

**SUCCESSION PLANNING & CESSATION OF PRACTICE
MATERIALS**

1. Law Office Information – Contingency Plan
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Law Office Information

Attorney

Name: _____ Bar Number: _____

Social Security Number: _____ State Tax ID: _____

Office Address: _____

Office Phone: _____

Office Staff (Paralegal, Bookkeeper, Accountant, Office Manager, etc.)

Name: _____

Position: _____

Phone Number: _____

Name: _____

Position: _____

Phone Number: _____

Spouse/Family

Name: _____

Address: _____

Phone Numbers: _____

Landlord

Name: _____

Address: _____

Phone Number: _____

Lease information: _____

Passwords

Computer: _____

Mobile Devices: _____

Software Programs: _____

Voicemail: _____

e-Filing: _____

Software: _____

Client Portal: _____

Other: _____

Successor Attorney

Name: _____

Address: _____

Phone Numbers: _____

State Bar of Texas designated? _____ Yes _____ No

Location of Will and Power of Attorney

Contact Name: _____

Phone Number: _____

Location: _____

Executor: _____

Phone Number: _____

Agent: _____

Phone Number: _____

Legal Malpractice Insurance

Insurer/Agent: _____

Address: _____

Phone Number: _____

Location of Policy: _____

Safety Deposit Box

Financial Institution: _____

Address: _____

Phone Number: _____

Co-Signer/Person with access to key: _____

Phone Number: _____

Offsite Storage

Company: _____

Address: _____

Phone Number: _____

Access Information: _____

Trust Account

Financial Institution: _____
Address: _____
Account Number: _____
Phone Number: _____
Additional Signatory: _____

Individual Trust Account(s)

Client's Name: _____
Financial Institution: _____
Address: _____
Account Number: _____
Phone Number: _____
Additional Signatory: _____

Operating Account

Financial Institution: _____
Address: _____
Account Number: _____
Phone Number: _____
Additional Signatory: _____

Firm Credit Card

Financial Institution: _____
Address: _____
Account Number: _____
Phone Number: _____
Additional Cardholders: _____

Additional Information (Equipment leases, maintenance contracts, P.O. Box, Life/disability insurance, etc.)

**Notice that Lawyer Is No Longer Able to
Practice Law
(Active File)**

Re: [Name of Case]

Dear [Client]:

Due to [ill health/death/other], [Attorney] is no longer able to continue the practice of law. As your case is active, you will need to retain the services of another attorney to represent you in your legal matters. I will be assisting [Attorney] in closing [his/her] legal practice. We recommend that you retain the services of another attorney immediately so that your legal rights will be preserved. Please note: WE DO NOT REPRESENT YOU IN THE ABOVE REFERENCED MATTER.

You will need your client file for use by you and your new attorney. I am enclosing written authorizations for your file to be released directly to you or your new attorney. You or your new attorney can forward this authorization to us, and we will release the file as instructed. Please note that if you pick up your file in person, you will need to provide a driver's license for identification purposes.

Please make arrangements to pick up your file or have your file transferred to your new attorney by [date]. It is imperative that you act promptly due to deadlines that may affect your case.

You will receive a final accounting from [Attorney] in a few weeks. This will include any outstanding balances that you may owe [Attorney] or a refund of unearned fees that may be due to you.

On behalf of [Attorney], I would like to thank you for giving [him/her] the opportunity to provide you with legal services. If you have any additional concerns or questions, please feel free to contact me.

Sincerely,

[Printed Name]

Enclosure

Request for Client File

Re: _____
[Case Reference]

I, _____, hereby request that the law office of
[Client Name]

_____ make my file available for pick up at:
[Firm/Attorney Name]

[Address]

[Phone Number]

[Fax Number]

[Email Address]

Client Signature

Date

Authorization for Transfer of Client File

Re: _____
[Case Reference]

I, _____, hereby authorize the law office of
[Client Name]

_____ to deliver my file to:
[Firm/Attorney Name]

[New Attorney]

[Address]

[Phone Number]

[Fax Number]

[Email Address]

Client Signature

Date

**Notice that Lawyer Is No Longer Able to
Practice Law
(Closed File)**

Re: [Name of Case]

Dear [Client]:

Due to [ill health/death/other], [Attorney] is no longer able to continue the practice of law. Should you wish to obtain your closed file, it is available for you to come to [file location] and pick up or contact this office to arrange for its delivery. If you decide to pick up the file in person, please note that you should provide a driver's license for identification purposes. Please decide what you wish to do with the file and inform us of your decision by [date]. Please note: WE DO NOT REPRESENT YOU IN THE ABOVE REFERENCED MATTER.

Should you not wish to obtain your file, I am enclosing a written authorization for your file to be destroyed. Please return this authorization to me by [date] if you do not want your file. If you authorize destruction of your files, the files will be physically destroyed by a method that will preserve client confidentiality. You will not be charged for this service. If we receive no response within six (6) weeks of the date of this letter, we will assume that you wish the files to be destroyed. If you wish the records returned, please contact us to arrange transfer of the file.

On behalf of [Attorney], I would like to thank you for giving [him/her] the opportunity to provide you with legal services. If you have any additional concerns or questions, please feel free to contact me.

Sincerely,

[Staff/Friend/Family Member]

Enclosure

Authorization for Destruction of Client File

Re: [Case Reference]

I, [Client Name], hereby authorize the law office of [Firm/Attorney Name] to destroy my client file(s).

Client Signature

Date

ACKNOWLEDGEMENT OF RECEIPT OF CLIENT FILE

I hereby acknowledge that I have received a copy of my file from the law office of [].

Name

Date

AUTHORIZATION FOR TRANSFER OF CLIENT FILE

I hereby authorize the law office of [] to deliver a copy of my file to my new attorney at:

Name: _____

Address: _____

Email: _____

Phone: _____

Name

Date

AUTHORIZATION TO DESTROY CLIENT FILE

I hereby authorize the custodian of the files of the law office of [], to destroy my client file and all the documents contained therein.

Name

Date

CAUSE NO. _____

IN THE MATTER OF
THE LAW PRACTICE OF
[]

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§
§

IN THE DISTRICT COURT OF
TRAVIS COUNTY, TEXAS
_____ JUDICIAL DISTRICT

PETITION FOR ASSUMPTION OF JURISDICTION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the [] and makes application for Assumption of Jurisdiction over the client files of [], State Bar Card No. [], pursuant to Part XIII, §13.01, 13.02, and 13.03 of the Texas Rules of Disciplinary Procedure and in support thereof would show the Court as follows:

I.

[] was an attorney licensed to practice law in the State of Texas. [] most recently maintained an office for the practice of law at [], [], [] County, Texas []. [] resigned from the practice of law on [], and abandoned client files in his law office. ['s] last known address is: [], TDCJ Number [], [], [], [], Texas [].

II.

The Assumption of Jurisdiction and appointment of a custodian is warranted because Respondent has resigned from the practice of law and cannot provide legal services necessary to protect the interests of clients. Respondent has left one or more client matters for which no other attorney licensed by the State of Texas, with the consent of the clients, has agreed to assume responsibility.

III.

The following facts show cause to believe that the assumption of jurisdiction of Respondent's files is required:

- A) By Order of the Supreme Court of Texas dated [], the Supreme Court accepted the Resignation as Attorney and Counselor of Law of []. [] cannot provide legal services necessary to protect the interests of clients.
- B) Court supervision is necessary because [] has left client matters for which no other attorney licensed to practice law in Texas has, with the consent of the client, agreed to assume responsibility.
- C) Cause exists to believe that the interests of one or more clients of Respondent or one or more interested persons or entities will be prejudiced if these proceedings are not maintained.
- D) [] currently has possession of ['s] files which are located in his office at [], [], Texas [].

IV.

WHEREFORE, PREMISES CONSIDERED, Applicant requests that, pursuant to Sections 13.01, 13.02 and 13.03 of the Texas Rules of Disciplinary Procedure, the Court enter an order assuming jurisdiction over ['s] client matters, appointing [] as Custodian to act under its direction in preserving the interests of the clients of []. Applicant further requests that Applicant be authorized to allow qualified attorneys and their staffs to assist Custodian in reviewing and determining the appropriate measures to be taken in preserving the interests of ['s] clients, such attorneys to include, without limitation, the following: [], State Bar Number [

], [], State Bar Number [], [], State Bar Number [], [], State Bar Number [], [], State Bar Number [], [], State Bar Number [], and [], State Bar Number []. Applicants further pray for such other relief as may be necessary or to which it may be entitled.

Respectfully submitted,

[]

[]
State Bar No. []
ATTORNEY FOR APPLICANT

VERIFICATION

STATE OF TEXAS

§
§
§

COUNTY OF _____

Before me, the undersigned notary, on this day, personally appeared [] who being by me duly sworn on her oath deposed and said that she is the attorney of record for Petitioner, [], that she has read the above and foregoing Petition for Assumption of Jurisdiction and that, based on the information provided to and available to the undersigned attorney, every statement contained therein is true and correct.

[]

SUBSCRIBED AND SWORN TO on this _____ day of _____, 20 ____, by
witness my hand and official seal.

Notary Public in and for the State of Texas

CAUSE NO. _____

IN THE MATTER OF
THE LAW PRACTICE OF

§
§
§
§
§

IN THE DISTRICT COURT OF
_____ COUNTY, TEXAS
_____ JUDICIAL DISTRICT

ORDER TO SHOW CAUSE

On this day, the Court considered the foregoing Petition for Assumption of Jurisdiction filed by Petitioner, _____.

IT IS THEREFORE ORDERED that [person in possession of files] appear before the court at _____ .m. on the _____ day of _____, 20____, to show cause why the Court should not assume jurisdiction of the law practice of _____.

IT IF FURTHER ORDERED that the Clerk of the Court issue a general notice pursuant to T.R.C.P. 21a to be personally served on _____ together with a copy of the foregoing petition and this order by any sheriff and requiring _____ to appear in the courtroom of the _____ District Court of _____ County, at the courthouse in _____, _____ County, Texas, at _____ .m. on the _____ day of _____, 20____, then and there to show why the Court should not assume jurisdiction of the client files of _____.

SIGNED this the _____ day of _____, 20____.

JUDGE PRESIDING

CAUSE NO. D-1-GN-[]

IN THE MATTER OF	§	IN THE DISTRICT COURT OF
THE LAW PRACTICE OF	§	TRAVIS COUNTY, TEXAS
[DISBARRED ATTORNEY]	§	126th JUDICIAL DISTRICT

**ORDER FOR ASSUMPTION OF JURISDICTION OVER LAW PRACTICE OF
[DISBARRED ATTORNEY]**

On March ____, 2011, the Court heard the Application for Assumption of Jurisdiction filed by Petitioner, the State Bar of Texas, Pursuant to Part XIII, §13.01, 13.02, and 13.03 of the Texas Rules of Disciplinary Procedure. After examining the Application and hearing the evidence, the Court is of the opinion that the Applicant's request that this Court assume jurisdiction over the law practice and client files of [Disbarred Attorney] be granted.

Based upon the evidence, the Court makes the following findings of fact:

1. [Disbarred Attorney] was an attorney licensed to practice law in the State of Texas.
2. Terry Erwin Stork previously maintained an office for the practice of law at 1705 S. Lamar, Austin, Travis County, Texas.
3. Cause exists to believe that Court Supervision is necessary because [Disbarred Attorney] resigned from the practice of law and left client matters for which no other attorney licensed to practice law in Texas has, with the consent of the client, agreed to assume responsibility.
4. There is cause to believe that the interests of one or more clients of [Disbarred Attorney] or one or more interested persons or entities will be prejudiced if these proceedings are not maintained.
5. [] presently has possession of [Disbarred Attorney] 's client files and records. [] is requesting that the Court appoint [], an attorney with the State Bar of Texas, custodian of the client files and records of [Disbarred Attorney] .

Based on the foregoing Findings of Fact, the Court makes the following Conclusions of Law:

1. Supervision of the Court over the practice of [Disbarred Attorney] is warranted and necessary.
2. The Court should enter an Order Assuming Jurisdiction over [Disbarred Attorney] 's client

matters and appointing [], State Bar Card Number [], to act under its direction as custodian of the client files and records of [Disbarred Attorney] .

IT IS THEREFORE ORDERED that the Court shall henceforth assume jurisdiction over the law practice and client matters of [Disbarred Attorney].

IT IS FURTHER ORDERED that [], State Bar Card Number [], a member of the State Bar of Texas, be appointed Custodian of the client files and records of [Disbarred Attorney] that are located at [], [], Texas [].

IT IS FURTHER ORDERED that the Custodian shall, in the exercise of her responsibilities hereunder, do one or more of the following:

1. Allow [], State Bar Number [], [], State Bar Number [], [], State Bar Number [], [], State Bar Number [], [], State Bar Number [], [], State Bar Number [], [], State Bar Number [], and [], State Bar Number [] to assist with numbers 2 through 10 below.
2. Examine the client matters, including files and records of [Disbarred Attorney] 's practice, and obtain information as to any matters which may require attention.
3. Notify persons and entities that appear to be clients of [Disbarred Attorney] of the assumption of the law practice, and suggest they obtain other legal counsel.
4. Give appropriate notice to persons or entities that may be affected other than the client by this proceeding.
5. Arrange for surrender or delivery to the client of the client's papers, files, or other property.
6. Destroy all files and client information not claimed or retrieved by clients within one (1) year of the date of this Order.
7. Destroy all files and client information when the file is more than five (5) years old and one of the following conditions applies: a) the client cannot be located; b) the client does not want the file; or c) the legal matter was resolved.
8. Do such other acts as the Court may direct or as the custodian deems appropriate.

IT IS FURTHER ORDERED that except for intentional misconduct or gross negligence, Custodian shall not be subject to any liability by reason of the institution or maintenance of a proceeding under this Order. The Custodian shall serve without bond or other security.

IT IS FURTHER ORDERED that the duties imposed upon the Custodian with regard to the former clients of [Disbarred Attorney] shall cease as to individual clients upon the earlier of: 1) acceptance of representation of such client by a duly licensed attorney, 2) the signing of receipt

for the client file by the client or his or her properly appointed representative, or 3) the order of this Court discharging the Custodian.

SIGNED this the _____ day of _____, 20__.

JUDGE PRESIDING

CAUSE NO. D-1-GN-[]

IN THE MATTER OF
THE LAW PRACTICE OF
[]

§
§
§
§

IN THE DISTRICT COURT OF
TRAVIS COUNTY, TEXAS

REPORT OF CUSTODIAN

On [], this Court SIGNED AN Order for Assumption of Jurisdiction over the Law Practice of []. At that time, the Court appointed the undersigned, [], as Custodian of the client files and records of [].

In accordance with the order of the Court, the Custodian has undertaken and accomplished the following:

1. The client matter files and records of [] were obtained by Custodian. Custodian, or an attorney named in the Order for Assumption, have conducted the following exhaustive procedures on behalf of the clients involved: all client files were reviewed, some of the files were returned to clients, some of the files were destroyed in accordance with the destruction provision in the Order for Assumption, and the files not claimed or destroyed remain in Custodian’s possession.
2. Appropriate actions, as necessary, to protect the interest of any client were taken. Each file was examined to determine whether any pending actions required attention. There were no files/clients with upcoming court dates.
3. [‘s] clients were notified that the undersigned had been appointed Custodian of their files; they were advised that unless they had obtained another lawyer, they were not currently represented; and they were advised that it might be necessary for them to obtain another attorney. They were also given the information necessary to arrange to pick up their file(s).
4. In those instances where the last known address of the client was no longer valid, attempts were made to locate the client to pick up their file(s).
5. In each and every case where requested and where files were available, files have been returned to clients.
6. Those clients who made a request for a file that had not been turned over to Custodian

were advised on other remedies that could be taken.

The Custodian does not anticipate any further activity in these matters. The remaining files will be kept at [], [], Texas until [, 20__] (one year from date of Order of Assumption). Therefore, any client requesting their file in the future may do so before [, 20__] (one year from the date of Order of Assumption).

SIGNED on this the __ day of _____, 20__.

Respectfully Submitted,

[]
State Bar No. []
ATTORNEY FOR APPLICANT