



BENEFITS OF MAINTAINING CLIENT ORIGINALS IN ATTORNEY'S FIREPROOF SAFE – A SPECIAL PREVENTIVE LAW SERVICE

Keeping Your Most Important Documents Safe

Summary: We have reached the point in our preventive law studies that we are of the opinion it is improper practice for an estate planning attorney not to assume responsibility for the original documents of the clients in a regularly inventoried fireproof safe. This article details the advantages that a client will have when keeping their original documents in our safe.

Many attorneys give original documents back to the client for them to manage. Attorneys practicing preventive law disagree with that policy and instead provide a fireproof safe for holding client originals in their office.

Listed below are the benefits of having the preventive law attorneys assume responsibility for client's original documents by maintaining them in a fireproof safe.

1. **Original documents are readily available for the attorneys to review.** Many times the attorneys are called by banks, title companies, or other agencies to give an opinion on an original document signed by a client. Having the originals in the attorney's office reduces the fees in this situation.
2. **Certified copies may be made quickly and dispatched anywhere in the world.** While traveling, a client needs an original document in an emergency. They are in a hospital in Thailand. The hospital will not operate on the client who is deathly ill and unconscious. The doctors at the hospital will not take the word of the client's son without a medical power of attorney. In this situation, the attorney will be able to prepare a certified copy of the original, which is kept in the fireproof safe, and fax it to the Thailand hospital.
3. **Clients often misplace originals.** After a client has held a Will for five years they may forget where they have placed the document. The attorney having the originals of all legal documents in their fireproof safe and inventorying them each year will prevent loss of documents. When a document appears lost from the inventory any year, we are alerted to look for it right then when the clients, the attorneys, and staff have fresh recollections of what is likely to have happened to it. Losing an original document could be devastating and impossible to replace without costly court procedures or additional legal services, or worst yet, may be irreplaceable.
4. **The documents are safe and confidential with an objective custodian.** With estate planning documents, sometimes the clients do not want family members to have access to their Powers of Attorney until there is proof of disability, of being missing, or a specific release by their authority. When the documents are in the

client's possession, it is too easy for a document to fall into the possession of the wrong family member, or be destroyed, or intentionally lost by a family member who did not like the terms. If a divorce is pending or likely, you do not want the original General Power of Attorney available to the opposing spouse!

5. **Having an annual inventory of the client's original documents will remind clients of the need for an annual review or changes.** Sometimes you do not think of what you need for supper until you push your shopping cart up and down the rows of the supermarket. Analogously, sometimes you do not realize that you need additional legal work until you see the annual inventory and see previously what you have. Before we had a policy of sending annual inventories of original documents to clients, we had clients forget where they had their documents and what documents they had!
6. **Special need for corporate stock certificates to be in custody of professional custodian.** We have had too many situations where the original Stock Certificates of a corporation have been (1) lost with additional legal fees of replacing them, or (2) sold or hypothecated without the knowledge of the shareholders or in violation of shareholder agreements or buy and sell agreements. We, therefore, recommend that the original stock certificates of all corporate shareholders be kept in the fireproof safe of the corporate attorneys.
7. **The legal documents must be available in emergencies.** If husband and wife hold their original documents in their wall safe or bank safety deposit box, who is going to get to the emergency documents when husband and wife are simultaneously in the same auto accident?
8. **It is more cost effective for the attorneys and their staff, and provides savings for clients, to place the originals immediately after signing into the Firm's fireproof safe and keep them there.** Having to dispatch the originals hither and thither requires extra time and fees from the attorneys because we have to prepare receipts and send originals by certified mail. It is better for the attorneys to send only certified copies to clients or to others at their requests and keep the originals at all times safely in the fireproof safe. On a number of occasions, we have had original documents lost in the mail and that is why we try to only send certified copies, making as few exceptions as possible.
9. **It costs less to keep the originals with the attorneys than in a bank safety deposit box.** We have found that banks charge significantly more than our annual storage and inventorying charges. This does not take into account the client time to go to the bank to open the safety deposit box and take the originals to the attorney every time they deal with an original document.
10. **Provides a system for verifying completeness of documents.** When the attorneys have the original documents under their control in fireproof safes, they may verify to others any changes or additions to the documents and affirm to title companies, banks and other third parties that the documents are true copies with no other changes or additions through that date. The attorneys and their staff will

affix all amendments, changes and additions to the originals so as to keep the originals up to date at all times.

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