

CHECKLIST ANTICIPATING A LAWYER'S DEATH, INCAPACITY OR DISAPPEARANCE

(EMERGENCY PLANNING)

1. Select an Emergency Attorney. The selection is critically important. Ideal attributes include: impeccable character, same or similar practice, adequately staffed, known and liked by your family and staff, excellent client and communication skills.
2. Use fee agreements and explanatory materials that state you have arranged for an Emergency Attorney to close your practice in the unlikely event of your sudden death, incapacity or disappearance. (Get your client's informed consent)
3. Use a thorough and up-to-date office procedure manual that covers all the office details, from passwords to stored files. Make certain one can easily find or generate a list of current clients, matters and contact information for not only clients but any other key people and suppliers to your practice.
4. Make sure all key deadlines are clearly calendared.
5. Document your files well. Anticipate questions that might arise about a particularly tricky or complex case (or problem client) and prepare a memo to file with details.
6. Keep all time and billing records clear, detailed and up-to-date.
7. Return original documents to a client immediately if possible, and no later than the end of a case or matter. Avoid keeping wills, valuable papers or other client property.
8. Have a written agreement with your Emergency Attorney that outlines the responsibilities involved in closing your practice. Reciprocal agreements are encouraged. Require that the Office of General Counsel be notified immediately by the Emergency Attorney (RGDP 12.1). Arrange for compensation for the Emergency Attorney if appropriate.
9. Work with your bank to determine the best method to have a second signatory on your accounts, and whether it can be conditioned upon timing or events.

10. Familiarize your Emergency Attorney with your office systems and keep him or her apprised of changes.
11. Introduce your Emergency Attorney to your office staff and make sure your office staff is fully informed of this planning. Make sure the staff has the information to contact the Emergency Attorney 24/7/365. If you practice without regular staff, make sure your Emergency Attorney knows who to contact (e.g. the landlord) to gain access to your office.
12. Inform your spouse/partner or closest living relative, the designated personal representative of your estate, and all key professionals (e.g. malpractice carrier, CPAs), of this planning and how to contact the Emergency Attorney.
13. Periodically destroy files according to ethical guidelines and your document retention agreement.
14. Provide a set of keys and passwords to your Emergency Attorney.
15. Renew the written agreement with your Emergency Attorney each year and keep the identity of the lawyer current in your Fee Agreement.

This form is adapted from the Oregon State Bar Professional Liability Fund handbook, *“Planning Ahead: A Guide to Protecting Your Clients’ Interests in the Event of Your Disability or Death,”* Copyright 2011. All rights are reserved except that members of the Oklahoma Bar Association may use this material for assistance with their own law practice.