

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

The term "Closing 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, and so on. If necessary, check the Idaho court repositories for those items.
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 poses 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 immediately for files that require discovery or court appearances. Obtain resets of hearings or extensions when 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 procedure manual. Determine whether anyone has access to a list of clients with active files.
6. Determine whether the Closing Attorney stored files online. Locate the user name and password, retrieve the digital data, and arrange for the cloud storage provider to close the account.
7. 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 pick up a copy of 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. (See sample *Letter Advising That Lawyer Is Unable to Continue in Practice* provided in Chapter 4 of this handbook.)
8. For cases before administrative bodies and courts, obtain permission from the clients to submit a motion and order to withdraw the Closing Attorney as attorney of record. Review IRPC 1.16.
9. If the client is obtaining a new attorney, be certain that a Substitution of Attorney is filed.
10. Select an appropriate date to check whether all cases have either a motion and order allowing withdrawal of the Closing Attorney or a Substitution of Attorney filed with the court.
11. Make copies of files for clients. Retain the Closing Attorney's original files. All clients should either pick up a copy of 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. If the client is picking up a copy of the file and the file contains original documents that the client needs (such as a title to property), return the original documents to the client and keep copies for the Closing Attorney's file.
12. Advise all clients where their closed files will be stored and whom they should contact in order to retrieve a closed file.

13. Send the name, address, and phone number of the person who will be retaining the closed files to the Idaho State Bar Licensing, P.O. Box 895, Boise, ID 83701-0895.
14. If the Closing Attorney was a sole practitioner, try to arrange for his or her phone numbers to have forwarding numbers. This eliminates the problem created when clients call a Closing Attorney's phone number, get a recording stating that the number is disconnected, and do not know where to turn for information. In the alternative, arrange for your telephone numbers to have a recorded announcement about your closed office for 30 to 60 days after you close your office.
15. Contact the Closing Attorney's malpractice carrier, if applicable, about extended reporting coverage or tail coverage.
16. If the Closing Attorney is a notary and wishes to resign his or her commission, he or she may submit a letter of resignation to the Idaho Secretary of State.
17. If the Closing Attorney died, you may wish to speak to family members about submitting memorial notices or obituaries to appropriate publications. *In Memoriam* notices may be submitted to The Advocate c/o Idaho State Bar, P.O. Box 895, Boise, ID 83701-0895.
18. *(optional)* If you have authorization to handle the Closing Attorney's financial matters, look around the office for checks or funds that have not been deposited. Determine whether 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 be either 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 Closing Attorney's accounts, you will probably need: (1) to be an Authorized Signer on the accounts; (2) to have a written agreement such as the sample provided in Chapter 4 of this handbook; or (3) to have a limited power of attorney. If the Closing 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 Closing Attorney should go to the Closing Attorney or his/her estate.
19. *(optional)* If you are authorized to do so, handle financial matters, pay business expenses, and liquidate or sell the practice.
20. *(optional)* If your responsibilities include sale of the practice, you may want to advertise in The Advocate and other appropriate places.
21. *(optional)* If your arrangement with the Closing Attorney or estate is that you are to be paid for closing the practice, submit your bill.
22. *(optional)* If your arrangement is to represent the Closing Attorney's clients on their pending cases, obtain each client's consent to represent the client and check for conflicts of interest.