**Preparing Law Practice to Protect your Clients’ Interests in the Event of Your Inability to Practice**

Much of the confusion and expense involved in transition of your practice upon your death, disability, or other inability to practice law can be minimized through prior planning and disciplined conduct of your practice. The following checklist includes recommended tasks with annotations. This checklist is written from the vantage point of the private practice attorney, to whom the terms *you* and *yours* refer.

**Have a written agreement with your designated interim administrator and a limited springing durable power of attorney that describe their responsibilities when acting as agent.**

A sample Interim Administrator Planning Agreement and a sample Limited Springing Durable Power of Attorney are available [here](https://www.michbar.org/pmrc/successionplanning/resources).

**If your Interim Administrator Planning Agreement and Limited Springing Durable Power of Attorney give your agent the ability to sign operating account checks or lawyer trust accounts (IOLTAs), consult with officials at the bank where your operating account is located to determine what documents the bank will require to provide authority.**

You and your agent may need to sign bank forms authorizing the designated interim administrator to have access to your financial accounts and setting the conditions under which the authorization will become effective.

**Update your personal estate planning documents to address closure and sale of your practice.**

Sample provisions for your will or revocable trust are included [here](https://www.michbar.org/file/pmrc/i/EstatePlanningProvision.docx). These provisions direct the fiduciary for your estate or trust to engage your designated attorney to close or sell your practice in accordance with the succession plan agreement.

**Update Your Record Retention Plan**

Avoid keeping original client documents (e.g., wills, abstracts) in client files. Consolidate and index your holdings of these documents or better yet, return them to clients.

Periodically purge old files after proper notice to your clients and passage of the minimum IOLTA file retention period and your record retention period and prescribed in your retention and storage policy. <link record retention kit>

**Provide notice of your file retention and storage policy to current and future clients.**

Provide notice to clients at the beginning of the representation and again at conclusion of the representation.

**Use fee agreements and engagement letters that disclose your compliance with the requirement to designate an interim administrator.**

Although client notification is not required until your interim administrator has been appointed, disclosure of the existing designation in fee agreements and engagement letters would be prudent. Sample fee agreement clause is included [here](https://www.michbar.org/pmrc/successionplanning/resources).

**Familiarize your designated interim administrator with your office procedures and system.**

Consider providing your designated attorney or entity a tour of your office, with introductions to staff, and familiarization with your office systems including where to locate and how to use your client list, files, and other paper and electronic records.

**Brief your law office staff regarding the existence and purpose of the designation and introduce your designated interim administrator to office staff.**

Make certain your staff members know where the written agreement is kept and how to contact your designated interim administrator if an emergency occurs before or after office hours.

Brief your staff also on how they should assist the designated interim administrator or entity with access to the client list, files, and other paper and electronic records. Ensure your staff or software can produce an accurate list of current clients, addresses and telephone numbers. Ensure your staff or software can produce an accurate list of deadlines in pending matters.

**Ensure that your designated interim administrator or person with knowledge knows whom to contact (the landlord, for example) to gain access to the office.**

**Inform your spouse or closest living relative and your personal representative of your designation and how to contact the designated interim administrator.**

**Prepare a law office list of contacts. Make sure your designated attorney has a copy.**

Sample Law Office List of Contacts is included [here](https://www.michbar.org/pmrc/successionplanning/resources).

**Have an up-to-date office procedure manual that includes information on:**

* How to check for a conflict of interest.
* How to use the calendaring system.
* How to generate a list of active client files, including client names, addresses, and phone numbers.
* Where client ledgers are kept.
* How the open/active files are organized.
* How the closed files are organized and assigned numbers.
* Where the closed files are kept and how to access them.
* The office file retention plan
* Where original client documents are kept.
* Where the safe deposit box is located and how to access it.
* The bank name, address, account signers, and account numbers for all law office bank accounts.
* The location of all law office bank account records (trust and operating).
* Where to find, or who knows about, the computer user names and passwords.
* How to access your voice mail (or answering machine) and the access code numbers.
* Where the post office or other mail service box is located and how to access it.
* Where the Record Retention Policy is kept.
* Provide the name of your person with knowledge, as noted in the SBM Member Portal, who knows where to find passwords, software licenses, computer and server backup systems, websites, social media sites.

Conduct an orderly and disciplined practice.

Make sure all your file deadlines (including follow-up deadlines) are calendared. Document your client files. Keep your time and billing and trust account records up-to-date.

List your digital assets and make sure your designated interim administrator has a copy

Sample digital asset forms are available [here](https://www.michbar.org/pmrc/successionplanning/resources).

**Consider executing an Authorization to Access Digital Assets with your Interim Administrator, person with knowledge, or trusted individual.**

**Consider creating a list of trusted colleagues in your practice areas in the event that cases should be referred.**

**Prepare a list of your law firm’s liabilities/creditors.**