

SAMPLE

GUIDELINE FOR CLOSING YOUR PRACTICE

1. Finalize as many active files as possible.
2. 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.
3. 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.
4. For cases before administrative bodies and courts, obtain the client's permission to submit a motion and order to withdraw as attorney of record.
5. In cases where the client is obtaining a new attorney, be certain that a Notice of Substitution of Counsel is filed.
6. Pick an appropriate date and check to see if all cases either have a Motion and Order allowing your withdrawal as attorney of record or have a Notice of Substitution of Counsel filed with the court.
7. Make copies of files for clients. 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 the file, original documents should be returned to the client and copies should be kept in your file.
8. All clients should be told where their closed files will be stored and who they should contact in order to retrieve them. Obtain permission from all clients to destroy client files after a predetermined period of time. If a closed file is to be stored by another attorney, get the client's permission to allow the attorney to store the file for you and provide the client with the attorney's name, address, and phone number.
9. If you are a sole practitioner, ask the telephone company for a new phone number to be given out when your old phone number is called. This eliminates the problem created when clients call your phone number, get a recording stating that the number is disconnected, and do not know where else to turn for information. Consider maintaining the old number on voice mail for six months to one year to ease transition.
10. Check with your insurance agent or malpractice carrier to obtain tail coverage (ERP).
11. Reconcile your trust account and return any property to clients. 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.