# EMERGENCY CHECKLIST FOR DECEASED OR DISABLED ATTORNEY’S EXECUTOR OR REPRESENTATIVE

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1. **What to do immediately** –

***Note:*** *It is not disrespectful to start the practice coverage and transition work immediately. It may be difficult to work in such a stressful time but a delay of a few days, or in some cases even hours, can create significant problems and result in lost fees, lost practice value and problems for clients.*

**1)** Get someone appointed or designated to act.

**2)** Check calendars, docket and "to do" lists to determine urgent items needing to be done. Immediately, contact all clients, opposing parties, Judges and others involved with the urgent items.

**3)** Take steps to file deadline items prior to the statute of limitations date and appearance date or get extensions, etc.

**4)** Get continuances and arrange for an attorney to cover cases needing urgent action so clients are not prejudiced and the clients case can progress on a timely basis.

# First week

**5)** Make staff arrangements to cover the time the office is expected to be open or until a transfer is completed. Normally you will need to ensure health insurance coverage and income for the staff for a sufficient time so the staff will stay until the practice can be transferred or the office closed.

**6)** Notify all remaining clients and other involved parties of the lawyer=s death or disability. See Rule 1.17 regarding notices to client’s and client consents. These notices should be sent as soon as possible to start the clock running.

**7)** To the extent possible, obtain clients written consents to have a covering attorney work on the file, review confidential matters and cover short term items. If a buyer has been identified, *this is a good time to get cliens to waive notice under Rule 1.17 and sign a written consent. Such consents expedite the transfer and significantly reduce both the time and work needed to transfer the practice.*

**8)** Triage work and files to establish a timetable for both client and office administration work including, type of work, the attention needed, and the amount of work involved. It is also important to identify who will do the work and the matter’s priority. The following timetable fits most situations.

* 1. Immediate
  2. First week
  3. First two weeks
  4. First month
  5. First three months (first quarter)
  6. *Include prompt and timely billing as an important part of the triage.*

**9)** As part of the triage process identify files to be closed along with any remaining work that needs to be completed in order to close the file.

**10)** If there is unbilled work needed to get paid, these files get priority to help the cash flow.

**11)** Billing and collection is important because the more bills that can be completed and/or collected during the first two weeks the better.

Under Rule 1.17 if a client’s consent is not obtained there is a "not less than 30 days" notice requirement so this notice period needs to be considered in how long to keep the office open. Clients will then have to be notified about how they can contact the practice representatives if the office is to be closed within the 90 day period.

**12)** The cost of overhead is a part of the fee calculation. Consequently, it is important to make arrangements for allocation of office expenses and the attorney fees with the person or firm taking over the file or files and doing the work after the event.

**13)** Stop or at least minimize as many ongoing over head expenses as possible, especially *LexisNexis, Westlaw*, library subscriptions and other recurring costs

**14)** Consider having the Buyer fund some of the overhead expense especially part of the payroll costs, when the transition lawyer or law firm will be is keeping all or a portion of the fees being generated by the transition work.

**15)** Arrange for all tax payments and tax return filings to be done on a timely basis or get appropriate extensions.

transition.

**16)** Minimizing overhead is critical to a profitable and successful

# First two weeks

**17)** All required Rule 1.17 9- day client notices and other notices need to be sent promptly, but to the extent possible should be sent by at least by the end of first two weeks.

**18)** Begin arrangements to close or transfer office.

**19)** Cover all necessary work.

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| **20)** | Follow up on undone items. |  |
| **21)** | Work on bills and collecting fees. |  |
| **22)** | Complete arrangement regarding leases, etc. |  |
| **23)**  destruction possibilities. | Arrange for storage of office and closed files. | Consider file |

**24)** Cancel all remaining unneeded subscriptions and expenses.

**25)** Arrange for tail and transition malpractice insurance for the office staff and estate.

**26)** Adjust other insurance coverage to meet the new circumstances.

**27)** Send all rebills that are in process.

**28)** Consider what to do with websites and lawyer listings such as Martindale- Hubble, West, LinkedIn, Facebook or other lists.

**29)** Complete substitution of attorney of record, registered agent and other items where a new attorney of record is necessary.

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