

CHECKLIST FOR ASSISTING ATTORNEY PLANNING TO CLOSE LAW OFFICE WITH PREPLANNING IN PLACE

1. Download from the KBA's website (www.kybar.org) copies of forms, letters, court documents and checklists that will assist you in closing the affected attorney's practice.
2. Identify the Client (Estate, P.S.C., Individual, Other) and execute a written engagement letter or fee agreements specifying the scope of work to close the practice.
3. Locate all succession planning documents including Contract with Assisting Attorney, Limited Power of Attorney, Last Will and Testament, other agreements or written directions on how to handle practice in the event of a death or disability.
4. Consult Supreme Court Rules, Kentucky Bar Association Ethics Opinions and ABA Opinions.
5. Contact both the legal malpractice insurance carrier for the attorney's practice you are winding up and your own malpractice carrier to be sure there are not exclusions in your coverage that would affect your representation or winding up the affairs of the practice, such as a missed statute of limitations.
6. Consider whether or not the practice can be sold as opposed to shut down. (See SCR 3.130-1.17.)
7. Identify key employees (secretaries, paralegals, others) with institutional or historical knowledge about clients, practice, or practice systems.
8. Search for office procedure manual that addresses:
 - a. How to check for a conflict of interest;
 - b. How to use the calendaring system;
 - c. How to generate a list of active client files, including client names, addresses, and phone numbers;
 - d. Where client ledgers are kept;
 - e. How the open/active files are organized;
 - f. How the closed files are organized and assigned numbers;
 - g. Where the closed files are kept and how to access them;
 - h. What is the office policy on keeping original documents of clients;
 - i. Where original client documents are kept;

- j. Whether there is or where the safe deposit box is located and how to access it;
 - k. What the bank name, address, account signers, and account numbers are for all law office bank accounts;
 - l. Where to locate all law office bank account records (I.O.L.T.A., trust and general);
 - m. Where to find, or who knows about, the computer passwords;
 - n. How to access E-mail accounts. Once the password(s) have been found, review all recent emails and determine if any need to be retained for future reference.
 - o. How to access voicemail (or answering machine) and the access code number(s).
 - p. Once the access code number(s) has been found, listen to any voicemails and discard any of no significance. Change the incoming message to state whom to call for further information.
 - q. Where the post office or other mail service box is located and how to access it.
9. Assemble or review list of affected attorney's active files/clients in order to perform conflict check.
10. For those conflicted clients, send clients letter informing them that they will need to pick up their file immediately and retain substitute counsel as you are unable to review the contents of the file for deadlines.
11. Check the office calendar and tickler system. Determine immediate time deadlines.
12. File Motions to Withdraw.
13. For cases that have pending court dates, depositions, or hearings, discuss with the clients how to proceed. Where appropriate, request extensions, continuances, and resetting of hearing dates. Send written confirmation of these extensions, continuances, and resets to opposing counsel and to your client.
14. Notify all Judges in the Courts where the attorney practiced of the attorney's death or abandoned practice and request notice of any hearings or status of cases, where problems might arise, to make the Judges aware of the situation and to cover any cases that may not be discovered in due diligence.
15. In cases where the client is obtaining a new attorney, be certain that a Notice of Substitution of Attorney is filed.
16. Create an Office Closure file tracking chart.

17. Create an “End of Representation” letter advising that the practice is closing and provide guidance.
18. Create a “Receipt of Original File” form for clients to sign when retrieving their file.
19. Identify the numerous locations that files may be kept and gather into one location. Inquire about old, lost or destroyed files.
20. Begin file reviews.
21. Begin photocopying files to maintain copies that may be needed later.
22. Contact state and local bars about practice status, as well as any other state or localized bars.
23. Identify and safeguard client funds.
24. Decide if Assisting Attorney will take up representation of any clients from the closing practice and prepare new engagement agreements.
25. Consider how referrals to other attorneys are to be handled.
26. Keep track of time and billing.
27. Finalize any active files that should be closed out.
28. Consider sending out final bills or having staff send our final bills.
29. Submit invoices for services performed to the personal representative or for payment under the terms of the written Agreement.
30. Avoid keeping original documents of clients, such as Wills and other estate planning documents. If you do have original documents, maintain them in a central place, indexed, within the office.
31. Compose an office budget to determine how staff may be retained to assist, ongoing office expenses may be paid, and consider issues pertaining to the payment of vendors, utilities, etc. Who has authority to sign checks or make payments?

32. All clients should be told whether their closed files will be stored and whom they should contact in order to retrieve them. Obtain all clients' permission to destroy the files after approximately 5 years.
33. Inform the Kentucky Bar Association where Planning Attorney's closed files will be stored and the name, address, and phone number of the contact person for retrieving those files by completing the KBA's online form located at www.kybar.org/filestorage.
34. Clean all computer and copier hard drives before releasing. Remove all voicemails from the telephone. Release the telephone number upon conclusion of your representation. Also, terminate any leases or continuing contracts for books and services.
35. Determine what, if any, long term leases, affected attorney has entered into (i.e. vehicle leases, internet, cloud storage, premises, advertising, etc.) and contact the lessor to make arrangements for terminating leases.
36. Where appropriate, make arrangements for disconnection of utilities, internet, telephone, and for surrender of the premises to landlord.