



Checklist for an Attorney Who Closes Another Attorney's Office

This checklist is intended as a guideline only as circumstances surrounding the closing of a law office vary.

- Check the attorney's calendars to look for case deadlines.
- Search the attorney's office to look for documents that need to be filed.
- Open and review all unopened mail, especially certified mail, and file it.
- Review electronic sources to ensure that the client file is complete and up to date.
- Review the firm's electronic records for client-related material, including such things as e-mail communications, instant messages, or other documents generated during the course of the case, especially those communications that indicate pending deadlines.
- Look for an office procedure manual. Determine whether anyone has access to a list of clients with active files.
- Review active client files to determine which cases need to be dealt with first.
- Make sure that any case with a statute of limitations running, or that is set for hearing or trial, are handled immediately. Look for cases with discovery settings. It is important to handle these cases immediately.
- Contact the client for matters that are urgent or set for the near future. Ask the client for permission to reset. As an attorney assisting with closing down the practice, make sure these scheduling arrangements do not pose a conflict of interest for you and/or your clients.



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- Contact courts and opposing counsel immediately for files that require court appearances or have discovery pending. Obtain resets of hearings or extensions when necessary. Confirm extensions and resets in writing.
- Send clients who have active files a letter explaining that the law office is being closed and instructing them to retain a new attorney. Inform the clients about time limitations and time frames important to their cases.
- If the client wishes for the file to be sent to new counsel, have the client sign an authorization for the original file to be released to the new attorney.
- If the client is obtaining a new attorney and the case is pending in court, be certain that a Substitution of Attorney is filed.
- If the client wants to pick up their file, inform the client of days and times when they can pick up their original file.
- The law firm may want to keep a copy of the file. If so, the file should be copied at the law firm's expense.
- Try to ensure that a phone number is available for the clients to either speak with someone about their file or so that the client can leave a message.
- Texas Disciplinary Rule of Professional Conduct 1.14(a) provides, in part, that "Other client property shall be identified as such and appropriately safeguarded. Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of five years after termination of the representation." Client files are considered "other client property." *Hebisen v. State*, 615 S.W.2d 866 (Tex.Civ.App. – Houston 1981)



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- The office may want to make concerted efforts to contact closed file clients when those closed cases: 1) involve a minor; 2) involve signed original wills; 3) involve contracts or other agreements that are still being paid off at the end of five years; 4) in which a judgment should be renewed; 5) support and custody files in which the children are minors or the support obligation continues; 6) corporate books and records; 7) adoption files; 8) intellectual property files; and 9) any other file in which it appears the client's or attorney's interest may be ongoing.
- If a client determines he/she does not want the closed file, obtain a signed release giving the client's permission to destroy the file.
- When it is determined that a client file can be destroyed, the file should be shredded or otherwise appropriately destroyed.
- If you have authorization to handle the Attorney's financial matters, look around the office for checks or other funds that have not been deposited. Determine whether funds should be deposited or returned to the clients, as some funds may not have been earned.
- Prepare a final billing statement showing any outstanding fees due.
- Prepare an accounting for any client who has money being held in trust.
- Obtain instructions from clients concerning any funds belonging to them that are being held in trust. Unearned trust account funds should be either returned to the clients or forwarded to their new attorneys.
- If you are authorized to do so, handle financial matters, and pay business expenses.