

CLOSING SOLICITOR'S FILES

INTRODUCTION

This section describes how to close solicitor's files. Upon completion of a court matter, the Board retains certain court documents, while disposing of others. This is to prevent the build-up of briefs, exhibits, appeal documents etc. generated from court proceedings. The following policy guidelines explain how to dispose of the materials found on the files. It discusses:

- location of solicitor's files;
- what is on the file;
- disassembling the file; and
- storage of closed solicitor's materials.

LOCATION OF SOLICITOR'S FILES

All solicitor files are green. You can locate them in the top shelf of the filing cabinet located by the Legal Counsel's office. This designated storage area contains legal documents from the time a court proceeding begins until its conclusion. After completion of a court matter, the solicitor instructs you when to close a file. No materials from these files are disposed of without a solicitor's instruction to do so.

Bulky materials such as court returns, briefs, appeal books etc. may not be on the file. You can locate these in the storage area at the back of the office.

WHAT IS ON THE FILES

The start of a solicitor's file always begins with the receipt of an Originating Notice. See: [[Opening a Solicitor's File, Chapter 36\(b\)](#)]. The Board then prepares the Board's Court Return. Through the court process, legal documents get placed on the file. Lastly, the Court's decision or the discontinuation notice appears.

Should the Court give an oral decision, the solicitor completes another memo to the Chair. This memo explains what happened in Court and the Court's decision. These memos are also kept on the file. When a file is concluded, the officer must also update the database synopsis to explain the resolution.

DISMANTLING THE FILE

Below are lists of the legal documents which must be sorted, retained and discarded. As a rule, retain any court documents or correspondence having the "Court of Queen's Bench" or "Court of Appeal" on it.

As a general rule, any matter filed in the Courts should be retained. The order in which scavenged materials should be presented in the binder is as follows:

- general correspondence;
- applicant's Originating Notice;
- Board return—index of documents; and
- applicant's, respondent's and Board's arguments and list of authorities.

followed in Court of Appeal matters by:

- agreement as to contents of Appeal Book
- appellant's, respondent's and Board's factums

General Correspondence

Keep the first and last pages of a Board decision found on the file. Keep all memos the solicitor prepares to the Board's Chair as outlined above. All other letters between counsel, detailing date and times of court proceedings are not kept. Neither are those covering letters which send out legal documents.

Applicant's Originating Notice

Keep the Originating Notice.

Board's Return—Index Of Documents

Disassemble the Board's Court Return. Keep the Director of Settlement's certificate containing the index of documents included in the Return and the Applicant's Originating Notice. Destroy all other documents.

Exhibits

When exhibits before the Board form part of the Court Return, discard them.

Arguments Prepared by Applicant, Respondent and the Board

In Court of Queen's Bench matters, disassemble all briefs submitted to the Court by any of the parties. Save all written arguments and list of authorities submitted by each party to the proceedings. Destroy all cover pages and all duplicated authorities and attachments.

Court of Appeal Documents

Should a matter go to the Court of Appeal, take the following steps:

Agreement As to Contents of Appeal Book

Remove the "Agreement as to Contents of Appeal Book" found in the Board's copy of the appeal book. Destroy the remainder of the appeal book.

Factums

The Board's and each party's factums must be unbound. Hole-punch and file them behind Court of Queen's Bench materials located in the grey archive binders. We only need one copy of authorities so destroy all duplicates found between the three parties.

Discontinuance of Action

Not all Court matters end with a decision. The applicant can file a "Discontinuance of Action." If so, file it in the archive binder.

STORAGE OF CLOSED SOLICITOR'S MATERIALS

Once all the legal materials have been sorted and the necessary documents disposed, store them in the grey binders. You can locate these binders on the shelf by the Chair's assistant. The archive binders read "Closed Solicitor's Files." Make tabs for each closed file and add the documents into the binder beginning with the Originating Notice.

Group together the written arguments and list of authorities of the Board and parties. File them behind the tab, but separate them from each other by dividers. Most court briefs are cerloxed. If cerloxed, hole-punch them on the opposite side of the page to avoid making new copies.

Pull the corresponding 8118 file and return it to the 8117 series. Close the appeal in the database. Give a copy of any order or judgment to the database entry clerk so they can close the process file. Send email to staff advising them the judicial review matter is now closed. Record where the closed solicitor file is kept in `g:/court/letters/closed solicitors files.doc`.