**SAMPLE RULE 1.3 SUCCESSION PLANNING CHECKLIST**

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**CHECKLIST**

* Include appropriate provision in retainer agreements It could be as simple as:

# In the event attorney is una vailable or becomes ill, is disabled or dies unexpectedly, or retires, client consents to another lawyer, chosen by attorney or attorney's legal representative, reviewing the file and handling the file until a successor attorney is chosen by client. For this limited purpose, client waives confidentiality and consents to the other lawyer's access to client's file.

To handle the transfer of unearned retainers, trust account money, etc.:

# In addition, client consents to the transfer of any of client's

*funds held by attorney to another lawyer, chosen by attorney or attorney's legal representative, and the retention of those*

*funds by the other lawyer until a successor attorney is chosen by client.*

* Designate emergency attorney to review client files, notify each client of the attorney's death or disability, and determine whether there is a need for other immediate action to protect the interests of clients; and to serve as successor signatory for any client trust account maintained by you, prepare final trust accountings for clients, make trust account disbursements, properly dispose of inactive files, and arrange for storage of files and trust account records
* Decide how emergency attorney will be compensated
* Decide how to handle your arrangement with the emergency attorney (written agreement, power of attorney, HIPPA release, corporate resolution)
* Include appropriate language in your estate planning documents authorizing action by emergency attorney
* Identify staff person (or family member) who will take charge of the daily operation of your office.
* Create (or modify) your office manual to cover the following:
  + How your calendaring system operates
  + How to retrieve a current list of active client files, including names, addresses, phone numbers and e-mail addresses
  + How open files are organized
  + How closed files are organized
  + The location of closed files and access
  + How you handle original documents of clients, location
  + A listing of any law office bank accounts, including bank name, address, authorized signers and account numbers
  + Where are law office's bank account records kept
  + If computers require passwords, who knows them or where are they
  + Business insurance policies and contact information of broker and agent, company
  + Personnel records, where they are kept and access
* Describe how you calendar deadlines, statutes of limitation, etc.
* Describe how you handle time and billing records, who has access
* How do you propose to dispose of the closed files, office furnishings and equipment
* What will be the source of payment of current liabilities including payroll, utilities, insurance, etc.
  + A proposal for how you will handle billing and collecting fees on open files
  + A proposal for how to handle accounts receivable
  + How you will compensate staff and how long
  + How to handle family, staff, executor
  + Begin or continue documenting open files with deadlines, what needs to be done next, etc.
  + How to handle the decision about whether or not to attempt a sale of your practice
  + Make recommendation regarding "tail" coverage
  + If you operate as a corporation, provide appropriate draft resolutions
  + Organize all critical information into a written plan
  + Start. Do a plan. A decent plan done is better than a great plan undone

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