

Documenting the File

It is critical, both due to professional and ethical obligations and as a risk management tool, to document the file regarding any representation of a client. Communications with clients may be verbal but should oftentimes be followed up with written confirmation.

Advice given to clients should be captured in writing, particularly when a client chooses not to follow the advice. Risks associated with a matter or a certain strategic decision should be communicated in writing. Conflicts should be disclosed in writing and written waivers should be obtained, when appropriate.

Settlement demands and offers are required to be shared with the client, and evidence of those conversations should be in writing. The file should contain written documentation of every event of importance and its communication to the client.