

SCHEDULE 5 – LEGAL SERVICES DEPARTMENT

Section 1: Legal Records

5.101: CIVIL CASE FILES

These case files document significant civil court cases in which the municipality is a party or represents the interests of the State of Utah. They include case number, plaintiff and defendant, nature of case, attorney's notes, related correspondence, and final verdict. This information is largely duplicated in court files and could be weeded after the case is closed.

RETENTION – Retain for 10 years after case closed, then destroy

5.102: CLAIM PETITION FILES

These files contain petitions claiming damages caused by municipal employees and/or equipment. They are used to determine liability. These files include petitions, correspondence and police reports if applicable.

RETENTION – Retain for 6 years (provided no litigation pending), then destroy

5.103: FORMAL LEGAL OPINIONS

These are the formal legal opinions written by city attorneys in response to requests received from various municipal departments in the course of municipal business. They are necessary to maintain consistency of opinion in related matters. They show date of opinion, advice or opinion, and name of requesting office or department.

RETENTION - Permanent

5.104: LEGAL COUNSEL RECORDS

These are legal interpretations given by attorneys at the request of other departments asking for guidance in enforcing, obeying, complying with and/or interpretation of the law. This would also include any work-product done inter-departmentally or at the request of other departments in the City.

RETENTION - Retain for 5 years after issue is resolved, then destroy

5.105: MISDEMEANOR AND INFRACTION CASE FILES

These case files document routine misdemeanor criminal cases prosecuted in district courts. They contain the case number, defendant's name, charge, dates of indictment and arraignment, plea, bond amount, trial date, verdict, and sentence. May also contain police records, offense reports, witness lists, subpoenas, FBI reports, photographs, and attorneys' notes. This information is largely duplicated in court files and should be weeded after the case is closed.

RETENTION – Retain for 7 years after case is closed, then destroy

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5.106: NOTICES OF CLAIM

These are demands for damages filed with the Legal Department pursuant to the GIA.

RETENTION – Retain for 10 years after case is closed, then destroy

5.107: ROUTINE LAWSUIT CASE FILES

These are case files for routine lawsuits filed by the city and those filed against the city. They are used in pleading cases in court and later for research purposes. They contain various court pleadings, research material, and attorneys' notes.

RETENTION – Retain for 7 years after case is closed, then destroy

5.108: SIGNIFICANT LAWSUIT CIVIL CASE FILES

These case files document the investigation and prosecution of significant civil cases. A case may be significant due to the subject, such as natural resource ownership or corruption of public officials; or because it sets precedent and/or leads to public policy or laws being changed, written, or rewritten; or because it involves individuals wherein there is historic interest.

RETENTION – Retain for 10 years after case is closed, then destroy

5.109: SIGNIFICANT LAWSUIT CRIMINAL CASE FILES

These case files document the investigation and prosecution of significant civil cases referred to a prosecutor's office. A case may be significant due to the subject, such as natural resource ownership or corruption of public officials; or because it sets precedent and/or leads to public policy or laws being changed, written, or rewritten; or because it involves individuals wherein there is historic interest.

RETENTION - Permanent