

The Basic Steps to Ethically Closing a Law Practice

(Rev. Jan. 2017)

By Mary F. Andreoni, Education Counsel, ARDC

There are many different reasons why a law practice closes, some are planned, e.g., retirement, merging firms, or entering public office, and others can be unplanned, e.g. disability or death. The ethical duties of the lawyer in each of these situations, however, are similar - to protect the clients' interests. There are no specific rules covering what lawyers must do in winding down a law practice. This publication focuses on the basic ethical obligations when closing a law practice. The forms and suggested procedures provided here are meant to assist lawyers in accomplishing a smooth and efficient transition that meets a lawyer's ethical obligations. Lawyers with questions are encouraged to call the *ARDC Ethics Inquiry Hotline* at either the ARDC Chicago office: 312/565-2600 or 800/826-8625 or Springfield office: 217/52-6838 or 800/252-8048.

□ SET TARGET DATES

Closing a law practice requires preparation, organization and time. Once the decision to close a practice has been made, set a target date for when the practice will close and target dates for completing the many tasks in closing the practice, particularly when to notify clients. Planning is essential and you should probably allow at least six months to one year to complete the many tasks necessary to close a law practice.

Appendix: **LAW OFFICE CLOSING CHECKLIST**

□ PREPARE AN INVENTORY OF CLIENT FILES AND RECORDS

Client Files

The first task is to inventory of all client matters. First, determine which matters are active and which are closed.

For **open** client matters, the inventory should include the following information:

- ✓ name and last known address of the client;
- ✓ telephone numbers both for work and home of the client;
- ✓ nature of the client's legal matter;
- ✓ the current status of the representation and what remains to be done for completion of the representation;
- ✓ any time limitations and/or deadlines;
- ✓ title and case number of any proceeding, if applicable;
- ✓ whether any funds or property is being held in trust; and
- ✓ the location of the file and whether the file contains any original documents, such as a deed, contract or will.

For **closed** client matters, the inventory should include the following information:

- ✓ name and last known address of the client;
- ✓ telephone numbers both for work and home of the client;
- ✓ nature of the client's legal matter;
- ✓ date when the representation was concluded;

- ✓ title and case number of any proceeding, if applicable;
- ✓ whether any funds or property that were held in trust have been disbursed; and
- ✓ the location of the file, destruction date and whether the file contains any original documents, such as a deed, contract or will.

Office Records

For key practice management records, the inventory should include the following information:

- Business And Trust Accounts:
 - o Institution names and locations
 - o Account numbers
 - o Signatory name(s)
- Safety Deposit Box And/Or Storage Facilities:
 - o Location
 - o Access information
- Computer And Voice Mail:
 - o Access codes/passwords
- Important Business Documents
 - o Leases
 - o Maintenance contracts
 - o Business credit cards
 - o Client ledgers
 - o Other books and records relating to business and trust accounts
- Computer Data and/or Hardcopy Backups of:
 - o Conflicts
 - o Calendaring backup
 - o Time billing records
 - o Accounts receivable/payable
 - o Active client file inventory
 - o Closed file storage location and inventory

NOTIFY CLIENTS

Write to clients with active files, advising them that you are unable to continue representing them and that they need to retain new counsel. Your letter should inform them about time limitations and time frames important to their cases. The letter should explain how and where they can pick up copies of their files and should give a time deadline for doing this and should be sent certified mail, return receipt requested, so that a record is created of who was contacted and who received the notice.

Appendix: LETTER ADVISING THAT LAWYER IS CLOSING HIS/HER OFFICE

Open Client Matters

If the legal matter is still open, the letter should advise the client of the following:

- the anticipated termination of representation and the closure of the law office time frame;

- the need to retain new counsel and, if desired, will refer them to three qualified attorneys and to the local bar association's lawyer referral service;
- the status of their matter and any time limitations and time frames important to their cases;
- an accounting of all trust property being held by the lawyer and the lawyer's disbursement of same;
- the current status of fees earned and amounts owed and request for payment on all open invoices;
- Directions from the client regarding
 - their authority to transfer their case to another attorney
 - consent to withdraw and submit a motion for an order to withdraw as attorney of record
 - picking up their original file materials, evidence
 - paying outstanding bills
 - disbursement of trust monies, etc.
- explain how and where they can pick up copies of their files and should give a time deadline for doing this, e.g., asking them to pick up their files within 30 days (beyond which they will be destroyed, unless otherwise required by your engagement agreement or applicable law).

Closed Client Matters

If the legal matter is closed, the letter should advise the client of the following:

- the closure of the law office time frame;
- the law firm's file destruction policy; and
- explain how and where they can pick up copies of their files and should give a time deadline for doing this.

Sale of a Law Practice Notice

If the practice is closing due to a sale, ILRPC 1.17(c) requires additional notices to clients, as follows:

The seller gives written notice to each of the seller's clients regarding:

- (1) the proposed sale;
- (2) the client's right to retain other counsel or to take possession of the file; and
- (3) the fact that the client's consent to the transfer of the client's files will be presumed if the client does not take any action or does not otherwise object within ninety (90) days of receipt of the notice.

If a client cannot be given notice, the representation of that client may be transferred to the purchaser only upon entry of an order so authorizing by a court having jurisdiction. ILRPC 1.17(c). The seller may disclose to the court *in camera* information relating to the representation only to the extent necessary to obtain an order authorizing the transfer of a file. ILRPC 1.17, cmt. [8].

If the purchaser has identified a conflict of interest that the client cannot waive and that prohibits the purchaser from undertaking the client's matter, the notice shall advise that the client should retain substitute counsel to assume the representation and arrange to have substitute counsel contact the seller. ILRPC 1.17, cmt. [11].

Receivership Notice

If a practice is closing due to the lawyer's death, disability or disappearance and if "no partner, associate, executor or other responsible party capable of conducting the lawyer's affairs is known to exist," Supreme Court Rule 776 provides for the appointment of a receiver to inventory the law firm files and fulfill the duties necessary to close the practice. The receiver does not necessarily take over the deceased lawyer's

practice, but instead owes fiduciary duties to the court for the proper disposition of the practice. The appointment order authorizes the receiver to “take custody of and make an inventory of the lawyer's files, notify the lawyer's clients in all pending cases as to the lawyer's disability, or inability to continue legal representation, and recommend prompt substitution of attorneys, take appropriate steps to sequester client funds of the lawyer, and to take whatever other action is indicated to protect the interests of the attorney, his clients, or other affected parties.” S.Ct.R. 776(b).

□ NOTIFY TRIBUNALS, OPPOSING PARTIES/COUNSEL AND OTHERS

In all pending matters, ILRCP 1.16(d) requires:

Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by other law.

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 confirmations of these extensions, continuances, and resets to opposing counsel and to your client. For cases pending before tribunals file the appropriate motion and obtain the consent of the tribunal to withdraw. In cases where the client has chosen a new attorney, be certain that a substitution of counsel is filed. Pick an appropriate date and check to see if all cases have a motion and order allowing your withdrawal as counsel. The tribunal has discretion as to whether to allow the withdrawal. It is possible the lawyer will be required to postpone retirement, delay a new job opportunity, or put the sale of the practice on hold until the pending matter has been concluded. ILRPC 1.16(c); see also ILRPC 1.17, cmt. [12].

Registration Information

Contact the ARDC Registration Department and update your registration as to status and contact information. Supreme Court Rule 756(c) requires you to notify the ARDC of any change of address within 30 days of such change. The recommended method for changing your registration address is to use the ARDC on-line registration program at <https://www.iardc.org/registration/changeofattorneyregaddress.html> or complete the ARDC Change of Registration Address form at https://www.iardc.org/information/online_forms/changeofaddress.pdf, sign it and return by either email (registration@iardc.org) or mail (ARDC, Attn.: Registration Department, 130 E. Randolph, Suite 1500, Chicago, IL 60601).

If the law firm is organized as a professional service corporation, professional association, limited liability company or limited liability partnership, as permitted under IL Supreme Court Rule 721, you will need to file dissolution papers with Illinois Secretary of State and also notify the Clerk of the Illinois Supreme Court of the dissolution.

□ DELIVERING FILES TO CLIENTS

A record needs to be made of whose files are returned and the dates of return. It helps if you explain to clients in the initial notification letter how their file will be returned and of the need for security measures. Makes copies of files for clients and retain your original files. All clients should either pick up their files (and sign a receipt acknowledging that they received them) or sign an authorization for you to release the files to their new attorneys. If a client is picking up a file, original documents should be returned to the client and copies should be kept in your file. If the client directs you to release the file to someone other than the client, such as his new counsel, get that direction in writing or have the client sign something that indicates that the file is sent according to the client's instruction.

Appendix: AUTHORIZATION OF RECEIPT OF FILE AND AUTHORIZATION OF TRANSFER OF FILE

Files can be picked up in person or mailed to the client. Files sent by mail should be done by certified mail. The proof of delivery receipt provides sufficient proof of the return. The transfer of the file should be made in such a way as to preserve the confidences and secrets of the client, ILRPC 1.6, such as by hand delivery. Mailing files can also be expensive. Therefore, you may want to encourage clients to pick up their files in person whenever possible.

□ RECOMMENDING PROMPT SUBSTITUTION OF COUNSEL

It is understandable that clients may ask you to recommend successor counsel. You can make such recommendations so long as it is clear that the selection of new counsel is up to the client. If you will be receiving a fee for the referral then under ILRPC 1.5(e) you must: (1) agree to assume joint financial responsibility for the representation; (2) the client must be informed of the amount each lawyer will receive and agree to it in writing; and (3) that the total fee is reasonable.

No client file should be sent to a successor lawyer without the client's prior approval, which should be obtained in writing.

□ BILLING AND FEES

A lawyer is entitled to be compensated for work performed prior to closing the practice and the client is entitled to an accounting and statement of any amounts owed. Steps should be taken so that the settlement of client accounts is done promptly even if fees for some pending cases might not be resolved or collected until the representation matter is resolved (e.g. contingent fee payable on "recovery"). In the case of a lawyer's death, ILRPC 5.4 allows for the payment of money over a reasonable period of time after a lawyer's death to the lawyer's estate or other specified persons.

□ DEALING WITH OFFICE AND TRUST ACCOUNTS

You first need to make an inventory of all funds and property held in trust. Review the law firm's trust account ledgers and reconcile them with the monthly bank statements and identify all funds to which clients or third persons are entitled to receive. Promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third

person, promptly render a full accounting regarding such property. In the event funds are transferred to another lawyer chosen by the client, the check should be made payable jointly to your client and the lawyer when disbursed from your trust account.

Checklist

- ✓ Determine closure dates for firm accounts and notify the financial institution(s) to find out closing process; allow some time lapse between the actual closing of the practice and the closing of the accounts in order to allow final checks to clear; cancel firm credit cards;
- ✓ Prepare final reconciliation of firm trust account(s) and determine any client funds that need to be disbursed;
- ✓ Make sure all trust funds are properly disbursed: client's funds returned to client; attorney's earned fees and administrative moneys (to cover necessary bank charges) are paid to lawyer; and third party bills (experts, doctors) are paid off;
- ✓ Escheat to the state any funds the firm is unable to ascertain the owner or is unable to return to the client after reasonable attempts have been made; and
- ✓ Determine if other client property (non-cash) being held in trust needs to be returned (obtain receipts).

If one or more person (one of whom may be the lawyer) claims an interest to what is being held in trust, the funds shall be kept separate by the lawyer until the dispute is resolved as provided in ILRPC 1.15(e).

If you have any unclaimed funds in your trust account, you'll need to take all steps reasonable under the circumstances to resolve the situation. If a person entitled to funds has disappeared without a forwarding address or a trust account check was issued but not cashed, you should at a minimum (1) determine whether the person left a forwarding address with the U.S. Postal Service; and (2) send a letter to the client's last known address by regular mail and by certified return receipt advising that person that if, for example, the trust account check has not been cashed, unless that person advises the lawyer to issue a replacement check, the funds will be presumed unclaimed. If the client or third person cannot be located and the funds have remained unclaimed for three years, under the Revised Disposition of Unclaimed Property Act, 765 ILCS secs. 1026/1 et seq. (eff. 1/1/18), the funds are presumed unclaimed and the lawyer will remit the funds to the Illinois State Treasurer thru the "I Cash" program on the Illinois State Treasurer website at <http://illinoistreasurer.gov/>.

For funds that cannot be traced to its rightful owner (a client, a third person, or the lawyer or law firm), Rule of Professional Conduct 1.15(i) sets forth the process by which a lawyer who discovers unidentified funds in the IOLTA account must follow. A lawyer who discovers unidentified funds must make periodic efforts over a period of 12 months to identify the owner and return the unidentified funds. If after 12 months the lawyer believes that continued efforts will not succeed, the unidentified funds are to be remitted to the Lawyers Trust Fund (LTF). The amended rule took effect July 1, 2015. Unidentified funds should be remitted to LTF by (1) submitting a completed [Unidentified Funds Remittance Report](#) (PDF) and (2) sending a check for the amount of the funds payable to the Lawyers Trust Fund of Illinois. Use of the reporting form is required in all cases and can be found on the LTF website at www.ltf.org. LTF cannot accept remittances made via ACH or wire transfer.

□ ADVERTISING AND SOLICITATION

ILRPC 7.1 prohibits any communications about a lawyer's services which are false or misleading. Advertising contracts or other listings which would give the appearance that the lawyer is in business, when that is not in fact the case, need to be cancelled. Signs should be removed, letterhead and business cards collected and destroyed, and firm names changed.

ILRPC 7.5(a) allows lawyers in private practice to use trade names so long as they are not misleading. Trade names typically are considered to be misleading if they misrepresent either the nature of the underlying entity or the relationship of the lawyers to that entity. The circumstances under which a law firm may ethically retain in its name the name of a lawyer no longer associated with the firm generally depends on whether the name partner died, retired, moved to another firm or went into another business. For partners who have died, Comment [1] to Rule 7.5 states that a firm may use a trade name that includes the names of deceased members where there has been a continuing succession in the firm's identity. See *In re Burkhart*, M.R. 25174, 09 CH 99 (Ill. March 19, 2012) (after agreeing to buy the law practice of deceased sole practitioner, lawyer suspended for, among other things, using deceased lawyer's name in the title of his newly-formed firm).

When a living partner leaves a firm, the circumstances of the departure determine whether the firm may continue to use the partner's name. Generally, if a lawyer, who is a name partner in a law firm, is retiring or who has become "of counsel," the lawyer's name may be retained in the firm's name provided that the firm takes reasonable steps to show the partner's status such as indicating on the firm stationery the years during which he or she practiced., see ABA Formal Op. 90-357 (1990), but using the name of a partner who has left to join another firm or for other reasons is considered misleading. See ILRPC 7.5, cmt. [1] ("it is misleading to use the name of a lawyer not associated with the firm or a predecessor of the firm"); ISBA Adv. Op. 03-02 (2004).

The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm. ILRPC 7.5(c).

□ STORAGE AND DESTRUCTION OF CLIENT FILES

An important consideration in the closing of a law practice is the retention and destruction of client files. Long before the decision is made to close the practice, the firm should have in place an established record retention and destruction policy. While much has been written on the subject, the Rules of Professional Conduct do not set forth particular rules or guidelines on how long a lawyer must retain client files or how a lawyer can properly destroy client files.

Before Closing a File:

- Determine if all work is done
- Review file and discard duplicate copies
- Return all original documents furnished by client
- Give file a file closing date and keep it somewhere separate from active files
- Determine need for electronic backup of firm's computer data
- Arrange for secure storage location and retention period

Upon closing the file, remove any unnecessary documents such as copies of documents that are available from another sources such as the court or government office unless there is any legal or other reason for retaining the document or multiple copies of the same document.

What Records to Retain

A lawyer must maintain records that identify the name and last known address of each client, and reflect whether the client's representation is active or concluded, for an indefinite period of time (S.Ct.Rule 769).

A lawyer must keep complete records of trust account funds and other property of clients or third parties held by the lawyer and must preserve such records for at least seven years after termination of the representation (ILRPC 1.15).

A lawyer must also maintain all financial records related to the lawyer's practice for not less than seven years (S.Ct.Rule 769).

There are no rules that specifically cover how long a lawyer must keep records contained in a client's file. Upon termination of the representation, the lawyer is required to return all papers and property received from the client (Rules 1.15(a) and 1.16(d)). For other records, the lawyer should exercise prudent judgment in determining how long to retain the client file, taking into consideration such things as when the statute of limitations for legal malpractice has expired, any particular difficulties in the relationship with the client or the representation, if the client was a minor or incompetent that might extend the period of limitations, whether the file contains any original documents that the client might want back, and whether any documents if destroyed would be difficult to reconstruct from other sources. See Thar, Anne E., *How Long Should You Retain Client Files?*, 83 ISBA Bar J. 649 (Dec. 1995). Most client files should be kept a minimum of 7 years after the representation has ended and until the statute of limitations for legal malpractice has run or has been tolled, e.g. cases involving a minor who is still a minor at the end of 7 years, estate plans for a client who is still alive 7 years after the work is performed or files of difficult clients. See ISBA Adv. Op. 12-06 (January 2012). Note that there is no statute of limitations for a client or other person to complain about a lawyer's conduct to the ARDC.

If document exist in electronic form only they should be either printed and placed in the client's file or moved to an electronic file and maintained for the retention time period determined for that client's file. The electronic version can then be permanently purged or moved to a storage media. The retention of electronic date should be consistent with the retention policy for paper files.

Establish a Record Retention Policy

A good file retention and destruction plan usually involves a two-step process:

1) *At the beginning of the representation* - Nothing in the ethics rules prohibits lawyers from having clients stipulate in advance, typically at the beginning of the representation, contained in the engagement agreement how items in their files will be handled [returned, destroyed or saved] after a specified period of time after the representation concludes.

2) *At the end of the representation* - When the file is closed, each file should have given a destruction date and that date needs to be calendared. If the client was not advised in the engagement agreement of how the client's file will be handled by the lawyer after the representation is concluded, the lawyer can address this in an end-of-the-engagement letter to the client.

Below is a sample record retention provision that may be included in the retainer agreement (Sample #1) and a sample end-of-the engagement letter to the client at the conclusion of the representation (Sample #2) taken from *NY Com. on Professional and Judicial Ethics Formal Op. 2010-01 (2010)*..

Sample #1

[Lawyer] will maintain [Client's] file for ____ years after this matter is concluded. [Client] may request the file at any time during, upon conclusion of, or after conclusion of, this matter. ____ years after the conclusion of this matter, the file may be destroyed without further notice to [Client].

Sample #2

Once our engagement in this matter ends, we will send you a written notice advising you that this engagement has concluded. You may thereafter direct us to return, retain or discard some or all of the documents pertaining to the engagement. If you do not respond to the notice within _____ [e.g., 60] days, you agree and understand that any materials left with us after the engagement ends may be retained or destroyed at our discretion.

Notwithstanding the foregoing, and unless you instruct us otherwise, we will return and/or preserve any original wills, deeds, contracts, promissory notes or other similar documents, and any documents we know or believe you will need to retain to enforce your rights or to bring or defend claims. You should understand that “materials” include paper files as well as information in other mediums of storage including voicemail, email, printer files, copier files, facsimiles, dictation recordings, video files, and other formats. We reserve the right to make, at our expense, certain copies of all documents generated or received by us in the course of our representation. When you request copies of documents from us, copies that we generate will be made at your expense. We will maintain the confidentiality of all documents throughout this process.

Our own files pertaining to the matter will be retained by the firm (as opposed to being sent to you) or destroyed. These firm files include, for example, firm administrative records, time and expense reports, personnel and staffing materials, and credit and account records. For various reasons, including the minimization of unnecessary storage expenses, we reserve the right to destroy or otherwise dispose of any documents or other materials retained by us within a reasonable time after the termination of the engagement.

For a discussion on the related issue of responding to a client’s request for a lawyer’s copy of closed files see ISBA Adv. Op. Nos. 94-13 and 94-14 (January 1995) which can be obtained from the ISBA’s web site at www.illinoisbar.org.

Destruction of Files

Destroy files in a manner that does not compromise client confidences – shredding or incineration (don’t just put in garbage can). Determine disposal options for computer equipment. Scrub computers of software, firm and client information

Organize closed files into a way that makes it easier for you to know which files to review for destruction. One suggestion would be to separate closed client matters into groups according to the year the work was completed each year and place those files into one of three groups: files that are 7 years and older; files that are less than 7 years old; and files that need to be kept longer than 7 years. Label files with special retention issues e.g. “REVIEW BEFORE DESTROYING” so that you can easily identify files that should not be destroyed with first reviewing the file

Keep a permanent inventory of destroyed files and the destruction dates.

Review a file before it is destroyed.

□ DESIGNATE A SUCCESSOR ATTORNEY

When a sole practitioner dies or becomes disabled the question becomes what happens to open client matters as well as the client files and any funds that may be on deposit in the trust account. ILRPC 1.15(a)(8) (added in July 2011) provides as part of the client trust requirements that lawyers shall:

(8) make appropriate arrangements for the maintenance of the records in the event of the closing, sale, dissolution, or merger of a law practice.

Lawyers need to put in place a contingency plan that protects both the clients and the lawyer. A prudent lawyer should consider succession planning and spell out how the practice should be maintained in the event there is an interruption in the practice.

Appendix: LAW FIRM LIST OF CONTACTS

Currently if a lawyer dies or becomes incapacitated without having made any arrangements about the future of his or her practice, the ARDC seeks a court order to take over the practice, referred to as a receivership. As a receiver the ARDC collects the lawyer's files and attempts to return those files to the clients.

Several jurisdictions already have some form of mandatory advance designation, caretaker or surrogate lawyer rules that encourage and enable lawyers to plan for law practice contingencies by designating in advance another lawyer who is willing and able to assume the lawyer's practice or to assist in the transfer of client matters and papers and electronic files. See, e.g., The New York State Bar Association publishes a comprehensive "Planning Ahead" Guide ("Planning Ahead: Establish an Advance Exit Plan to Protect Your Clients' Interests in the Event of Your Disability, Retirement or Death (2005)"), available free online. The Planning Ahead Guide comes complete with downloadable forms, checklists and guidance for the advance designation of a successor attorney. [NYSBA Planning Ahead Guide](#)

Rev. February 2017

Appendix

LETTER - LAWYER IS CLOSING HIS OR HER OFFICE

Re: [*Name of Case*]

Dear [*Name*]:

As of [*date*], I will be closing my law practice due to [*provide reason, if possible*]. I will be unable to continue representing you on your legal matters.

I recommend that you immediately hire another attorney to handle your case for you. You can select any attorney you wish, or I would be happy to provide you with a list of local attorneys who practice in the area of law relevant to your legal needs. Also, the [bar association] provides a lawyer referral service that can be reached at [phone number].

When you select your new attorney, please provide me with written authority to transfer your file to the new attorney. If you prefer, you may come to our office and pick up a copy of your file and deliver it to that attorney yourself.

It is imperative that you obtain a new attorney immediately. [*Insert appropriate language regarding time limitations or other critical time lines that client should be aware of.*] Please let me know the name of your new attorney, or pick up a copy of your file by [*date*].

I [*or, insert name of the attorney who will store files*] will continue to store my copy of your closed file for ___ years. After that time, I [*or, insert name of other attorney if relevant*] will destroy my copy of the file unless you notify me in writing immediately that you do not want me to follow this procedure. [*If relevant, add: If you object to (insert name of attorney who will be storing files) storing my copy of your closed file, let me know immediately and I will make alternative arrangements.*]

If you, or your new attorney, need a copy of the closed file, please feel free to contact me. I will be happy to provide you with a copy.

Within the next [*fill in the number*] weeks I will be providing you with a full accounting of your funds in my trust account and fees you currently owe me.

You will be able to reach me at the address and phone number listed on this letter until [*date*]. After that time, you or your new attorney can reach me at the following phone number and address:

[*Name*]

[*Address*]

[*Phone*]

Remember, it is imperative to retain a new attorney immediately. This will be the only way that time limitations applicable to your case will be protected and your other legal rights preserved.

I appreciate the opportunity of providing you with legal services. Please do not hesitate to give me a call if you have any questions or concerns.

Sincerely,

[*Attorney*]

[*Firm*]

*Adapted from Florida Bar Ethics Department, Law Office Management Assistance Department (LOMAS).
Reprinted with permission.*

ACKNOWLEDGMENT OF RECEIPT OF FILE

I hereby acknowledge that I have received a copy of my file from the law office of
_____ [name].

[Name]

[Date]

AUTHORIZATION FOR TRANSFER OF CLIENT FILE

I hereby authorize the law office of _____ to deliver
a copy of my file to my new attorney at the following address:

Client Name

Date

LAW FIRM LIST OF CONTACTS

ATTORNEY NAME: _____

Social Security OR State Bar #: _____

Federal Employer ID #: _____ State Tax ID#: _____

Date of Birth: _____

Office Address: _____

Office Phone: _____

Home Address: _____

Home Phone: _____

SPOUSE: _____

Name: _____

Work Phone: _____

Employer: _____

OFFICE MANAGER: _____

Name: _____

Home Address: _____

Home Phone: _____

COMPUTER AND TELEPHONE PASSWORDS:

(Name of person who knows passwords or location where passwords are stored, such as a safe deposit box)

Name: _____

Home Address: _____

Home Phone: _____

POST OFFICE OR OTHER MAIL SERVICE:

Location: _____

Box No.: _____

Obtain Key From: _____

Address: _____

Phone: _____

Other Signatory: _____

Address: _____

Phone: _____

SECRETARY: _____

Name: _____

Home Address: _____

Home Phone: _____

BOOKKEEPER:

Name: _____
Home Address:
Home Phone:

LANDLORD:

Name:
Address:
Phone:

PERSONAL REPRESENTATIVE:

Name:
Address:
Phone:

ATTORNEY:

Name:
Address:
Phone:

ACCOUNTANT:

Name:
Address:
Phone:

ATTORNEYS TO HELP WITH PRACTICE CLOSURE:

First Choice:
Address:
Phone:

Second Choice:
Address:
Phone:

Third Choice:
Address:
Phone:

LOCATION OF WILL AND/OR TRUST:

Access Will and/or Trust by Contacting:
Address:
Phone:

PROFESSIONAL CORPORATIONS:

Corporate Name:
Date Incorporated:
Location of Corporate Minute Book:
Location of Corporate Seal:

Location of Corporate Stock Certificate:
Location of Corporate Tax Returns:
Fiscal Year-End Date:
Corporate Attorney:
Address:
Phone:

PROCESS SERVICE COMPANY:

Name:
Address:
Phone:
Contact:

OFFICE-SHARER OR “OF COUNSEL:”

Name:
Address:
Phone:
Name:
Address:
Phone:

OFFICE PROPERTY/LIABILITY COVERAGE:

Insurer:
Address:
Phone:
Policy No.:
Contact Person:

OTHER IMPORTANT CONTACTS:

Name:
Address:
Phone:
Reason for Contact:
Name:
Address:
Phone:
Reason for Contact:

OTHER IMPORTANT CONTACTS:

Name:
Address:
Phone:
Reason for Contact:

GENERAL LIABILITY COVERAGE:

Insurer:
Address:

Phone:
Policy No.:
Contact Person:

LEGAL MALPRACTICE—PRIMARY COVERAGE:

Provider:
Address:
Phone:
Contact Person:

LEGAL MALPRACTICE - EXCESS COVERAGE:

Insurer:
Address:
Phone:
Policy No.:
Contact Person:

HEALTH INSURANCE:

Insurer Name:
Address:
Phone:
Policy No.:
Persons Covered:
Contact Person:

DISABILITY INSURANCE:

Insurer Name:
Address:
Phone:
Policy No.:
Contact Person:

LIFE INSURANCE:

Insurer Name:
Address:
Phone:
Policy No.:
Contact Person:

WORKERS' COMPENSATION INSURANCE:

Insurer Name:
Address:
Phone:
Policy No.:
Contact Person:

STORAGE LOCKER LOCATION:

Storage Company: Locker Address:

Phone:

Obtain Key From:

Address:

Phone:

Items Stored:

SAFE DEPOSIT BOX:

Institution:

Box No.:

Address:

Phone:

Obtain Key From:

Address:

Phone:

Other Signatory:

Address:

Phone:

Items Stored:

LEASES:

Item Leased:

Lessor:

Address:

Phone:

Expiration Date:

Item Leased:

LAWYER TRUST ACCOUNT: IOLTA:

Institution:

Address:

Phone:

Account Number:

Other Signatory:

Address:

Phone:

INDIVIDUAL TRUST ACCOUNT:

Name of Client:

Institution:

Address:

Phone:

Account Number:

Other Signatory:

Address:

Phone:

GENERAL OPERATING ACCOUNT:

Institution:
Address:
Phone:
Account Number:
Other Signatory:
Address:
Phone:

BUSINESS CREDIT CARD:

Institution:
Address:
Phone:
Account Number:
Other Signatory:
Address:
Phone:

MAINTENANCE CONTRACTS:

Item Covered:
Vendor Name:
Address:
Phone:
Expiration:
Item Covered:
Vendor Name:
Address:
Phone:
Expiration:
Item Covered:
Vendor Name:
Address:
Phone:
Expiration:

ALSO ADMITTED TO PRACTICE IN THE FOLLOWING STATES:

State of:
Bar Address:
Phone:
Bar ID #:

LAW FIRM CLOSING CHECKLIST

CLIENTS

	Date Completed
Inventory Client Files	
Active Open Files	
Inactive Open Files	
Closed Files	
Open Files	
Notify Clients	
Highlight Time limitations or deadlines	
Discuss successor lawyer	
Prepare Transfer memo	
Withdraw/Terminate Representation	
Obtain permission from tribunal	
Take steps to avoid prejudice to clients	
Arrange for Turnover of Files	
Notify Clients of deadline for file collection	
Offer option of pickup at office location by date certain	
Offer terms for mailing or delivery	
Prepare form for client acknowledgement of receipt of file	
Arrange for Appropriate Transfer of:	
Client Property	
Funds in trust	
Closed Files	
Determine which former clients required notification	
Notify former clients	
Establish retention duration & destruction schedule	
Arrange for turnover, storage or confidential destruction	
Arrange for retention of confidential materials	

NOTIFICATION OF CLOSURE

	Date Completed
Clients	
Lawyer Licensing Jurisdictions	
Change in Registration status	
New Address	
State and Federal Agencies (if applicable)	
Bar Associations	

Vendors	
Building Leases	

ACCOUNTS

	Date Completed
IOLTA Client Trust Accounts	
Name _____ # _____ Bank _____	
Reconcile balance	
Arrange for turn-over of funds to client/third person	
Close Account	
Individual Trust Accounts	
Name _____ # _____ Bank _____	
Reconcile balance	
Arrange for turn-over of funds to client/third person	
Close Account	
Operating Account	
Name _____ # _____ Bank _____	
Retain adequate funds for closure expenses	
Business Credit Cards	
Name _____ # _____ Bank _____	

ADVERTISING/COURT LISTS

	Date Completed
Cancel advertisements	
Notify lawyer referral services to remove name	
Notify courts to remove name from court appointment roster(s)	

INSURANCE CONSIDERATIONS

	Date Completed
Legal Malpractice Coverage	
General Liability Coverage	

PERSONNEL MATTERS

	Date Completed

PRACTICE PROPERTY

	Date Completed
Dispose of office related equipment	
Consider confidentiality concerns related to electronic data	