

Checklist for Transition/Successor Counsel

1. Check for conflicts
 - a. Do you have any clients, former clients or prospective clients or cases that would create a conflict if you have access to the affected attorney's files?

If the answer is yes, then you are done. If the answer is no, then:

2. Check affected attorney's practice management software for uncompleted tasks, future tasks, deadlines and open cases
3. Check affected attorney's calendar for upcoming court dates, hearing dates, or other commitments involving a deadline
4. Is someone checking affected attorney's email and voice mail?
 - a. If you have access to both, create messages with instructions for clients to contact you for their file, information, etc. as appropriate
5. Contact affected attorney's clients to inform them of affected attorney's incapacity/death
6. File notices with courts as appropriate advising of affected attorney's status
 - a. May need to file motions to continue, extend time, etc. to protect affected attorney's clients
7. Should you contact opposing counsel?
 - a. Do you need to ask for extensions, continuances, etc.
8. Trust account
 - a. Are you a co-signor on the affected attorney's trust account?
 - b. If affected attorney is alive, but incapacitated, do you have a power of attorney granting you access to the trust account?
 - i. If not, you may need to file for conservatorship
 - c. If the affected attorney is deceased, do you have any apparent authority to access the trust account?
 - i. If not, you may need to file a motion in the probate court to obtain authority to access the trust account
 - d. Perform a 3-way reconciliation of the trust account to determine the amount(s) held for each client
 - e. Are any funds in the account due to the affected attorney or his estate?
 - f. Disburse funds to affected attorney or estate, and/or clients as appropriate
9. Files
 - a. Are there open files?
 - b. Are files paper or digital?
 - i. If paper files, make arrangements for clients to retrieve their files or to get the files to the client if retrieval isn't practicable
 - ii. If digital files, do you have access to any necessary passwords?
 1. If you are able to retrieve the files, convert them into media accessible by client
 - a. Email file? Copy to USB drive?
 - i. Security of files
 - b. Burn to CD?
 - iii. Are there original documents to be returned to client?

10. Operating account

- a. Do you have access to the operating account, or is there someone else who does?
- b. If practice is not closing forever, do you need to pay rent, utilities, other monthly or yearly expenses, contractual obligations other than client representations?

11. Notify State Bar in the event of affected attorney's death