**Sample File Retention Policy and Custodian Language for**

**Your Engagement or Notice Letter**

***(Modify as appropriate)***

You agree that it is your responsibility to obtain your file upon termination of representation. We will notify you when it is available after your matter has concluded or will make it available to you within a reasonable time after your request. If your file is not picked up within [**number**] days after we notify you that it is available, we can assume that you do not want it. In that case, we will retain the file for [**number**] years and then destroy it in accordance with our file retention policy and procedures and the Texas rules of professional responsibility for lawyers. If you want us to retain your file beyond [**number**] years, you agree to pay the reasonable costs of storage. If you do not seek the return of your file when we notify you that it is available, you may request it at any time before its destruction. Other than the initial notification that your file is available, we will not send any further notices reminding you that it is available to be picked up or regarding when the file will be destroyed or that destruction has taken place.

If [I am/we are] temporarily or permanently unable to practice law due to unforeseen circumstances, you consent to a named custodian, a successor attorney in my practice, or an attorney licensed in Texas and in good standing with the State Bar of Texas acting as a custodian to review your client file, including confidential information, and determine what steps, if any, are needed to preserve any rights you may have in your case or to notify you and return your file to you or another attorney at your direction.