

Succession Planning

What happens to your clients if you suddenly become an “absent attorney,”* one who leaves the practice of law with little to no advance warning, whether due to death, disability or otherwise?

The State Bar of Georgia is implementing a voluntary program where you can notify the State Bar that you have selected someone who can help return your files and other property to your clients in the event that you become an absent attorney.

Beginning this year, your annual State Bar dues notice contains the following language:

NOTICE OF DESIGNATED ATTORNEY

I hereby nominate the following State Bar of Georgia member(s) to assist with coordinating the return of client files and property in the event I become an “absent attorney” as defined under Rule 4-228(a) of the Georgia Rules of Professional Conduct. I have discussed this with the person(s) named below, and they are willing to be considered to serve in this capacity.

NAME

STATE BAR NUMBER

NAME

STATE BAR NUMBER

We encourage all lawyers to participate in this voluntary program. All you have to do is speak with another lawyer and obtain his or her willingness to work with the State Bar to return your files and other property to your clients in the event you become an absent attorney through death, disability or otherwise.

Other states that have implemented this program have seen substantial success in timely transitioning client files to other lawyers. Reciprocal agreements between lawyers to help return client files and property in such events are strongly encouraged.

Remember that the State Bar of Georgia stands ready to assist volunteers. People willing to serve in this capacity are not expected or required to handle any cases, but merely to assist in returning client files and property.

If you have questions, please contact Natalie Kelly, Director of the Law Practice Management Department of the State Bar, at 404-527-8770.

* **Absent Attorney** – a member of the State Bar of Georgia (or a foreign or domestic lawyer authorized to practice law in Georgia) who shall have disappeared, died, become disbarred, disciplined or incarcerated, or become so impaired as to be unable to properly represent his or her clients or as to pose a substantial threat of harm to his or her clients or the public as to justify appointment of a Receiver hereunder by the Supreme Court of Georgia. Rule 4-228(a).