

GUIDELINE 10: DEALING WITH CLIENT PROPERTY

General

**Rule Reference: Rule 3.07
By-Law 9**

1. The term *client property* covers a wide range of items such as money or other valuables, physical items and information. For proper receipt, handling and disbursement of monies received from or on behalf of a client, refer to By-Law 9 and Guideline 15: Trust Accounts.

The Valuable Property Record

Rule Reference: By-Law 9, section 18.9

2. The valuable property record documents the paralegal's receipt, storage and delivery of client property. Client property may include, for example:
 - stocks, bonds or other securities in bearer form,
 - jewelry, paintings, furs, collector's items or any saleable valuables, and
 - any property that a paralegal can convert to cash on his or her own authority.
3. The valuable property record should not include items that cannot be sold or negotiated by the paralegal, for example, wills, securities registered in the client's name, corporate records or seals. A paralegal should maintain a list of these items, but that list should be separate from the valuable property record.

The Client File

**Rule Reference: Rule 3.07
Rule 3.03(3)**

4. The duty to preserve client property also applies to the documents that a client may give to the paralegal at the beginning of the paralegal-client relationship and documents that are created or collected by the paralegal for the client's benefit during the relationship.
5. The courts have developed law on the issue of the client file as between lawyers and clients. This jurisprudence may be applied to define the paralegal's client file in future. Generally, documents provided to a lawyer at the start of the retainer and those created during the retainer as part of the services provided, would belong to the client. These include
 - originals of all documents prepared for the client,
 - all copies of documents for which copies the client has paid,
 - a copy of letters from a lawyer to third parties or from a lawyer to third parties,
 - originals of letters from a lawyer to the client (presumably these would have already been sent to the client in the course of the retainer),

- copies of case law,
 - briefs,
 - memoranda of law, where the client paid for preparation of the memoranda,
 - notes or memoranda of meetings with opposing parties or their representatives, court or tribunal conferences, interviews of witnesses, etc.,
 - trial preparation documents, trial briefs, document briefs, trial books,
 - copies of vouchers and receipts for disbursements a lawyer made on the client's behalf,
 - experts' reports,
 - photographs, and
 - electronic media such as computer discs.
6. Documents belonging to a lawyer (for example, notes or memoranda of meetings or telephone calls with the client) would not need to be provided to the client.
7. A paralegal should consider retaining copies of client documents, at his or her own cost, to defend against complaints or claims that may be made against the paralegal in future.