

WHAT RECORDS SHOULD I KEEP

There is no simple rule. Which records prove to be most important will depend on the particulars of the claim and will differ in each instance. When litigation occurs, it is the lawyer's task to find out what went wrong and who is responsible. But it is the Architect's obligation to provide as much information as possible in support of one's own defense.

A prudent Architect will maintain project records for at least 15 years after project completion. To minimize the risk of extending the limitation period, it is further recommended that Architects send their clients a letter identifying the date on which they last provided services and keep a copy in their file.

Architects who can produce their own records, rather than relying on those produced by the plaintiff, are generally better able to defend themselves in the event of a claim.

Adequate and well-organized project records may be taken by a court as evidence of sound administrative practice by the Architect.

A written record in an email or letter trumps recollections of conversations. But as the adage states: "A picture is worth a thousand words." So, photographs or sketches that supplement site review reports may provide the most valuable aids to your defense.

15 most important records to keep

1. Contract between Architect and Client

2. Contracts between Architect and sub-consultants
3. Construction contract between owner and General Contractor, Construction Manager or Builder (where available to the Architect)
4. Insurance policies of sub-consultants
5. Other insurance policies and bonds, where applicable (e.g. Builder's Risk Policy, Performance Bond, etc.)
6. Communication documents such as emails, letters, faxes, etc.
7. Minutes of meetings
8. Bid and tender documents
9. Drawings and specifications
10. Certificates of Substantial Performance, Letters of Assurance, Statements of Completion
11. Field review reports, site review notes, site observations and photographs
12. Supplemental instructions
13. Change Order logs, RFI logs and shop drawing logs
14. Certificates of Payment and Progress Payment support documentation
15. Budget documentation