



The Fundamentals of Loss Prevention for Lawyers

EXCERPT

► **CHAPTER 13:**
Succession Planning

Serving Illinois Lawyers

Chapter 13: Succession Planning

Solo practitioners should have one or more designated backup lawyers who will oversee the solo practitioner's files in case of emergency. The backup lawyer should be competent in the areas of law in which the solo practices. Remember, however, that the backup lawyer should receive permission from the client to represent them before proceeding. Solos must also plan carefully before taking vacations to ensure that no files will be neglected in their absence.

Who will take over your practice if you become ill? When you die? What will happen to your clients? Who will help them when you no longer can?

[Comment 5 to Illinois Rules of Professional Conduct Rule 1.3](#) states, "To prevent neglect of client matters in the event of a solo practitioner's death or disability, the duty of diligence may require that each solo practitioner prepare a plan, in conformity with [Illinois Rules of Professional Conduct](#), that designates another competent lawyer to review client files, notify each client of the lawyer's death or disability, and determine whether there is a need for immediate protective action."

Understand that if you don't create a plan, your loved ones will be burdened with the responsibility of trying to understand your practice and trying to ensure that client needs are met.

Clumsy transitions to new lawyers or firms have the risk of disrupting workflows, reducing quality of services rendered, and exposing your firm to malpractice claims.

Caring for Your Clients in Case of Emergency and/or Retirement

Here are some things you can put in place to begin the process and assist the lawyer who you designate to care for your clients if you become unable to do so:

- Maintain and routinely update a complete list of client names and addresses;
- Maintain and update a complete list of active and closed matters;
- Maintain a list of financial institutions where the firm has accounts; the account numbers; and the signatory on those accounts; and
- Maintain a list of firm vendors and/or individuals with whom the firm does business.
- Planning for the time you may not be able to serve your clients; or for a time when you may no longer want to practice law has many components and ethical obligations. If you would like to learn more about succession planning and the ethical obligations you have in closing your practice, there is a primer on succession planning on the ARDC website.

Succession Planning Do's and Don'ts

Do...

- ✓ Think about a lawyer that you believe would take good care of your clients if you were unable to do so.
- ✓ Consider the stress on your loved ones if you don't make plans of your practice.
- ✓ Plan for short-term emergencies as well as longer term emergencies.

Don't...

- ⊗ Don't assume succession planning is only for senior lawyers.
- ⊗ Don't forget to update your plan over time.
- ⊗ Don't put off succession planning.



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