



PRACTICE ADVISORY

PHOTOCOPYING A CLIENT'S FILE

Who pays for the photocopying when a client asks for the file and the lawyer wishes to retain a copy for their own protection?

In 1999 the Legal Ethics and Practice Committee was asked to consider this question. The Committee agreed that the contents of the file belong to the client and not the lawyer, and therefore the lawyer cannot charge the client for photocopying the contents. The reason a lawyer photocopies the contents of a client's file if the file is to leave the lawyer's office is to protect the lawyer and not the client, and the lawyer should bear those costs. It should be noted that a lawyer may be considering a "retrieval fee" for old files kept in a facility away from the lawyer's office. In the opinion of the Committee, this is no different than the photocopying already discussed. It is the client's file, not the lawyer's, and it is the lawyer's choice to store it outside the firm.