**Checklist for Transition/Successor Counsel**

1. Check for conflicts -

Do you have any clients, former clients or prospective clients or cases that create a conflict if you have access to the affected attorney’s files?

If the answer is yes, stop; you are done.

If the answer is no, then:

1. Locate all open cases. Check affected attorney’s files and/or practice management software for uncompleted tasks and deadlines.
2. Check affected attorney’s calendar for upcoming court dates, hearing dates, or other commitments involving a deadline, particularly statutes of limitations.
3. Determine whether someone is checking affected attorney’s email, text messages, voicemail and mail.

If you have access to affected attorney’s email and voicemail create messages with instructions for clients to contact you for their file, information, etc. as appropriate. File all texts, emails and mail in the appropriate files and note any important voicemail in the appropriate files.

1. Contact affected attorney’s active clients to inform them of affected attorney’s incapacity/death, who you are and your role, and that they may obtain new counsel. Explain how and where clients can obtain their file.
2. File notices with courts as appropriate advising of affected attorney’s status.

You may need to file motions to continue, extend time, etc. to protect affected attorney’s clients and provide notice of extensions obtained to the affected attorney’s client.

1. Contact opposing counsel in active cases if you need to ask for extensions, continuances, etc.
2. Trust account
   1. Are you a co-signor on the affected attorney’s trust account?
   2. If affected attorney is alive, but incapacitated, do you have a power of attorney granting you access to the trust account? If not, you may need to file for conservatorship
   3. If the affected attorney is deceased, do you have any apparent authority to access the trust account? If not, you may need to file a motion in the probate court to obtain authority to access the trust account. A Sample Motion for Access to IOLTA is available.
   4. Perform a 3-way reconciliation of the trust account to determine the amount(s) held for each client.
   5. Are any funds in the account due to the affected attorney or his estate?
   6. Disburse funds to affected attorney or estate, and/or clients as appropriate
3. Files
   1. Are there open files?
      1. If paper files, make arrangements for clients to retrieve their files or to get the files to the client if retrieval isn’t practicable.
      2. If digital files, do you have access to any necessary passwords? If you are able to retrieve the files, convert them into media accessible by client. Provide the file via a client portal or other secure method that provides the client meaningful access Return any original documents to the client
   2. Are there closed files?
      1. Determine if affected attorney had a file retention policy and whether closed files need to be stored or can be confidentially destroyed.

10. Operating account

1. Do you have access to the operating account, or is there someone else who does?
2. If affected attorney’s practice is not closing forever, do you need to pay rent, utilities, other monthly or yearly expenses, contractual obligations other than client representations?
3. Notify State Bar in the event of affected attorney’s death