PREPARATION CHECKLIST FOR PLANNING ATTORNEY

1. Use retainer agreements that state you have arranged for a Successor Attorney to close your practice in the event of death, disability, incapacity or other inability to act.

2. Have a thorough and up-to-date office procedure manual that includes information on:
    a. How to check for a conflict of interest;
    b. How to use the calendaring system;
    c. How to generate a list of active client files, including client names, addresses, and phone numbers;
    d. Where client ledgers are kept;
    e. How the open/active files are organized;
    f. How the closed files are organized and assigned numbers;
    g. Where the closed files are kept and how to access them;
    h. The office policy on keeping original documents of clients;
    i. Where original client documents are kept;
    j. Where the safe deposit box is located and how to access it;
    k. The bank name, address, account signers, and account numbers for all law office bank accounts;
    l. The location of all law office bank account records (trust and general);
    m. Where to find, or who knows about, the computer passwords; and
    n. How to access your voice mail (or answering machine) and the access code numbers.
    o. Where the post office or other mail service box is located and how to access it.

3. Make sure all of your file deadlines (including follow-up deadlines) are on your calendaring system.

4. Document your files.

5. Keep your time and billing records up-to-date.

6. Avoid keeping original documents of clients, such as wills and other estate planning documents. If you do have original documents, maintain them in a central place, indexed, within the office.

7. Have a written agreement with an attorney who will close your practice (the "Successor Attorney") that outlines the responsibilities involved in closing your practice. Determine whether the Successor Attorney will also be your personal attorney. Choose a Successor Attorney who is sensitive to conflict of interest issues.

8. If you have a successor attorney agreement, please notify the South Carolina Bar by visiting this website http://www.scbar.org/MemberResources/SuccessionPlanning.aspx and filling out the form.

9. If your written agreement authorizes the Successor Attorney to sign trust or general account checks, follow the procedures required by your local bank. Decide whether you want to authorize access at all times, at specific times, or only upon the happening of a specific event. In some instances, you and the Successor Attorney will have to sign bank forms authorizing the Successor Attorney to have access to your trust or general account. Choose your Successor Attorney wisely he or she may have access to your clients' funds.

10. Familiarize your Successor Attorney with your office systems and keep him or her apprised of office changes.

11. Introduce your Successor Attorney to your office staff. Make certain your staff knows where you keep the written agreement and how to contact the Successor Attorney if an emergency occurs before or after office hours. If you practice without regular staff, make sure your Successor Attorney knows whom to contact (the landlord, for example) to gain access to your office.

12. Inform your spouse or closest living relative and the personal representative of your estate of the existence of this agreement and how to contact the Successor Attorney.

13. Forward the name, address, and phone number of your Successor Attorney to your professional liability insurance carrier each year. This will enable the professional liability insurance carrier to locate the Successor Attorney in the event of your death, disability, impairment, or incapacity.

14. Renew your written agreement with your Successor Attorney each year. If you include the name of your Successor Attorney in your retainer agreement, make sure it is current.