

**Bridge the Gap Mentoring Program**  
**Introduction to Planning for Retirement, Death or Disability**  
**Resource 27**

Resource 27 is intended to facilitate a discussion about the importance of planning ahead for how a lawyer's practice should be handled in the event of the lawyer's retirement, death, or disability.

- Discuss the importance of planning ahead for one's practice if an unexpected absence such as disability or death occurs, including relevant considerations such as a lawyer's duty not to prejudice his or her clients' cases by making sure they have access to their files.
- If mentoring Inside (particularly in a small firm), discuss what plan is in place for firm lawyers to take over the cases of clients of a firm lawyer who unexpectedly has a long-term illness, dies, or becomes incompetent or otherwise disabled.
- Discuss a lawyer's obligations to colleagues and to the profession to assist with the inventorying of clients' files when an attorney in a solo practice dies or becomes incompetent or otherwise disabled, including relevant ethical considerations such as an inventorying attorney's duty to allow a colleague's clients to choose their own counsel.
- Discuss the importance of planning for disaster, different types of disasters which could realistically affect a practice, and specific ways to plan for disaster. Review and discuss the attached articles. Pinnington, Dan. "Would You and Your Practice Survive These Common Disasters?" *Law Practice Today* (2005) and Freedman, Ellen. "Protect Your Clients and Yourself: Prepare for Disaster Before it Happens." *Law Practice Today* (2005).
- Discuss specific ways to plan for death, disability, and retirement, as well as specific steps that should be taken by the lawyer who is inventorying the files of the deceased, disabled, or disappeared colleague. Review the attached checklists published by the Washington State Bar Association.

Resource 27

## Resource 27

Copyright year 2005 ABA



# Law Practice TODAY

## Would You and Your Practice Survive These Common Disasters?

by Dan Pinnington

October 2005

None of us like to think about disasters, and most of us have an “it won’t happen to me” attitude. This short quiz will help you determine your ability to survive some common “disaster” scenarios. <sup>1</sup>

1. If all of the computers in your office were stolen over the weekend, do you have all the serial numbers of the equipment, the original cost of the equipment, the value of the equipment, and the ability to recreate all of the data on the computers?
2. If your office was completely destroyed by fire, how long would it take you to contact all of your clients, recreate all your computer data, contact your insurance company, process invoices, contact opposing counsel and generally get your practice operational again? Who would be responsible for performing each of these functions?
3. If you had a heart attack tonight, are your files organized so that someone could pick up your caseload without your clients suffering any disadvantage?
4. If you could suddenly not come into the office on Monday, have you designated the person who could pick up your caseload? Even if you have a partner, how much does he/she really know about your caseload?
5. If you were unable to come into the office for a few days or weeks, could anyone actually find anything on your desk or in your files? Does the answer change if your assistant was off sick or away on vacation at the same time?
6. If your secretary/legal assistant/bookkeeper suddenly quit, do you know their filing systems so that you can find information in their desks, in their (or your) files, or on their computers? Do you have copies or know where they keep the keys for filing cabinets, etc.? Do you know all their respective passwords (including voice mail, computer login, e-mail, the accounting package and any other software applications they use)?
7. If one of your staff members disappeared with client trust funds, would you have sufficient records to determine what was taken and when?
8. If you have a partner/associate who was suddenly disabled, do you or someone in your office know his/her schedule for the next three months? Do you or someone in your office know the status of all matters in your office?
9. If you or a partner in your firm were disabled for an extended period of time, will you be able to draw a salary? If so, how much and for how long? If you are a sole practitioner and the only rainmaker, how will expenses of the firm be paid while you are out and unable to make rain?
10. 10. If you were to die or be completely unable to return to work, what would your desk, client files, and office organization say about you to anyone who would have to step in to assume responsibility? What burdens would this place on your partners and spouse? Is this the way you

want to be remembered?

If you were unable to answer all of these questions as quickly or as adequately as you would like, then you need to do some disaster recovery planning. Regardless of the size of your practice, you need to create an easy to implement plan which will assist you, or anyone in your office, if there were an unexpected practice interruption affecting you, your staff or your firm.

<sup>1</sup> This was adapted, with permission, from Disaster Planning: Protecting Your Firm, Your Clients And Your Family, 2001, by Patricia Yevics, Director, Law Office Management Maryland State Bar Association, Inc.

Although you're unlikely to ever experience a major, practice-ending disaster, the fact is disaster can strike anyone, anywhere, anytime. More likely you'll have to be prepared to deal with a computer crash or loss of data, theft or malicious damage, fire or flood, or the loss of a key lawyer or staff person. And being prepared involves planning.

### **Why have a disaster recovery plan?**

The better prepared you are to respond to an event that disrupts your practice, the faster you will have your firm back up and running, with minimal financial loss or service interruption. To ensure this continuity – and ability to bounce back quickly – you need a plan. That plan starts with a thorough assessment of your exposure, details how you will minimize the impact of each exposure on your practice, and provides a roadmap for how you will deal with all stages of an emergency or practice interruption. practicePRO has created a spreadsheet that you can use to help identify and assess your vulnerabilities. It is available for download at [www.practicepro.ca/disasterrecovery](http://www.practicepro.ca/disasterrecovery).

To be successful, the plan needs the support of senior management, and the appropriate allocation of budget and resources. Put your plan in writing, and distribute it to all firm employees (and their family members, if appropriate) to ensure everyone is aware of how to prepare for, and respond to, a practice interruption.

Make two copies of your plan; keep one in the firm disaster recovery file, along with other critical information for responding to a disaster or interruption. Put the second in a secure, offsite location. Some firms post their plans and all supporting information on a secure web site.

### **How detailed should the plan be?**

The larger the firm and the more complex its operations, the more detailed our plan likely will have to be. For example, large firms that have multiple offices often set up mirror servers, with all of the accompanying data and people issues to manage, while a small firm or sole practitioner might plan to work out of a home office.

As well, the level of detail in your plan will reflect the scope of your recovery planning efforts. Plans typically address two top priorities: the need to ensure the safety of your staff; and the need to recover your data centre and critical applications.

However, many firms today aim to have in place a well-designed and tested practice-wide recovery and continuity plan. This type of plan will address the following:

- **Preparation and Prevention:** Preparation and Prevention are essentially about risk management. What can you do to lessen the possibility or the impact of an adverse interruption or disaster occurring to your practice?
- **Response:** Response is the immediate reaction to an incident or emergency. It addresses matters of personal safety, and the policies, procedures and actions to be followed in the event of a practice interruption.
- **Resumption:** Resumption refers to the process of planning for and/or implementing the resumption of time-sensitive practice operations immediately following a disaster (ideally within a specified time).
- **Recovery:** Recovery is the process of planning for and/or implementing the restoration of all firm operations and services to pre-disaster levels.

## A minimal plan

Even if you do not plan to implement a full-scale recovery plan, you can minimize some of your exposures – at relatively little cost – through three very simple steps:

- Make proper backups.
- Create emergency contact lists.
- Maintain adequate and proper insurance coverage

## Is your own house in order?

Putting your personal house in order could help you and/or your partners deal with a firm emergency. In any emergency, quick access to certain pieces of personal information is essential. Prepare a list with the following critical personal information (if applicable):

1. Name, address, passport, health card and social insurance numbers of you and your spouse or partner;
2. All of your, and your spouse or partner's, phone numbers (home, work, cell, pager, personal fax, cottage, etc.) and e-mail addresses;
  - drivers' license and vehicle insurance information;
  - name, phone number and address of one or more emergency contacts;
  - other special contact numbers (e.g., daycare for your kids);
  - name, address and all phone numbers of your direct employees;
  - names, addresses and phone numbers of your personal representative, lawyer, accountant, physician and landlord;
  - location of your will, power of attorney and/or trust agreement; names, addresses, phone numbers, policy numbers, and contact persons for all insurance policies;
  - location, box number, and where to locate key to safe deposit box(es);
  - list of contents of safe deposit boxes and signatory information; and name, address, phone numbers, account numbers, signatory information on all business financial accounts.

You, and other key partners or employees in your office should have this information at their fingertips,

including at your respective homes.

Make a photocopy of everything (both sides) in your wallet, and store this information in one or more safe locations that you or someone else could access. Include the 800 numbers for reporting lost credit cards. Having access to this information will save you many hours of work if your wallet is stolen or lost.

This is an excerpt from *managing practice interruptions*, a booklet prepared by the Lawyers' Professional Indemnity Company ([www.lawpro.ca](http://www.lawpro.ca)). It provides a comprehensive review of the steps you can take to prepare for unexpected minor and major practice interruptions, and how you should respond to them. It also reviews how you can protect your people, your practice, and your premises and property. It is available at [www.practicepro.ca/disasterrecovery](http://www.practicepro.ca/disasterrecovery).

[Back to Top](#)

---

[an error occurred while processing this directive]

 RSS  MY YAHOO!  Google™  MY AOL  newsqator  Bloglines  Add to Plusmo

---

[Current Issue](#) | [Article Archives](#) | [Subscribe](#) | [Advertise](#) | [Contribute](#) | [RSS/XML](#) | [Feedback](#)

© 2003-2011 American Bar Association -- [Copyright Statement](#) | [Privacy Statement](#)

## Resource 27

Copyright year 2005 ABA

ABA LAW PRACTICE MANAGEMENT SECTION  
MARKETING • MANAGEMENT • TECHNOLOGY • FINANCE

# Law Practice TODAY

## Protect Your Clients and Yourself: Prepare for Disaster Before it Happens

by *Ellen Freedman, CLM*

October 2005

Disasters come in many forms. There are those that affect the firm principal(s), those that affect the firm as a whole, and those that affect an entire region.

One generally thinks of disaster in terms of fire or flood. Certainly, we have seen a significant increase in Pennsylvania recently in occurrences of flood and hurricane damage. Maybe it is encroaching age which makes catastrophic events stand out in my mind, but I believe we have also seen an increase in other natural calamities such as twisters, lightning strikes, snowstorms and gale winds. These are the types of disasters which can affect not just the firm, but our employees, and even the region as a whole, making it even more difficult to recover as emergency resources are both diverted and strained to the limit.

Disasters can also come in unusual ways too, such as a sewer backup. I once worked for a firm which experienced a sewer main break, which inundated the building with festering foul liquid, cresting at five feet. Believe me, it was a true disaster, with all the associated disruption and loss, in every sense of the word. Even an extended power outage when a deadline is looming large can have a severe adverse impact on the firm's ability to render timely service to its clients.

Another type of disaster affects firm principals. These include events such as stroke, heart attack, or even an accident resulting in coma. For the solo or small firm, these events can be as crippling as a hurricane.

When it comes to disaster, reaction after the fact is no substitute for planning beforehand. I am constantly amazed at the number of attorneys who do not practice the most elementary form of disaster prevention — backing up the critical information on their computer system daily and taking that back-up off-site every night. The purpose of this article is to identify some of the areas of vulnerability, and to provide some options which you can implement to minimize disruption and hasten recovery. Foresight and planning can make the difference between your practice surviving a disaster, or not.

Let's deal first with disaster which affects your entire firm, or maybe even your region. These include events like hurricane, blizzard, flood, fire and so forth. Here are some of the things you need to think about:

1. **Notification to clients, employees and vendors:** without access to your office, do you have the names, addresses and phone numbers of your clients handy? Can you quickly get in touch with all your employees to keep them informed and make sure they're ok too? Can you contact your vendors for emergency assistance? If you use something like Outlook or GroupWise personal productivity software for all your contacts, or a case management package which has a Palm interface, like TimeMatters, you can keep the information on a hand-held device for quick access,

or print a master list and keep it off-site. If you use the print method, remember to do it regularly, like once a month or at least once a quarter. Put it on your to-do list so you don't forget.

2. ***Access to firm documents, and client files:*** If you have been smart enough to make a regular back-up of your computer system, and take it off-site, you will have access to all your form documents and client documents you created. If in addition your office has worked to embrace the "paper-less office concept" by scanning in as much of incoming documents as feasible, keeping telephone messages electronically, getting depositions on disk, using case management, and so forth, you will have access to most of the contents of your client files, even if the physical file is inaccessible or destroyed. (After the Meridian Bank building fire in Philadelphia, for example, law firms whose offices were not significantly damaged still could not gain access to retrieve their files for quite some time while it was being determined if there were building structural problems.) Keep in mind that having a current back-up tape off-site is one thing, having a computer capable of restoring the data (meaning compatible operating system and sufficient disk space) is another. Some forethought has to go into that, or you need a good vendor relationship you can count on in a crisis.
3. ***Access to insurance records:*** Very few people think to keep a duplicate copy of their critical business insurance policies, or medical and other benefit policies, in a location outside the office. When the office burns down and you want to know your coverage, it isn't very helpful if the policy burned too, is it? Your agent can speak to your coverage, but waiting for a duplicate copy of the actual policy to arrive, should there be any disagreements, can take quite some time.
4. ***Appearance on behalf of clients:*** What critical dates are looming? Few people physically keep their calendar in their pocket anymore, unless it's in the form of a PDA (personal digital assistant, like the PALM device). If you don't computerize your calendar, and have it on your off-site back-up tape or on a PDA, how will you know what deadlines are coming up?
5. ***Cash flow issues:*** How will you record time, collect your receivables, and bill out your inventory? Will you know what is owed to you, or depend on the kindness and honesty of clients to send in their checks? Will they hold back payment because they are not sure where to send checks? If you are using a time & billing system, it also should be backed up, with the back-up stored off-site, so that you can restore it if necessary to have access to critical financial records.
6. ***Keeping the doors open:*** What if you are the sole principal of the firm and become seriously and suddenly disabled. Who will write checks? Who has authority to sign checks? Who can deal with your escrow account and disburse payments if necessary? Who will make sure that your rent and insurance premiums are paid? Who is designated to step in and temporarily handle deadline work for clients? Are they cleared for potential conflicts? Who will pay your staff, and if necessary deal with the media and/or notify clients on your behalf? You don't want to emerge from a coma only to find your client base eroded, your trusted staff gone, your insurance coverages cancelled, and several malpractice cases pending due to missed deadlines. Even if you have one or more partners,

don't assume that they can access all the necessary accounts or information without preplanning. Have they been included as signatories on any individual interest-bearing escrow accounts you've established? Can they get to your calendar to anticipate deadlines? Can they access all documents, or are some passworded, or hand scribbled?

This is not by any means a comprehensive list. It should, however, get you started thinking in the right direction about where you are vulnerable, and what you can do to plug up the holes. Three excellent reference sources for you are "Managing Emergency Situations in Law Firms: Minimizing the Damage" by Nina Wendt and L.J. Sklenar; "Emergency Management for Records & Information Programs" by Virginia A. Jones, CRM and Kris E. Keyes; and "Disaster Survival Planning: A Practical Guide for Businesses" by Judy Kay Bell (all available through the Association of Legal Administrators at 847-816-1212).

This article originally appeared in the Solo & Small Firm Section Newsletter of the Pennsylvania Bar Association

[Back to Top](#)

---

Ellen Freedman, CLM, is the Law Practice Management Coordinator for the Pennsylvania Bar Association. In that capacity she assists PBA's members with management issues and decisions on the business side of their practice, including areas like technology, human resources, risk management, setting up a practice and so forth. Members are encouraged to contact Ellen through the 800 "Hot Line" at PBA headquarters, (800-932-0311 x2228) or through e-mail.

Ellen has managed inside law firms for twenty years. Most of that time has been spent in a mid-size (thirty+ attorney) firm environment. Ellen has achieved the designation of Certified Legal Manager through the Association of Legal Administrators. She holds a Certification in Computer Programming from Maxwell Institute, a Certification in Web Site Design from Temple University, and a B.A. from Temple University, where she also did graduate studies in Criminology.

Ellen has been a frequent author and speaker on law firm management issues on a national, regional and local level.

 RSS
  MY YAHOO!
  +
  Go. gle
  MYAOL
  reurligator
  Bloglines
  x: Add to Plusmo

[Current Issue](#) | [Article Archives](#) | [Subscribe](#) | [Advertise](#) | [Contribute](#) | [RSS/XML](#) | [Feedback](#)

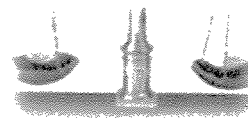
© 2003-2011 American Bar Association -- [Copyright Statement](#) | [Privacy Statement](#)





WASHINGTON STATE BAR ASSOCIATION

*Working Together to Champion Justice*



WSBA Info For Lawyers For the Public For the Media CLE

| Ethics | Groups | Licensing | Links | Rules and Regulations | Services for Lawyers |

myWSBA.org

Lawyer Directory

MCLE Activity Search

Find Legal Help

Job Opportunities

Access to Justice

Pro Bono

Opportunities

MCLE Website

Ethics Opinions

Admissions

Bar Leadership

Board of Governors

Committees

Diversity

Law Students

Sections

Young Lawyers

FAQs

WSBA Store

Bar News

Events Calendar

Law Links

Contact Us

IOLTA/Trust  
Accounts

Home > For Lawyers > Ethics

## Protecting the Client's Interests in the Event of the Lawyer's Death or Disability

These checklists have been written because the WSBA is frequently contacted by its members seeking guidance on the best way to close a practice when retiring or to assist a survivor of a deceased lawyer in closing a practice.

ABA Formal Opinion 92-369 states that in order to fulfill the obligation to protect client files and property, a lawyer should prepare a future plan for the maintenance and protection of those client interests in the event of the lawyer's death. Such a plan should include at a minimum the designation of another lawyer who would have the authority to review client files and make determinations as to which files need immediate attention and who would notify the clients of the lawyer's death. A lawyer who assumes responsibility for the client files and property of a deceased lawyer must review the files carefully to determine which need immediate attention. Because the reviewing lawyer does not represent the client, only as much of the file as is needed to identify the client and to make a determination as to which files need immediate attention should be reviewed. Reasonable efforts must be made to contact all clients to notify them of the death and to request instructions.

The first step in planning process is for the lawyer to find another lawyer willing and able to be the assisting lawyer in the event of death, disability, impairment or incapacity of the requesting lawyer. A written consent form should be signed authorizing the assisting lawyer to contact clients for instructions on transferring their files, authorization to obtain extensions of time in litigation and general authorization to do anything necessary to close the practice, such as winding down financial affairs, providing final accountings to clients, collecting fees and selling the practice.

Allowing access to the trust account is a serious matter. Careful consideration should be made of the person to handle the account. If you give some one control of the trust account, you as the lawyer remain responsible. If the assisting person misappropriates money, the lawyer or his estate may be held responsible.

[Editor's Note: These materials are based upon a booklet published by the Oregon State Bar Professional Liability Fund entitled *Planning Ahead: A Guide to Protecting Your Clients' Interests in the Event of Your Death or Disability*, which has been edited for Washington lawyers.]

SEARCH

SITE INDEX

Checklist for Closing Your Own Office

Checklist for Closing Another Attorney's Office

Checklist for Lawyers Planning to Protect Clients' Interests in the Event of the Lawyer's Death, Disability, Impairment, or Incapacity

### Resource 27

No Permission Necessary

## CHECKLIST FOR CLOSING YOUR OWN OFFICE

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 clients' 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 Substitution of Attorney 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 Substitution of Attorney filed with the court.
7. 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.
8. 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.

[Editor's Note: These materials are based upon a booklet published by the Oregon State Bar Professional Liability Fund and entitled, *Planning Ahead: A Guide to Protecting Your Clients' Interests in the Event of Your Death or Disability*, which have been edited for Washington lawyers.]

## **CHECKLIST FOR CLOSING ANOTHER ATTORNEY'S OFFICE**

The term "Affected Attorney" refers to the attorney whose office is being closed.

1. Check the calendar and active files to determine which items are urgent and/or scheduled for hearings, trials, depositions, court appearances, etc.
2. Contact clients for matters that are urgent or immediately scheduled for hearing, court appearances, or discovery. Obtain permission for reset. (If making these arrangements constitutes a conflict of interest for you and your clients, retain another attorney to take responsibility for obtaining extensions of time and other immediate needs.)
3. Contact courts and opposing counsel for files that require discovery or court appearances immediately. Obtain resets of hearings or extensions where necessary. Confirm extensions and resets in writing.
4. Open and review all unopened mail. Review all mail that is not filed and match it to the appropriate files.
5. Look for an office procedures manual. Determine if there is a way to get a list of clients with active files.
6. Send clients who have active files a letter explaining that the law office is being closed and instructing them to retain a new attorney and/or to pick up the open file. Provide clients with a date by which they should pick up copies of their files. Inform clients that new counsel should be chosen immediately.
7. For cases before administrative bodies and courts, obtain permission from the clients to submit a Motion and Order to withdraw the Affected Attorney as attorney of record.
8. In cases where the client is obtaining a new attorney, be certain that a Substitution of Attorney is filed.
9. Pick an appropriate date and check to see if all cases have either a motion and order allowing withdrawal of the Affected Attorney or a Substitution of Attorney filed with the court.
10. All clients should either pick up their files (and sign a receipt acknowledging that they received it) or sign an authorization for you to release a copy to a new attorney.
11. If the attorney whose practice is being closed was a sole practitioner (the Affected Attorney), try to arrange for his or her phone number to have a forwarding number. This eliminates the problem created when clients call the Affected Attorney's phone number, get a recording stating that the number is disconnected, and do not know where else to turn for information.
12. Contact the mail practice carrier of the Affected Lawyer.
13. If you have authorization to handle the Affected Attorney's financial matters, look around the office for checks or funds that have not been deposited. Determine if

funds should be deposited or returned to clients. Some of the funds may be for services already rendered. Get instructions from clients concerning any funds in their trust accounts. These funds should either be returned to the clients or forwarded to their new attorneys. Prepare a final billing statement showing any outstanding fees due, and/or any money in trust. (To withdraw money from the Affected Attorney's accounts, you may need to be an authorized signer on the accounts, or you will need a limited power of attorney. If the Affected Attorney is deceased, another alternative is to petition the court to appoint a personal representative under the probate statutes. Money from clients for services rendered by the Affected Attorney should go to the Affected Attorney or his/her estate.

14. If you are authorized to do so, handle financial matters, pay business expenses, and liquidate or sell the practice.
15. If your arrangement is to represent the Affected Attorney's clients on their pending cases, obtain each client's consent to represent the client and check for conflicts of interest.

[Editor's Note: These materials are based upon a booklet published by the Oregon State Bar Professional Liability Fund and entitled, *Planning Ahead: A Guide to Protecting Your Clients' Interests in the Event of Your Death or Disability*, which have been edited for Washington lawyers.]

**CHECKLIST FOR LAWYERS PLANNING TO PROTECT CLIENTS'  
INTERESTS IN THE EVENT OF THE LAWYER'S  
DEATH, DISABILITY, IMPAIRMENT, OR INCAPACITY**

1. Use retainer agreements that state you have arranged for an Assisting Attorney to close your practice in the event of death, disability, impairment, or incapacity.
2. Have a thorough and up-to-date office procedure manual that includes information on:
  - 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. The office policy on keeping original documents of clients;
  - i. Where original client documents are kept;
  - j. Where the safe deposit box is located and how to access it;
  - k. The bank name, address, account signers, and account numbers for all law office bank accounts;
  - l. The location of all law office bank account records (trust and general);
  - m. Where to find, or who knows about, the computer passwords; and
  - n. How to access your voice mail (or answering machine) and the access code numbers.
  - o. Where the post office or other mail service box is located and how to access it.
3. Make sure all of your file deadlines (including follow-up deadlines) are on your calendaring system.
4. Document your files.
5. Keep your time and billing records up-to-date.
6. Avoid keeping original documents of clients, such as wills and other estate planning documents.
7. Have a written agreement with an attorney who will close your practice (the "Assisting Attorney") that outlines the responsibilities involved in closing your practice. Determine whether the Assisting Attorney will also be your personal attorney. Choose an Assisting Attorney who is sensitive to conflict of interest issues.
8. If your written agreement authorizes the Assisting Attorney to sign trust or general account checks, follow the procedures required by your local bank. Decide whether you want to authorize access at all times, at specific times, or only upon the happening of a specific event. In some instances, you and the Assisting Attorney will

have to sign bank forms authorizing the Assisting Attorney to have access to your trust or general account.

9. Familiarize your Assisting Attorney with your office systems and keep him or her apprised of office changes.
10. Introduce your Assisting Attorney to your office staff. Make certain your staff knows where you keep the written agreement and how to contact the Assisting Attorney if an emergency occurs before or after office hours. If you practice without regular staff, make sure your Assisting Attorney knows who to contact (the landlord, for example) to gain access to your office.
11. Inform your spouse or closest living relative and the personal representative of your estate of the existence of this agreement and how to contact the Assisting Attorney.
12. Renew your written agreement with your Assisting Attorney each year. If you include the name of your Assisting Attorney in your retainer agreement, make sure it is current.

[Editor's Note: These materials are based upon a booklet published by the Oregon State Bar Professional Liability Fund and entitled, *Planning Ahead: A Guide to Protecting Your Clients' Interests in the Event of Your Death or Disability*, which have been edited for Washington lawyers.]