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LAW FIRM FILES OUT ON THE CURB ?

Posted by: Ron Plants, Reporter
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A call to the Channel 2 News Tipline asked why open boxes with files were out on the curb in front of a law firm in Orchard Park. Channel 2 News then found some of those same open boxes.

The boxes were on the curb of South Buffalo Street in front of the Berkowitz and Pace Law Firm. One of the open boxes had a visible file labeled "Medical Malpractice" with a name and phone number visible.

Attorney Leonard Berkowitz told us they were remodeling their office and that's why the boxes were thrown out that way. Berkowitz was asked if he felt there could be confidential records or information in the boxes. "These are old boxes. We thought they were going to be picked up immediately. They probably should have been shredded. We're gonna take 'em back in now based upon what you said. It was a mistake and they should have been shredded."

Berkowitz was also asked if anything has been compromised when it was thrown out for the trash pickup "No, we don't believe so. We don't believe anything's ever been compromised because they come right down and pick it

Video 

See Ron Plants report



up right away and they're gone. But we're gonna shred 'em now based upon the fact that you've raised the issue and it was a mistake to bring 'em out. So it's an error."

We raised the issue with the Erie County Bar Association who told us it was standard practice to check such files. Association President Cheryl Smith Fisher said "Not every paper in a file is secret but anything that does have a secret in it should be shredded and carted away by a service." Smith Fisher also said lawyers learn in law school that it is their obligation to make sure they safeguard the secrets of their clients.

Berkowitz and another attorney did pick up the files and place them on a cart to take them back to their office.