

**Law Offices of Robert Lockwood, Public Defender, 16<sup>th</sup> Judicial Circuit**

**CLIENT CASE FILE: RETENTION, DESTRUCTION, AND RELEASE**

**NOTE:** CLIENT CASE FILES ARE CONFIDENTIAL AND NOT SUBJECT TO PUBLIC RECORD REQUESTS UNDER FLORIDA STATUTES CHAPTER 119

**RETENTION AND DESTRUCTION SCHEDULE**

Closed client case files for this office will be retained in hard copy form and/or electronic copy form in accordance with the following time frame:

- Felony (Adult): Five (5) years after disposition of case
- Misdemeanor (Adult): One (1) year after disposition of case
- Juvenile: Five (5) years after disposition of case
- Baker Act/Mental Health: One (1) year after disposition of case
- Capital Homicide (death penalty sentence): Expiration of sentence
- Capital Homicide (non-death penalty sentence): Five (5) years after disposition of case
- Sexually Violent Predator Civil Commitment: Five (5) years after disposition of case
- Warrant/Capias status: One (1) year after warrant/capias being ordered

**RELEASE SCHEDULE**

**PENDING/CLOSED CASES- Public Record Requests**

Client case files are confidential and are not subject to Public Records Requests. Client case files are the property of this office and are maintained in accordance with the Florida Bar, Florida State law, and Office of the Public Defender policy. The client case files will not be released to anyone outside this office without the approval of the Public Defender or a designated representative.

**PENDING CASES- Record Requests from Clients**

At the discretion of the Office of the Public Defender, copies of the materials in the case file such as pleadings (notices, routine filings), investigative reports, subpoenas, reports (of confidential experts), videos, audio recordings, etc. may be provided to the client. The client is not entitled to these documents without paying

for copies. If the number of copies exceeds ten (10), a fee of fifteen cents (.15) per page shall be charged, unless in the opinion of the Office of the Public Defender, providing the copies will be beneficial to the preparation of the case and the fee would be a hardship on the client.

## CLOSED CASES

Closed case files will generally contain 3 types of items: client property, work product, and Public Records (court related).

### **1. Client Property**

Personal property belonging to the client should not be kept in case files. When a client provides original material that is relevant to the case, all effort should be made to copy and return the original to the client immediately. No personal property should be retained in the case files during representation or post disposition. These items provided by the client may include, but are not limited to: documents, records, pictures, printouts of materials from social networking, medical information, and physical items such as cell phones, prescriptions, etc. When requested, a client is always entitled to the return of their personal property in the possession of this office.

### **2. Public Records (Court Related)**

All court related public records can be requested from the Monroe County Clerk of Courts and/or Court Administration and/or State Attorney's Office. These items include, but are not limited to: hearing and deposition transcripts, motions, discovery, pleadings (notices, routine filings), subpoenas, expert reports, arrest reports, etc.

### **3. Work Product**

Work product will not be released. The client is not entitled to work product. The public is not entitled to work product. Work product includes, but is not limited to, thoughts/impressions of the attorneys during the preparation of the case, notes about a witness, thoughts about a defense, analysis of legal issues, items involved in case preparation, case related correspondence (emails, letters, calls, etc.) to and from the client, case related correspondence (emails, letters, calls, etc.) to and from a non-client.