

FEE AGREEMENT PROVISIONS

There are many different types of fee agreements and provisions that attorneys may use in their practices. These sample provisions may be inserted into any fee agreement to allow another attorney to review files and contact clients when an attorney is unable to continue the practice of law for any reason.

Sample 1

I want to protect your interests in the event that I am unexpectedly unable to continue the practice of law for any reason. Therefore, I may appoint one or more attorneys to assist with the closure of my office in the event that I can no longer practice. In such event, Client agrees that the Successor Attorney can review Client's file to protect Client's rights and can assist with the closure of my law practice. Client grants permission and waives all confidentiality to the extent necessary for such purposes.

More detailed provisions may be added detailing what a Successor Attorney can do. Some of these may provide for the Successor Attorney to:

- 1) Contact Client
- 2) Contact opposing party
- 3) Contact courts
- 4) Review file to prepare billing statements and collect fees from Client
- 5) Arrange to have Client's file and any property or unearned fees that are in the possession of Attorney delivered to Client or Client's new attorney

Sample 2:

In order to protect Client's interests in the event that I am unable to continue the practice of law, it may be necessary for a staff member, personal representative, or another lawyer I may appoint to have access to Client's files in order to contact Client and to determine appropriate handling of Client's matters and Client's file. Client grants permission and waives all confidentiality to the extent necessary for such purposes.

In the event of Lawyer's death or disability, if further services are required in connection with Client's representation and Client hires another attorney, Client expressly authorizes a division of fees based on the proportion of work done or the responsibilities assumed by each. Such division specifically authorizes the payment of fees and expenses to the Lawyer, the Lawyer's estate, personal representatives, and heirs.

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