will keep them for 5 years after the end of the representation or case screening, or for 1 year pursuant to the contractual limitation with the client/potential client.

in and of themselves or which themselves create or extinguish legal rights and obligations ⁵		
Case/client-related documents not part of the client file, such as attorney work product and case management database entries	May be destroyed after 5 years	
Contracts	5 years after contract termination	Locked file cabinet and/or Electronic
Correspondence, general and routine, e.g. -internal correspondence on case publication, amicus, technical assistance matters	5 years	File cabinet and/or Electronic
Correspondence (legal and important matters, not including client and potential client correspondence)	7 years	Locked file cabinet and/or Electronic
Employee personnel records (excluding employee medical records)	5 years (after termination)	Locked file cabinet and/or Electronic (encrypted)
Employee Medical Records (relating to workers' compensation, Family Medical Leave Act, Americans with Disabilities Act, leaves of absences)	30 years (after termination)	Locked file cabinet and/or Electronic (encrypted)
Employment applications	3 years	Locked file cabinet and/or Electronic
Financial statements (end-of-year)	7 years	Locked file cabinet and/or Electronic
Financial statements (monthly)	5 years	Locked file cabinet and/or Electronic
General ledgers and end-of-year statements	Permanently	Locked file cabinet and/or Electronic
Grant records	As required by terms of grant ⁶	Locked file cabinet and/or Electronic
Insurance policies (expired)	10 years after termination	File cabinet and/or Electronic
Insurance records, current accident reports, claims, policies, etc.	While insurance policy is in effect; then begin retention period (10 years after policy termination)	File cabinet and/or Electronic
Internal reports, miscellaneous	5 years	File cabinet and/or Electronic
Inventories of products, materials, supplies	5 years	File cabinet and/or Electronic
Leases (expired)	5 years after	Locked file cabinet and/or

⁵ FVAP's policy is not to receive intrinsically valuable materials, and clients and potentially clients shall be informed of this. If intrinsically valuable materials are inadvertently received by FVAP, they shall be promptly returned to the owner and a photocopy retained if physically possible. If such materials cannot be returned, FVAP shall maintain them permanently, unless the deposit is terminated under the applicable provisions of the California Probate Code and/or Civil Code.

⁶ For federal grants, generally 3 years from the date of submission of the final expenditure report. See 2 C.F.R. § 200.333.

	termination	Electronic
Leases still in effect	While in effect; then begin retention period	File cabinet and/or Electronic
Minute books of Board of Directors, including Bylaws and Articles of Incorporation	Permanently	FVAP Office and Electronic
Payroll records and summaries, including payments to Pensioners	8 years	Locked file cabinet and/or Electronic (encrypted)
Tax returns and worksheets, revenue agents' reports, and other documents relating to determination of tax liability	10 years	Locked file cabinet and/or Electronic
Time sheets and cards, including paid time off/ vacation/ sick leave records	8 years	Locked file cabinet and/or Electronic

Adopted by the Board of Directors, February 27, 2020

Document history:

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