

RETIREMENT PLANNING FOR GEORGIA LAWYERS

LAW PRACTICE MANAGEMENT

A MEMBER SERVICE OF THE STATE BAR OF GEORGIA



GETTING STARTED

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Closing a Georgia Law Practice: Retirement Planning for Georgia Lawyers

Preface to the 2024 Edition
As of 2/15/24

This guide has been developed by the Law Practice Management Program of the State Bar of Georgia as a member service in response to the questions we are asked most frequently by those contemplating closing a law practice. It may answer all of your questions; on the other hand, because every law practice is different, you may have questions remaining regarding issues that are not covered here. Please feel free to call the staff of the LPM Program at any time for additional information on subjects of concern to you.

Again, because each lawyer's situation is unique, regard the information contained in this booklet as you would the suggestions of a colleague: good food for thought, useful background material, but no substitute for your own individual research and planning. There are many different reasons why a law practice closes, some are planned, *e.g.*, retirement, merging firms, or entering public office, and others can be unplanned, *e.g.* disability or death. The ethical duties of the lawyer in each of these situations, however, are similar - to protect the clients' interests. There are no specific rules covering what lawyers must do in winding down a law practice.

This publication focuses on the basic ethical obligations when closing a law practice. The forms and suggested procedures provided here are meant to assist lawyers in accomplishing a smooth and efficient transition that meets a lawyer's ethical obligations. Lawyers with questions are encouraged to call the *State Bar of Georgia's Ethics Helpline* at 404-527-8741 or 800-334-6865.

Any references to companies or products are not intended as product endorsements. Please do not copy or distribute this guide without the consent of the State Bar of Georgia.

Reviewers

We wish to express our appreciation to the State Bar of Georgia's Office of the General Counsel, whose staff reviewed this book. Their suggestions on the material were most helpful.

IMPORTANT NOTICE AND DISCLAIMER

This material is intended for informational purposes only. It does not establish, report, or set the standard of care for lawyers in Georgia. Furthermore, it does not provide a comprehensive analysis of the topics discussed. Readers are advised to conduct their own legal research as necessary. The information presented here should not be considered as legal advice. It is prohibited to republish, sell, or utilize this information in any other form without obtaining written consent from the State Bar of Georgia. However, Georgia lawyers are granted permission to use and modify these materials for their own professional use.

Special Acknowledgments

This handbook was 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 1999 and the New York State Bar Association's *NYSBA Planning Ahead Guide: How to Establish an Advance Exit Plan to Protect Your Clients' Interests in the Event of Your Disability, Retirement or Death*, 2015-2016. All rights are reserved except that members of The State Bar of Georgia and other lawyers licensed in Georgia may use this material for assistance with their own law practice or to help another lawyer close his/her office. This material may also be reproduced for classroom instruction or for use by a not-for-profit organization, provided that such use is for informational, non-commercial purposes only and any reproduction of the handbook or portion thereof acknowledges original publication of the handbook by the Oregon State Bar Professional Liability Fund and notes if the material was adapted with permission of the Oregon State Bar Professional Liability Fund.

The *Retirement Planning Guide for Georgia Lawyers*, was published by the State Bar of Georgia's Law Practice Management Program., which gratefully acknowledged the use of the New York State Bar Association's "NYSBA Planning Head Guide: How to Establish an Advance Exit Plan to Protect Your Clients' Interests in the Event of Your Disability, Retirement or Death," published by the Ethics Department of the Virginia State Bar , as well as, "Planning Ahead: A Guide to Protecting Your Clients' Interest in the Event of Your Disability or Death" by Barbara S. Fishleder, published by the Oregon State Bar Professional Liability Fund.

Special thanks go to Oregon State Bar Professional Liability Fund, New York State Bar Association, and Ed Poll with Ed Poll with LawBiz® Management Company for providing model forms within the *Guide*. The *Guide* and its model forms have been revised and updated by the State Bar of Georgia's Law Practice Management Program and Office of General Counsel.

Closing a Georgia Law Practice:

Retirement Planning for Georgia Lawyers

It is not easy to think about circumstances that could render you unable to continue practicing law. Unfortunately, accidents, illness, disability, planned or unplanned retirement, and untimely death are events that do occur. Under any of these circumstances, your clients' interests, as well as your own, must be protected.

Although there are no specific requirements in the Georgia Rules of Professional Conduct "GRPC" specifying the steps a lawyer must take to protect his or her clients in the event of a sudden inability to continue in practice, several Rules and Comments, along with general principals of attorney professionalism and fiduciary duty, provide guidance on this issue. It is clear that there is a duty on the part of the attorney to protect his or her clients from the adverse consequences of such an event. For example, a lawyer who "neglects a matter" may violate GRPC 1.3. By arranging in advance for the temporary management or closing of your practice, your ongoing matters will be handled in a timely manner and there will be less likelihood that a court date will be missed or a closing delayed (for example, because of an inability to access your escrow account), or clients' interests otherwise prejudiced. Funds and property belonging to your clients will be returned to them promptly, as required by GRPC 1.15(d). You will also be assured that your clients' files will be protected and that your office bookkeeping records will be maintained as required by GRPC 1.15(III).

Attorney professionalism is often equated with dedication to clients, service, competence and the display of good judgment. By formulating a plan today, you will be fulfilling your ethical responsibilities and your obligations of attorney professionalism. The information in this *Retirement Planning for Georgia Lawyers* is designed to assist you in protecting your clients and your practice.

CHAPTER 1

RETIREMENT PLANNING RESOURCES

Wrap Up Your Practice Before Retirement

by Pamela Myers



You're contemplating retirement. What do you do with your practice? In the coming years, we expect to hear that question more frequently. Those of us who are now on the cusp of retirement have, most likely, been thinking seriously for a number of years how to wind down or wrap up the practice.

It may be that you, like attorneys in Italy, Germany and France, decide that you're not going to retire. You may reduce your case load and work well into your 70s, 80s or 90s. That'd be great! Most likely, though, you'll follow the retirement path of American and British practitioners and retire anywhere from age 55 to 70.

Lawyers in partnership are often governed by the partnership agreement, with stated retirement age that may or may not be negotiable. Solo practitioners have a bit more leeway in retirement planning.

The assumption is that you've taken care of all the other important aspects of retirement planning, but now you've got to make a decision as to what to do with the practice. For all intent, you can phase down or you can sell.

Phasing down is a popular method. Don't accept new cases and concentrate on closing open cases. Eventually the last case will disappear and you can pack your bags and head for paradise. If you don't want to wait until you've closed your cases, you might find another attorney who is willing to take over the open files. But the client must be given the opportunity to accept the new attorney or find new counsel. Be aware that there are instances where the courts may not be willing to accept new counsel mid-case.

Many lawyers don't think their small firms have much value, but most practices are saleable. The biggest mistake a lawyer can make in closing a practice is to walk away from possible money in the bank. Ed Poll, author of *Selling Your Law Practice: The Profitable Exit Strategy*, recalls an attorney who was weary of practicing law and wanted a complete change in lifestyle. She had planned to just walk away from her practice, but Poll persuaded her to sell the firm and helped her negotiate with a buyer. "She sold her practice for \$300,000—she never believed she could get that much," Poll says.

If you'd like to sell your firm, it is best to get help. (Also, refresh yourself with Bar Rules 1.16(d) and 1.17 in this regard.) There are a number of valuation firms, locally and across the country that can provide assistance. Few lawyers regularly buy or sell practices and most have no experience in setting price or terms for a sale. Since each situation is unique, it would be advantageous if you begin the process of selling the practice to another lawyer or firm as part of your retirement plan. This can alleviate urgency and pro-


vide time for fair negotiation with potential buyers.

There are many possible factors that might affect the price of your practice and all need to be taken into account. Valuation is not a science, as there are no absolutes in the process. Below are just a few examples of what is needed to conduct a comprehensive valuation:

1. Financial statements and state and federal tax returns for the previous five years
2. Fee schedules for the previous five years
3. Leases still in effect for the premises and all equipment
4. Notes payable, deeds of trust, conditional sale contracts
5. Documents relating to the acquisition and obligations on real and personal property investments
6. Cash receipts, cash disbursements, sales, purchase, payroll and general journals

7. General ledger
8. Bank statements, cancelled checks (if available) and bank reconciliations
9. Aged accounts receivable listing
10. Work in progress detail
11. Insurance policies
12. Data on key personnel of selling attorney who will assist in the transition or remain employed by the buying attorney
13. Firm brochure
14. Annual appointment books or electronic calendars
15. Goodwill
 - a. Immediate use of tangible assets
 - b. Trained and assembled work force
 - c. Case files and qualified client/prospect list
16. Liabilities of the practitioner related to the practice which will be taken over by the buyer
17. Other relevant documents

Some solo practitioners and small firms may feel that the list is too burdensome, but the appraiser will need to have access to all this information to give a fair and full value to the practice.

Although this article has been directed toward the valuation and sale of your practice, there are many other aspects of closing your practice with which you'll need to become familiar. The Law Practice Management Program has material to help with all aspects of closing a practice – whether related to retirement or not. I hope you'll contact us the minute you think about taking down your shingle. 



Pamela Myers is the resource advisor of the State Bar of Georgia's Law Practice Management Program and can be reached at pam@gabar.org.



Memorial Gifts

The Lawyers Foundation of Georgia furnishes the *Georgia Bar Journal* with memorials to honor deceased members of the State Bar of Georgia.

A meaningful way to honor a loved one or to commemorate a special occasion is through a tribute and memorial gift to the Lawyers Foundation of Georgia. An expression of sympathy or a celebration of a family event that takes the form of a gift to the Lawyers

Foundation of Georgia provides a lasting remembrance. Once a gift is received, a written acknowledgment is sent to the contributor, the surviving spouse or other family member, and the *Georgia Bar Journal*.

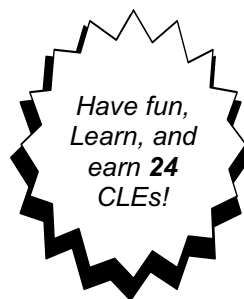
Information

For information regarding the placement of a memorial, please contact the Lawyers Foundation of Georgia at (404) 659-6867 or 104 Marietta St. NW, Suite 630, Atlanta, GA 30303.

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Retirement Planning Materials

Available from the Law Practice Management Resource Library

The publications below provide more thorough and comprehensive information to help you plan for your retirement.

Disclaimer: These materials are intended as general educational resources. While they are from reputable sources, they have not been reviewed for compliance with all applicable Georgia Rules of Professional Conduct. Please consult the State Bar's Ethics Hotline at 800-682-9806 if you need additional information.

- **101+ Practical Solutions for the Family Lawyer, Third Edition: Sensible Answers to Common Problems** by Gregg Mark Herman (2009)
- **The ABA/AARP Checklist for Family Caregivers: A Guide to Making It Manageable** by Sally Balch Hurme (2015)
- **ABA/AARP Checklist for My Family: A Guide to My History, Financial Plans and Financial Wishes** by Sally Balch Hurme (2015)
- **Compensation Plans for Law Firms, Fourth Edition** by James D. Cotterman (2004)
- **Compensation Plans for Law Firms, Fifth Edition** by James D. Cotterman (2010)
- **Compensation Plans for Law Firms, Sixth Edition** by James D. Cotterman (2015)
- **Elder Law and Later-Life Legal Planning** by Lawrence A. Frolik (2017)
- **Employee Benefits Law: The Essential Cases** by Sharon Reece and Max D. Siegel (2014)
- **Estate Planning Strategies: A Lawyer's Guide to Retirement and Lifetime Planning** by Jay A. Soled (2002)
- **The Fulfilled Lawyer** by Kathleen Heather Paukert (2014)

- **Law & ReOrder: Legal Industry Solutions for Restructure, Retention, Promotion & Work/Life Balance** by Deborah Epstein Henry (1999)
- **Law Partnership, Second Edition: Its Rights and Responsibilities** by George H. Cain (1999)
- **Law Partnership Revisited** by George H. Cain (2002)
- **Lawyer Interrupted: Successfully Transitioning from the Practice of Law—and Back Again** by Amy Impellizzeri (2015)
- **Lawyers at Midlife: Laying the Groundwork for the Road Ahead** by Michael Long, John Clyde, and Pat Funk (2009)
- **The Lawyer’s Guide to Buying, Selling, Merging, and Closing a Law Practice** by Sarina A. Butler and Richard G. Paszkiet (2008)
- **A Lawyer’s Guide to Estate Planning, Third Edition: Fundamentals for the Legal Practitioner** by L. Rush Hunt and Lara Rae Hunt (2004)
- **A Lawyer’s Guide to Estate Planning, Fourth Edition: Fundamentals for the Legal Practitioner** by L. Rush Hunt and Lara Rae Hunt (2018)
- **The Lawyer’s Guide to Financial Planning** by Cynthia Sharp (2014)
- **The Lawyer’s Guide to Succession Planning: A Project Management Approach for Successful Law Firm Transitions and Exits** by John W. Olmstead (2016)
- **The Lawyer’s Retirement Planning Guide** by Susan Berson (2010)
- **Life After Law? What Will You Do With The Next 6,000 Days?** by Edward Poll (2013)
- **Modern Rules of Personal Finance for Professionals** by Susan A. Berson (2008)
- **Passing the Torch Without Getting Burned: A Guide to Law Firm Retirement and Succession Planning** by Peter A. Giuliani (2013)
- **Personal Finance for Professionals** by Susan Berson (2015)

- **Selling Your Law Practice: The Profitable Exit Strategy** by Edward Poll (2005)
- **Turning Points: New Paths and Second Careers for Lawyers** by George H. Cain (1994)
- **Turning Points, Volume II: New Paths and Second Careers for Lawyers** by George H. Cain (2009)
- **Understanding Elder Law: Issues in Estate Planning, Medicaid and Long-Term Care Benefits** by L. Rush Hunt, Patricia Day, and Michael McCauley (2002)
- **Withdrawal, Retirement & Disputes: What You and Your Firm Need to Know** by **Lowell E. Rothschild** and Edward B. Berger (1986)

SAMPLE FORMS AVAILABLE:

The following *Closing Your Law Practice* forms are available on the Bar website at www.gabar.org under *Attorney Resources/Practice Management/Sample LPM Forms*. Call the LPM Department at 404-527-8772 if you have any questions about downloading these forms and request for other practice management specific forms.

acknowledgement of receipt of file form	last will single with minor children no trust*
agreement to close law practice-full form	law firm master list of contacts form
agreement to close law practice in the future	letter advising that lawyer is closing his or her practice
agreement to consent to close law practice form-short form	letter from firm offering to continue representation
authorization and consent to close law office	letter of understanding
authorization to transfer of client file form	limited power of attorney to manage law practice at a future date
authorization to return or destroy files letter	living will-Georgia specific*
checklist of concerns when assuming responsibility for another attorney's practice-purchase or acquisition form	notice of designated successor lawyer form
checklist of concerns when assuming temporary responsibility for another attorney's practice-disability or suspension	power of attorney-limited agreement form
checklist for closing your own office	power of attorney for life insurance information-short form*
checklist for lawyers planning to protect clients' interests in the event of the lawyer's disability, impairment, incapacity or death	request for file form
checklist for the fiduciary of a sole practitioner	security deed-Georgia specific*
confidentiality and non-disclosure agreement for use in sale or transfer of a law practice*	special provisions for attorney's will-instructions regarding my law practice form
contingency fee agreement with succession planning clause form*	specimen signature of attorney-in-fact form
engagement letter and fee agreement to follow-up letter to initial review*	succession planning form by the State Bar of Georgia
hourly litigation fee agreement with succession planning clause form*	timeline for closing your law practice
last will married with no children*	what if-answers to frequently asked questions about closing a law practice on a temporary or permanent basis*
last will married with adult children*	what to do when your boss or relative is no longer able to practice law: a checklist for staff and family members*
last will married with minor children*	will provisions
last will single with adult children*	wills and trust consent and form notification-attorney as executor*
last will single with minor children including trust*	withdrawal from representation forms

**Please contact Law Practice Management to order forms.*

Additional Retirement Planning Resources

- **American Association of Retired Persons**

AARP's mission is "to empower people to choose how they live as they age." If you would like to view articles that focus largely on seniors' issues and would like to enroll in their membership program and benefit from receiving a discount on entertainment, insurance, travel, hotel and so much more, visit www.aarp.org.

- **American Bar Association Commission on Law and Aging**

Connect with the ABA Commission on Law and Aging whose work is to strengthen and secure the legal rights, dignity, autonomy, quality of life, and quality of care to aging persons. To view the Commission's latest accomplishments, visit their website at www.abanet.org.

- **American Bar Association Retirement Funds Program**

If you would like to enroll you or your law firm in an ABA Retirement Funds Program investment account or retirement plan, visit www.abaretirement.com.

- **American Bar Association Senior Lawyers Division**

Members of the ABA age 62 and over are eligible to receive free benefits to assist lawyers and judges transitioning in their careers. If you are an ABA member who would like more information about this division and their benefits, visit www.abaretirement.com.

- **American Foundation for the Blind**

"AFB advocates for better policies that promote accessibility, equality, and opportunity for people who are blind or visually impaired. For more information, visit www.afb.org.

- **Braille Institute**

If you would like to view a broad range of free programs, classes and services for the blind or with vision loss, visit www.brailleinstitute.org.

- **Internal Revenue Service**

The IRS Tax Counseling for the Elderly (TCE) Program offers free tax help to individuals who are aged 60 or older. For the tax publications and to get assistance with your tax returns, visit <https://www.irs.gov/individuals/seniors-retirees/publications-for-older-americans>.

- **Medicare**

If you are 65 or older and will need to enroll in Medicare Part B. Make sure to apply for Medicare coverage at www.medicare.gov.

- **National Council on Aging**

If you are an older adult who needs financial assistance to pay for food, medicine, rent and other expenses, visit www.ncoa.org.

- **National Institute on Aging**

To understand the nature of aging and extend the healthy, active years of life, visit www.nia.nih.gov.

- **Pension Rights Center**

If you need help with a question about your retirement plan, visit www.pensionrights.org.

- **Social Security Administration**

To learn about your Social Security benefits, visit www.ssa.gov.

- **U.S. Department of Veteran Affairs**

If you have served military duty and are in need of health care services, visit <https://www.va.gov/>.

- **U.S. Equal Employment Opportunity Commission**

If you feel you have been discriminated against as a job applicant or employee due to race, color, religion, sex, national origin, age, disability or genetic information and would like to file a complaint, visit www.eeoc.gov.

CHAPTER 2

CLOSING YOUR OWN LAW OFFICE

CLOSING A LAW PRACTICE CHECKLIST

1. Notify all current clients.

Most lawyers who wish to close a practice will find that they have current open matters. You may, of course, simply decline new work and gradually decrease your workload until the affairs of all current clients have been completed. If, however, you need to close a practice abruptly because of health, financial or other considerations, you will need to take steps to ensure that current clients are not harmed. (See *Timeline for Closing Your Law Practice*.)

Indeed, it is possible in certain situations you may find you cannot completely close a practice until you have concluded representing a particular client – for example, you are currently in litigation and cannot gain the court’s or the client’s permission to withdraw.

There are two ethics rules that are relevant to closing your practice, Rule 1.16(d) and Rule 1.17. (See *Appendix A-Ethics Rules Relevant to Closing a Law Practice*.)

2. Finalize as many active files as possible.

Write to clients with active files, advising them that you are unable to continue representing them and that they need to retain new counsel. Your letter should inform them about time frames important to their matters. The letter should explain how and where they can pick up copies of their files and should give a deadline for doing so. (See *Appendix B-Letter to Client Attorney Advising That Lawyer Is Closing His/Her Law Office*.)

If possible, provide sufficient advance written notice of the closure for your practice so as to provide clients with reasonable and sufficient time to make other arrangements.

For cases that have pending court dates, depositions or hearings, discuss with affected clients how to proceed. Where appropriate, request extensions, continuances and the rescheduling of hearing dates. Send written confirmations of these extensions, continuances and rescheduled dates to opposing counsel and to your client.

For cases before administrative bodies and courts, obtain clients’ permission to submit motions and orders to withdraw as counsel of record. Review Rule 1.16. (See *Appendix I-Motion to Withdraw as Counsel*, *Appendix K – Notification Certificate* and *Appendix L – Order Permitting Withdrawal of Attorney*.)

In cases where the client is obtaining a new attorney, be certain that a Substitution of Attorney is filed. (See *Appendix J-Notice of Substitution of Counsel*.)

Select an appropriate date and check to see if all matters have a motion and order allowing your withdrawal as counsel of record or a Substitution of Attorney filed with the court. (See *Appendix I-Motion to Withdraw as Counsel*, *Appendix J-Notice of Substitution of Counsel*, *Appendix K – Notification Certificate* and *Appendix L – Order Permitting Withdrawal of Attorney*.)

Make copies of files for clients and yourself. All clients should either pick up their files (and sign a receipt of acknowledging that they received them) or sign an authorization for you to release their files to their new attorneys. (See *Appendix F-Authorization for Transfer of Client File* and *Appendix H-Acknowledgement of Receipt of File forms*.)

If you sold your practice, you will have already advised your clients of your prior intent to do so. You should still advise them also of your having completed the transaction, the location of their files in the event some clients have declined to retain the Successor Attorney and have not collected or released their files, and the name, address and phone number of the purchasing attorney. (See *Sale of a Law Practice Guide* for more information on this subject.)

3. Notify all clients for whom you handled matters that are now closed and check for client property in closed files.

Many lawyers who have been in practice for a number of years have accumulated material in their files that belongs to their clients. You may have original documents (wills, contracts, deeds), or material that was once used in evidence (bank statements, letters, insurance papers). Even if you do not hold material that belongs to them, the file belongs to the client and it's a courtesy to notify your former clients that the office is closing and to ask if they would like their files returned to them. (NOTE: If you are not planning to destroy the file, keep a copy of the file to satisfy the run of any applicable statute of limitation. (See *Appendix G - Request for File*.)

Tell all your clients that they can pick up their closed files and whom they should contact in order to retrieve them. Obtain all clients' permission to destroy their files if they not wish to pick up their closed file. If a closed file is to be stored by another attorney, obtain the client's permission to allow the attorney to store the file for you and provide the client with the attorney's name, address, and phone number. (See *Appendix D-Authorization to Return or Store Files Letter* or *Appendix E – Notice Regarding File Destruction*.)

If you cannot reach former clients, you may want to consider taking out a classified advertisement, especially if you have been in a small town or an office established for a number of years.

4. Arrange for calls to be forwarded.

If you are a sole practitioner, arrange to have your office calls forwarded to you or another person who can assist your clients. This eliminates the problem created when clients call your phone number, get a recording stating that the number is disconnected, and do not know where else to turn for information.

5. Review procedure for retention and destruction of old files.

Most attorneys who are leaving the practice of law don't want to have to retain responsibility for hundreds or thousands of old files. If, however, you have a file retention policy for your firm that specifies that the files will be kept for a certain number of years, those files need to be kept in accordance with your policy, even if it means renting storage for them.

Many lawyers have no written policy. What happens to your old files in that case? There is no State Bar rule that specifies that files must be kept for a particular length of time. There is a four-year statute of limitations for filing a grievance against a lawyer, so many lawyers regard four years as an absolute minimum for preservation of material. (See *File Retention: What's the Ethical Thing to Do?* and *Developing a File Retention Policy for Your Firm* articles.) Trust account records should be kept for six years per Rule 1.15(I).

6. Review contents of any safe deposit boxes held by the firm.

Safe deposit boxes may contain property belonging to a client (i.e., wills), to a third party (objects intended to be used as exhibits in litigation), or to the law firm (stock certificates). Any property not belonging to the lawyer or law firm must be immediately returned. If the parties who own the property cannot be found, the law firm must hold the property in accordance with the Unclaimed Property Act.

7. Close out your trust account ledgers.

It is vitally important that you not close an office while holding client funds. Any monies you have in your trust accounts must be accounted for and either returned to the client, paid out for the purpose intended, or transferred to you as firm income. (Rule 1.16(d) ... lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee that has not been earned.) Even if you feel certain you do not owe clients money, you should not leave money in a trust account if your firm has closed its doors. For one thing, the I.R.S. may later treat this as "constructive receipt" if the money was rightfully yours, and levy back taxes, fines and penalties against the income. Exception: If you hold money in trust for a client or third party who cannot be located, you may be required to continue holding it until it can be disposed of in accordance with the Unclaimed Property Act. Remember that "client property" can also be found in safe deposit boxes and, on rare occasions, in other bank accounts set up for the benefit of the client. (FAO 98-2)

8. Close your operating account and any other firm accounts.

Once your office is closed, make sure it looks closed from all angles. Once all outstanding bills are accounted for and paid, all client advances reimbursed and accounts receivable collected, close your business accounts. Transfer excess revenue into your personal accounts, tax-deferred accounts or capital accounts in a new firm. A final audit by a tax professional is always a good idea.

The issue of accounts receivable can be a thorny one. If your law firm consists of more than one person, you may need to leave open accounts until all “firm money” comes in or is written off, in order to properly distribute the earnings. Resist the temptation to have clients pay you directly in your own personal name if you are collecting firm payments. (See *Appendix C – Notice That File Should Not Be Closed.*)

If the firm has investment accounts or holds a financial interest in real property, these matters will need to be dealt with as well (probably by a competent tax advisor).

9. Check your malpractice insurance to see if you need tail coverage.

Depending on whether your insurance is claims-based or incident-based, you may need extra insurance to cover you for claims made after the office is closed and policy cancelled. Make sure you discuss your situation with your insurance carrier and get a recommendation.

10. Find and review other policies, leases or contracts.

Maintain a complete record of all current and past facility and equipment records, including deeds, mortgage, leases, and related materials. The law firm may be closing while a term exists on the office lease, while disability or key man insurance policies are still in effect, or while you are obligated under the terms of a contract for equipment. Locate all important papers of that nature to determine what the firm’s (or estate’s) responsibilities are. (See *Law Firm Master List of Contacts and Important Information.*)

You should maintain a complete and up-to-date employee file, including resumes, employment agreements, payroll and tax records and other significant documents. (See *Law Firm Master List of Contacts and Important Information.*)

Identify all outside service personnel and providers by name, address, phone and fax numbers, and email address. (See *Law Firm Master List of Contacts and Important Information.*)

11. Notify other interested parties of your new address/firm affiliation.

If you are retiring, you may wish to change your State Bar membership from active to inactive if you do not intend to practice law at all. (See Rule 1-201. Membership.) If the lawyer’s survivors must close down the practice themselves, they should immediately notify any courts in which the lawyer has practiced of the situation to determine if the lawyer has any matters pending with the

court. The clerks should be able to advise what proper procedure should be and the judges will probably be quite helpful in approving delays and even suggesting attorneys who may be able to step in. Also, you may wish to contact the State Bar for additional guidance.

TIMELINE FOR CLOSING YOUR LAW PRACTICE

There are two sides to winding down a law practice. The first is the ethics side and your lawyerly responsibilities to your clients. The second is the business side and your responsibilities as the owner of a professional services firm.

The following two-part checklist should be helpful in building a useful timeline for closing your practice and tracking the tasks to be completed in this complex process.

Checklist for the Ethics Side of the Practice

Date to Be Completed	Person Responsible	Date Completed	Description of Action to Be Completed
			Continue obligation to ensure clients' interests and confidences are protected. Fulfill attorney's fiduciary obligations regarding safekeeping client property.
			Review and satisfy attorney's recordkeeping obligations.
			Create an organizational system to keep track of all client notification letters and responses.
			Implement file retention policy.
			Assist clients in obtaining new legal representation. Offer the names of three competent attorneys, as well as the name of bar association's lawyer referral service.
			Make reasonable efforts to have up-to-date contact information for all current and former clients.
			<p>Notify current clients that the practice will be closing. Send via certified mail (return-receipt requested) to last known address. Send out:</p> <p>(1) Letter of instruction, to be completed and signed by client and returned to attorney, that explains how client wants to dispose of files.</p> <p>(2) Receipt of file(s) to be signed by client.</p> <p>(3) Letter of referral to three attorneys and the local bar association's lawyer referral service.</p>

			Keep records of what was sent to whom.
			Send notice letter to clients who have not yet contacted your office. Letter informs them that you have a file representing work done for them in the past. Request that they pick up the file within 30 days or they can expect the file to be destroyed in accordance with the rules and regulations of your jurisdiction.
			Return all client property or obtain successor escrow holder.
			Complete all your billings, making sure you are current, and determine how to handle unearned fees that remain.
			Close out client trust accounts.
			Review and prioritize all open files with emphasis on time-sensitive issues such as statutes of limitations, trial dates, filing deadlines, etc. Also confirm that open client files can withstand the scrutiny of public or outside review.
			Review closed files and seek to have clients retrieve them.
			File appropriate pleadings, including substitution of attorneys, motion to withdraw, motion for continuance and the like, as may be appropriate for all litigated matters.
			For all files not retrieved by clients or their representatives, retain the files for at least two years—or longer if required by your jurisdiction—and then dispose of them in accordance with your file retention plan. If your engagement letter does not have a provision about file retention, and if your office otherwise lacks such a policy, create the needed policy immediately.
			Talk to insurance carrier about an E&O "tail" policy or discuss continued coverage on an annual basis.
			When leaving law practice entirely, consider filing for "inactive" status with state bar association.

Checklist for the Business Side of the Practice

Date to Be Completed	Person Responsible	Date Completed	Description of Action to Be Completed
			Develop action plan and timetable for how to manage the practice's closing.
			Inventory all assets and liabilities, including work-in-progress and possible contingent liabilities.
			Focus special attention on collecting accounts receivable (A/R) and preparing and sending bills for all work performed to date.
			For outstanding accounts receivable from solvent clients, consider engaging a collection agency and filing a collection lawsuit.
			Take control of all operating and client trust accounts, business assets, equipment, client directories, and premises used in the practice.
			Determine any bank obligations and deal with them by either honoring them or obtaining extensions until a plan for winding down your practice is fully developed.
			Pay or negotiate reduction of outstanding debt with all creditors. Terminate, arrange for reduced payment, or arrange for ongoing payment with creditors as may be appropriate.
			Discuss the expiration of office lease with the landlord. Arrange to have office space and storage space leases terminated on the necessary date.
			Review all insurance policies, including malpractice, general liability, disability, and life policies. Contact the insurance broker if a claim is to be made.
			Determine appropriateness of maintaining business entity for liability or tax filing purposes.
			Determine tax filing requirements for both federal and state tax returns.

			If the practice is a corporation, and if dissolution is selected, complete all state and tax (federal and state) filing requirements.
			Determine where state statutes require public notice of intent to wind down business. Determine state statutory requirements for dissolution of entity, such as specific filings with the secretary of state's office.
			Notify utilities, phone companies, and Internet service providers of the practice's closing, and specify dates services should be disconnected (or transferred).
			Notify vendors and suppliers, such as West, LexisNexis, and others, of intent to terminate ongoing relationship.
			File mail-forwarding instructions with the post office.
			Sell, donate, or plan to move personal property such as furniture, library materials, etc.
			For all property to be moved, solicit bids and negotiate pricing and specifics with moving company.
			Complete move out from the office and clean up the space.
			Inspect old space with the landlord, and obtain formal, written release from the space.

This material comes in part from the book Selling Your Law Practice: The Profitable Exit Strategy written by Ed Poll with LawBiz® Management Company, and is reprinted with the permission of the author.

Law Biz Management Company, Edward Poll & Associates, Inc., www.lawbiz.com, 800-837-5880, edpoll@lawbiz.com.

LAW FIRM MASTER LIST OF CONTACTS AND IMPORTANT INFORMATION

Important note: In order to ensure access to a list in case of an emergency, a current copy of this list should be kept off-site, e.g., in case the copy at the law firm is destroyed, and should probably be provided to the attorney's spouse or other appropriate person(s). It may be preferable to keep all of this information in electronic format.

ATTORNEY NAME:

Social Security #:

FIRM NAME:

OCA Registration #:

Federal Employer ID #:

CAF #:

Date of Birth:

Office Address:

Office Phone:

Office Box:

Home Address:

Home Phone:

Cell Phone:

Password: _____

E-mail Address:

Password: _____

URL:

Internet Service Provider:

SPOUSE:

Name:

Work Phone:

Cell Phone:

Employer:

FORMER EMPLOYER WITHIN PREVIOUS FIVE YEARS:

Name:

Office Address:

Office Phone:

OFFICE MANAGER:

Name:

Home Address:

Home Phone:

Cell Phone:

COMPUTER AND TELEPHONE PASSWORDS:

(Name of person who knows passwords or location where passwords are stored)

Name:

Home Address:

Home Phone:

Work Phone:

Cell Phone:

SECRETARY/ADMINISTRATIVE ASSISTANT:

Name:

Home Address:

Home Phone:

Cell Phone:

BOOKKEEPER:

Name:

Home Address:

Home Phone:

Cell Phone:

LEGAL ASSISTANT:

Name:

Home Address:

Home Phone:

Cell Phone:

LANDLORD:

Name:

Address:

Phone:

LOCATION OF OFFICE LEASE:

DATE LEASE EXPIRES:

NAMED EXECUTOR:

Name:

Address:

Phone:

ATTORNEY FOR SPECIAL MATTERS:

Name:

Office Address:

Office Phone:

ACCOUNTANT:

Name:

Office Address:

Office Phone:

ATTORNEY ENGAGED TO CLOSE PRACTICE:

Name:

Office Address:

Office Phone:

**LOCATION OF AGREEMENT ENGAGING ATTORNEY TO CLOSE PRACTICE:
ATTORNEYS TO ASSIST WITH PRACTICE CLOSURE (if none appointed):**

First Choice:

Office Address:

Office Phone:

Alternate Choice:

Office Address:

Office Phone:

LOCATION OF WILL AND/OR TRUST:

Access Will and/or Trust by Contacting:

Address:

Phone:

PROCESS SERVICE COMPANY:

Name:

Address:

Phone:

Email/fax:

Contact:

OFFICE-SHARER OR "OF COUNSEL":

Name:

Address:

Office Phone:

OFFICE PROPERTY/LIABILITY COVERAGE:

Insurer:

Address:

Phone:

Email/fax:

Policy No.:

Broker or other contact person:

LEGAL MALPRACTICE COVERAGE:

Insurer:

Address:

Phone:

Email/fax:

Policy No.:

Broker or other contact person:

HEALTH INSURANCE:

Insurer Name:

Address:

Phone:
Email/fax:
Policy No.:
Persons Covered:
Contact Person:

DISABILITY INSURANCE:

Insurer Name:
Address:
Phone:
Email/fax:
Policy No.:
Broker or other contact person:

LIFE INSURANCE:

Insurer Name:
Address:
Phone:
Email/fax:
Policy No.:
Broker or other contact person:

WORKERS' COMPENSATION INSURANCE:

Insurer Name:
Address:
Phone:
Email/fax:
Policy No.:
Contact Person:

PENSION:

Administrator:
Address:
Phone:
Institution:
Address:
Phone:
Account #:

STORAGE LOCATION:

Storage Company for Location:
Address:
Phone:
Obtain Key From:
Address:
Phone:
Items Stored:

Locker or Room #:

SAFE DEPOSIT BOXES (BUSINESS):

Institution:

Address:

Phone:

Obtain Key From:

Address:

Contact Person:

SAFE DEPOSIT BOXES (PERSONAL):

Institution:

Box No.:

Address:

Phone:

Obtain Key From:

Address:

Contact Person:

LEASES:

Item Leased:

Lessor:

Address:

Phone:

Expiration Date:

Item Leased:

Lessor:

Address:

Phone:

Expiration Date:

Item Leased:

LAWYER TRUST ACCOUNT:

IOLA:

Institution:

Address:

Phone:

Account Number:

Other Signatory:

Address:

Phone:

Password:

OTHER CLIENT ACCOUNTS:

Name of Client:

Institution:

Address:

Phone:

Account Number:

Other Signatory:

Address:

Phone:
Password:

GENERAL OPERATING ACCOUNT:

Institution:
Address:
Phone:
Account Number:
Password:

OTHER ATTORNEY ACCOUNTS:

Institution:
Address:
Phone:
Account Number:
Other Signatory:
Address:
Phone:
Password:

BUSINESS CREDIT CARDS:

Institution:
Address:
Phone:
Account Number:
Other Signatory:
Address:
Phone:
Password:

Institution:
Address:
Phone:
Account Number:
Other Signatory:
Address:
Phone:
Password:

MAINTENANCE CONTRACTS:

Item Covered:
Vendor Name:
Address:
Phone:
Expiration:

Item Covered:
Vendor Name:

Address:
Phone:
Expiration:

Item Covered:
Vendor Name:
Address:
Phone:
Expiration:

OTHER IMPORTANT CONTACTS:

Name:
Address:
Phone:
Reason for Contact:

Name:
Address:
Phone:
Reason for Contact:

Name:
Address:
Phone:
Reason for Contact:

PROFESSIONAL MEMBERSHIP ORGANIZATIONS:

Name:
Address:
ID #:

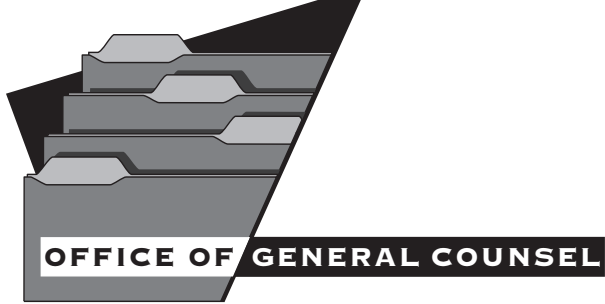
ALSO ADMITTED TO PRACTICE IN THE FOLLOWING STATES, JURISDICTIONS, AND BEFORE THE FOLLOWING COURTS:

State of:
Bar Address:
Phone:
Bar ID #:

State of:
Bar Address:
Phone:
Bar ID #:

CHAPTER 3

FILE RETENTION



File Retention: What's the Ethical Thing to Do?

YOU'VE GOT BANKERS BOXES with closed files stacked everywhere — in the closets, the basement storage area and even in your attic at home. Wills from estates probated in the last century vie for space with divorce decrees from clients who have long since remarried. It sure would be great to get rid of some of that stuff.

What do the ethics rules say about file retention? Is it ever acceptable to throw away the file from a closed case? Do you have to track down the former client to attempt to return original documents? When you are disposing of a file, can you simply put it in your office trash can and count on the cleaning service to respect its confidentiality?

The Georgia Rules of Professional Conduct are surprisingly silent on the issue of file retention. Aside from Rule 1.15(I), which requires a lawyer to keep trust account records for a minimum of six years,¹ the ethics rules don't require lawyers to keep closed case files for any particular length of time.

The statute of limitations for a typical disciplinary grievance is four years. Since the rules also provide for a two-year tolling of the statute if the offense or offender is unknown or if the offender cannot be found, the Office of General Counsel (OGC) advises callers to the Ethics Hotline to keep closed files for a minimum of six years.²

OGC also suggests that you check with your malpractice insurer before destroying closed files, since

the concerns regarding malpractice may differ from the ethics issues. In fact, the folks at ANLIR, the Bar-endorsed insurance carrier, recommend that a lawyer keep closed files for 10 years. Barbara Evans, director of marketing at ANLIR, believes that the longer you keep a closed file the safer you are. She suggests that certain types of cases, such as real estate, wills/trusts and matters related to juveniles, tend to have a longer life and merit storing the file even more than 10 years.

So you've decided to toss those files. How do you go about it?

First, if you did not return original financial records, photographs or other items with sentimental value to the client at the time that you closed the case, you certainly should attempt to return them before you destroy the file. If you can't find the client, use your best business judgment to decide whether to keep the documents indefinitely. Either way, you won't be committing an ethics infraction if you make the decision in good faith.

Second, how do you dispose of a large volume of files in a way that ensures confidentiality? Any method of destruction which includes reasonable precautions to protect confidential and secret information is fine with the OGC. It may not be reasonable to expect a lawyer to personally feed each page of a client's file to the shredder. On the other hand, if you practice on Main Street where there is heavy pedestrian traffic, it might

not be reasonable to put a bankers box of closed files out on the sidewalk Friday for garbage pickup the following week. A lawyer may reasonably use the services of a paper management or recycling company that disposes of documents in a confidential manner.

Don't forget that the Bar's Law Practice Management Program can assist your staff in establishing file retention and destruction policies. If you have specific questions about this or other ethics topics, please call the OGC Ethics Helpline at (404) 527-8720 or (800) 334-6865. ☒

Endnotes

1. Rule 1.15(I)(a) of the Georgia Rules of Professional Conduct states in part: "Complete records of [trust] account funds and other property shall be kept by the lawyer and shall be preserved for a period of six years after termination of the representation."
2. Bar Rule 4-222(a) states: "No [disciplinary] proceeding shall be brought unless a Memorandum of Grievance has been received at State Bar of Georgia headquarters... within four years after the commission of the act. ... [T]his limitation shall be tolled during any period of time, not to exceed two years, that the offender or the offense is unknown, the offender's whereabouts are unknown, or the offender's name is removed from the roll of those authorized to practice law in this State."

DEVELOPING A FILE RETENTION POLICY FOR YOUR FIRM

By Terri Olson

What does a good file retention policy contain? Although it is not possible to design a policy that will serve the needs of all firms everywhere, a few generalities can be made. First, the client should be made aware in the initial agreement what will happen to client documents and client files, and under what circumstances. Second, the policy should provide the person responsible for closing out a file clear guidance on what information should be kept and what information may be discarded. Finally, the policy should specify the length of time the remaining material will be kept, as well as where materials will be stored.

The first step in any file retention policy occurs, oddly enough, before the file is created. The attorney should set out, in writing, a detailed explanation for the client of the disposition of any documents in the case before those documents are created. This explanation may be in a general representation agreement or in a specific fee agreement; the important thing is that the client must see (and agree to through signing) the firm's plans for the file. In addition, in order to better protect itself, the firm may wish to make a policy of not retaining original client documents unless those documents must be presented later as exhibits. If the documents are needed only as reference material, the firm should photocopy them, place the copies in the file, and return the originals to the client.

Before any decision can be made concerning how or whether to dispose of the file, the file must actually be closed. What determines when to close the file? Many matters are, as they say, open and shut. For others, however, considerable judgment must be exercised in determining whether the file can properly be called closed.

The first consideration is generally a practical one -- no matter is closed until full payment has been received for it! Therefore, the file must pass in some way through the firm's bookkeeping or accounting department for a status report. Other factors are tied to the nature of the case. The accompanying sample model policy includes a description of common types of actions and suggested closing definitions for each.

Once the file is closed, it should be "stripped" or "culled." In other words, the attorney on the case should review the file and approve the removal and destruction of unnecessary material. Some candidates for "unnecessary material" are duplicate copies (only one need be retained); copies of published material that could be located again (e.g., court opinions); draft versions of memoranda, briefs, pleadings, etc., except when highly significant or contested changes were made between the original and final versions; informal notes; depositions; and purely extraneous material.

After the culling has take place, the stripped-down version of the file should then be analyzed document-by-document. Documents will either belong to the attorney or to the

firm, or to the client. Any documents in the file that belong to the client (such as client-provided tax records, expense statements, bank records, trust documents, etc.) should be returned. When a document has been returned to the client, the firm should get a receipt, so that there can be no dispute later about whether it was retained or returned. Ideally, however, the firm will have photocopied material whenever possible at the outset of the case, so there should be few originals to return.

Unfortunately, there are occasions when, try as the firm might, it cannot locate the client in order to return documents. What is proper for the firm to do in this case? Most authorities agree that the attorney has an ethical duty to retain important documents permanently if, for some reason, they cannot be returned to the client. Such documents include recorded deeds; accountants' audit reports; tax returns (including all related documents and worksheets); year-end financial statements and depreciation schedules; accounting journals; bills of sale (for important purchases); certificates of incorporation, along with bylaws and minute books; capital stock and bond records; insurance policies and records; property records and property appraisals; copyright, trademark, and patent applications and registrations; major contracts and leases; and actuarial reports.

A final and useful step is for the attorney to distinguish opinions and research items that might be re-used for similar cases in the future, and for those items to be copied and stored in a centralized "reference files" available to all attorneys. Some may object that this results in the creation of more paper, instead of the laudable goal of trimming the office files. While this is superficially true, it is nonetheless preferable in terms of office efficiency that this genuinely useful material be available when needed. If it is not, attorneys will demand that all closed files be stored on the premises or even interfiled with active ones for easy access.

The file should now be in proper form to be removed to a centralized "closed file" location. Inactive or closed files should never be interfiled with active ones, because this will result in a system clogged with files that typically will be examined, if at all, only once every few years.

Given the above complexities, many firms are turning to microfilming files, or other electronic media storage, as a means of avoiding the question of what to retain and for how long. Permanent storage of microfilmed files, they reason, is space-efficient and prevents any future disputes over file contents. While microfilming files may have a place in law firm file retention policies, it should not be regarded as a panacea. It is still necessary, for example, to examine the file to see what must be returned to the client, and it is not legal to microfilm certain documents, such as drivers' licenses or evidences of citizenship. In addition, it is not physically possible to microfilm or scan some client property in one's files. So, while it is tempting to construct a policy that consists mainly of "microfilm everything and keep it forever," this is generally not practical or wise.

We must return, then, to the central question in any law firm file retention policy: how long must the closed files be kept before they are destroyed? While there is no one safe

answer for all types of cases, firms can use the following to establish their own timelines for destruction.

In no circumstances should a closed file be destroyed before the statute of limitations has run on the action. This is an obvious necessity for the attorney to protect himself or herself in case of charges of malpractice. It is important to remember that this protection element should be the prime consideration in file retention, since, if a reference file as discussed above has been established, there will no longer be a need to retain files for research purposes. This minimum time will, of course, vary by case type, so it is entirely possible that a firm may have different destruction schedules for different categories of files.

The prudent firm will then add in a cushion of a few extra years, just in case. The grand total for file retention has been put by experts at anywhere from seven to 15 years; clearly, there is much room for subjective judgment on the part of the firm, although a conservative interpretation is probably called for. In addition, files for some type cases are generally retained permanently. These include bank reorganizations, Chapter 11 bankruptcies, and estate planning files.

A destruction policy is not simply a statement of how long files are kept; other things must be taken into consideration to make file disposal work smoothly. For one thing, will the files be reviewed before they are disposed of, or will the destruction policy automatically go into force on the retention period has expired? If the files are reviewed, then by whom? Unfortunately, although on one level it makes sense to have files reviewed by an attorney before they are destroyed, in practice this is often unworkable; attorneys have many other demands on their time and will likely rank this as an extremely low priority. In addition, the natural conservatism of lawyers and law firms may make the reviewing attorney acknowledge that the time for retention has expired, but suggest that the file be kept anyway, because "you never know."

The firm must realize that the review step, if it takes place, is merely a final check that no mistakes were made when the file was closed, and not an opportunity to re-analyze the firm's existing policy and suggest ad hoc improvements. The job must also be seen as a priority item, one which must be done quickly so the file can move on.

How the actual destruction takes place must also be determined. Will files be shredded, pulped, burned? By employees of the firm or by an outside agency? However the files are disposed of, the confidentiality of any sensitive material remaining in the files must be preserved, and the means of destruction should be consistent. In other words, it is not good practice to turn over half the 1981 files to ACME Shredders, Inc., and then dispose of the remaining ones personally in the partner's fireplace. Again, since one of the primary reasons for having a policy is to prevent even the appearance of wrongdoing in case of a malpractice action, destruction should always be carried out in accordance with written firm policy.

A review of the relevant ethical considerations regarding records retention amply demonstrates a reluctance to designate a number of years as an indicator that a closed file may be discarded. A well-designed and implemented records retention policy will address the issue in a prospective manner, detailing up front in a representation agreement the intent of the firm not to hold original documents and the offer to return them to the client. The policy must address the overriding concern that in all instances the firm follows the expressed instruction of the client. Whatever policy a firm finally develops must also be internally consistent and adhered to by all firm staff in order for the firm to gain any protection from having such a policy in place.

MODEL LAW OFFICE FILE RETENTION GUIDELINES

In General

A lawyer shall establish a written policy governing the disposition of all correspondence and documents, of whatever nature, that are maintained as part of the client file during the course of the representation. It is incumbent upon the lawyer to advise the client of the provisions of the file retention policy at the time of engagement. Providing a copy of the written policy suffices to satisfy this requirement. If the policy requires specific action by the client at the conclusion of the matter, then the client should be advised again at the time of final billing.

The file retention guidelines provided herein represent minimum standards and are not intended to usurp the lawyer's responsibility for maintaining a complete and thorough record of the representation. Nor are these guidelines intended to be a substitute for the judgment of the lawyer. However, retention policies less stringent than these guidelines are generally considered unacceptable and should be pursued with caution.

Definitions

Retention -- That designated period of time following the closing of the matter (active to inactive status) but before final disposition.

Disposition -- The final action taken during the life cycle of the record; one of the following actions:

1. destruction;
2. transfer to vital record;
3. release to the client;
4. release to other agency (such as another lawyer or law firm)
5. permanent retention.

Vital record -- Any record that, in the event of a disaster, would be necessary to protect the interests of the lawyer or the firm and essential to the resumption of business. These records must be secured in a destruction proof environment such as a fire proof safe or vault.

Retention Guidelines

1. A client file should always be reviewed by the lawyer before being closed and prepared for storage. Closing of a file should be in accordance with a prescribed written policy which should consider the following factors:

a. no file should be closed and scheduled for destruction under a retention schedule until “completion of the case or matter” which depends upon the type of matter and shall be defined as follows:

(1) Contract action. Satisfaction of judgment or dismissal of action.

(2) Bankruptcy claims and filings. Discharge or debtor payment of claim or discharge of trustee or receiver.

(3) Dissolution of marriage. Final judgment or dismissal of action, or date upon which marital settlement agreement is no longer effective, except when minor child custody is involved in which event the date of the last minor child’s reaching majority.

(4) Probate claims and estate administration. Acceptance of final account.

(5) Tort claims. Final judgment or dismissal of action except when minor involved, in which event the date of such minor reaching majority.

(6) Real estate transactions. Settlement date, judgment or foreclosure, or other completion of matter.

(7) Leases. Termination of lease.

b. a file should not be closed while outstanding fees are due, or trust account balances exist. The file should remain active until resolution of all billing issues and appropriate disposition of trust monies is completed.

c. all client provided documents should be returned to the client unless the client instructs otherwise. Included in this category are such personal documents as tax records, expense records, bank records, deeds, etc.

d. at the discretion of the lawyer, the file can be culled of unnecessary material:

(1) Legal memoranda, briefs, pleadings, agreements, corporate documents and other original or signed documents need be kept only in final (not draft) form.

(2) notes and memoranda recording nonpublic information regarding a client or its adversary can be destroyed.

(3) copies of published opinions and other available published material can be destroyed.

(4) duplicates can be destroyed.

(5) consider retaining only the first draft and final copy of other documents. However, marked-up copies are often useful in the event questions later arise.

(6) consider removing depositions.

(7) remove extraneous material such as scratch pads, legal pads, and paper clips.

2. As a general rule, no file need be retained in an inactive status for more than ten years beyond the date of closing, except in cases where the law imposes on the lawyer a duty to preserve records for a longer period of time. Notwithstanding the general rule, there are a number of considerations the lawyer must take into account when establishing a retention schedule:

a. Divorce files should be permanently retained when alimony is involved or at least until the youngest minor child involved becomes of age, allowing additional time for the statute of limitations to run.

b. Where there are structured settlements which stretch over a number of years, the file should be retained until that settlement is final.

c. Collection files should be retained until paid or a minimum of 20 years with a judgment. Earlier destruction is appropriate in the absence of a judgment.

d. Generally, Chapter 11 bankruptcy files should be retained permanently.

e. Files in criminal cases involving incarceration should be retained for the length of the incarceration.

f. Labor negotiation files should be retained for a minimum of twenty years.

g. Estate planning files should be retained permanently, including: wills and trusts; pension and profit sharing plans; and tax files; all of which should be treated as vital documents.

h. Files relating to bank reorganizations should be retained permanently.

I. Insurance files involving minor children should be retained until the youngest child involved becomes of age plus additional time for the statute of limitations to run.

j. Certain documents need to be retained permanently if not returned to the client:

- (1) recorded deeds;
- (2) accountants' audit reports;
- (3) tax returns (including all related documents and worksheets);
- (4) year end financial statements and depreciation schedules;
- (5) accounting journals;
- (6) bills of sale (for important purchases)
- (7) minute books, bylaws, and certificates of incorporation;
- (8) capital stock and bond records dealing with capital structure;
- (9) insurance policies and records;
- (10) property records and property appraisals;
- (11) copyright and trademark registrations;
- (12) patents and all related documents and correspondence;
- (13) major contracts and leases;
- (14) actuarial reports.

Destruction of Files

1. Except where required by law, no lawyer is obligated to retain any document or file relating to any client's matter beyond the retention period, provided the retention period is in accordance with a written policy which meets the minimum standards prescribed by these guidelines.

2. Final approval for destruction of a client file or related documents must be affirmatively given by the lawyer following the retention period. The lawyer should sign an appropriate destruction authorization form which should be retained as a permanent record.

3. Several methods are acceptable for destruction of client files. Destruction should be accomplished by shredding, pulping, or any other method that destroys media beyond reconstruction in an environmentally sound manner. The person or service performing the destruction should certify, on the authorization form, the date, location, and method used.

(This material comes in part from an article by J.R. Phelps and Terri Olson entitled "When May I Destroy My Old Files?", originally appearing in the January 1994 issue of the Florida Bar Journal, and is reprinted with the permission of the authors.)

APPENDICES

APPENDIX A

ETHIC RULES RELEVANT TO CLOSING A LAW PRACTICE

RULE 1.16 (d) DECLINING OR TERMINATING REPRESENTATION . . . a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee that has not been earned.

RULE 1.17 SALE OF LAW PRACTICE

A lawyer or a law firm may sell or purchase a law practice, including good will, if the following conditions are satisfied:

- (a) Reserved.*
- (b) The practice is sold as an entirety to another lawyer or law firm;*
- (c) Actual written notice is given to each of the seller's clients regarding:
 - (1) the proposed sale;*
 - (2) the terms of any proposed change in the fee agreement authorized by paragraph (d);*
 - (3) the client's right to retain other counsel or to take possession of the file; and*
 - (4) the fact that the client's consent to the sale will be presumed if the client does not take any action or does not otherwise object within ninety (90) days of receipt of the notice.**

If a client cannot be given notice, the representation of that client may be transferred to the purchaser only upon entry of an order so authorizing by a court having jurisdiction. The seller may disclose to the court in camera information relating to the representation only to the extent necessary to obtain an order authorizing the transfer of a file.

- (d) The fees charged clients shall not be increased by reason of the sale. The purchaser may, however, refuse to undertake the representation unless the client consents to pay the purchaser fees at a rate not exceeding the fees charged by the purchaser for rendering substantially similar services prior to the initiation of the purchase negotiations.*

The maximum penalty for a violation of this Rule is a public reprimand.

Comment

[1] The practice of a law profession, not merely a business. Clients are not commodities that can be purchased and sold at will. Pursuant to this Rule, when another lawyer or firm takes over the representation, the selling lawyer or firm may obtain compensation for the reasonable value of the practice as may withdrawing partners of law firms. See Rules 5.4: Professional Independence of a Lawyer and 5.6: Restrictions on Right to Practice.

Termination of Practice by the Seller

[2] The requirement that all of the private practice be sold is satisfied if the seller in good faith makes the entire practice available for sale to the purchaser. The fact that a number of the seller's clients decide not to be represented by the purchaser but take their matters elsewhere, therefore, does not result in a violation. Neither does a return to private practice as a result of an unanticipated change in circumstances result in a violation. For example, a lawyer who has sold the practice to accept an appointment to judicial office does not violate the requirement that the sale be attendant to cessation of practice if the lawyer later resumes private practice upon being defeated in a contested or a retention election for the office.

[3] Reserved.

[4] Reserved.

Single Purchaser

[5] The Rule requires a single purchaser. The prohibition against piecemeal sale of a practice protects those clients whose matters are less lucrative and who might find it difficult to secure other counsel if a sale could be limited to substantial fee-generating matters. The purchaser is required to undertake all client matters in the practice, subject to client consent. If, however, the purchaser is unable to undertake all client matters because of a conflict of interest in a specific matter respecting which the purchaser is not permitted by Rule 1.7: Conflict of Interest or another rule to represent the client, the requirement that there be a single purchaser is nevertheless satisfied.

Client Confidences, Consent and Notice

[6] Negotiations between seller and prospective purchaser prior to disclosure of information relating to a specific representation of an identifiable client no more violate the confidentiality provisions of Rule 1.6: Confidentiality of Information than do preliminary discussions concerning the possible association of another lawyer or mergers between firms, with respect to which client consent is not required. Providing the purchaser access to client-specific information relating to the representation and to the file, however, requires client consent. The Rule provides that before such information can be disclosed

by the seller to the purchaser the client must be given actual written notice of the contemplated sale, including the identity of the purchaser and any proposed change in the terms of future representation, and must be told that the decision to consent or make other arrangements must be made within 90 days. If nothing is heard from the client within that time, consent to the sale is presumed.

[7] A lawyer or law firm ceasing to practice cannot be required to remain in practice because some clients cannot be given actual notice of the proposed purchase. Since these clients cannot themselves consent to the purchase or direct any other disposition of their files, the Rule requires an order from a court having jurisdiction authorizing their transfer or other disposition. The Court can be expected to determine whether reasonable efforts to locate the client have been exhausted, and whether the absent client's legitimate interests will be served by authorizing the transfer of the file so that the purchaser may continue the representation. Preservation of client confidences requires that the petition for a court order be considered in camera.

[8] All the elements of client autonomy, including the client's absolute right to discharge a lawyer and transfer the representation to another, survive the sale of the practice.

Fee Arrangements Between Client and Purchaser

[9] The sale may not be financed by increases in fees charged the clients of the practice. Existing agreements between the seller and the client as to fees and the scope of the work must be honored by the purchaser, unless the client consents. The purchaser may, however, advise the client that the purchaser will not undertake the representation unless the client consents to pay the higher fees the purchaser usually charges. To prevent client financing of the sale, the higher fee the purchaser may charge must not exceed the fees charged by the purchaser for substantially similar services rendered prior to the initiation of the purchase negotiations.

[10] The purchaser may not intentionally fragment the practice which is the subject of the sale by charging significantly different fees in substantially similar matters. Doing so would make it possible for the purchaser to avoid the obligation to take over the entire practice by charging arbitrarily higher fees for less lucrative matters, thereby increasing the likelihood that those clients would not consent to the new representation.

Other Applicable Ethical Standards

[11] Lawyers participating in the sale of a law practice are subject to the ethical standards applicable to involving another lawyer in the representation of a client. These include, for example, the seller's obligation to exercise competence in identifying a purchaser qualified to assume the practice and the purchaser's obligation to undertake the representation competently (see Rule 1.1: Competence); the obligation to avoid disqualifying conflicts, and to secure client consent after consultation for those conflicts which can be agreed to

(see Rule 1.7: Conflict of Interest); and the obligation to protect information relating to the representation (see Rules 1.6 and 1.9).

[12] If approval of the substitution of the purchasing lawyer for the selling lawyer is required by the rules of any tribunal in which a matter is pending, such approval must be obtained before the matter can be included in the sale (see Rule 1.16: Declining or Terminating Representation).

Applicability of the Rule

[13] This Rule applies to the sale of a law practice by representatives of a deceased, disabled or disappeared lawyer. Thus, the seller may be represented by a non-lawyer representative not subject to these Rules. Since, however, no lawyer may participate in a sale of a law practice which does not conform to the requirements of this Rule, the representatives of the seller as well as the purchasing lawyer can be expected to see to it that they are met.

[14] Admission to or retirement from a law partnership or professional association, retirement plans and similar arrangements, and a sale of tangible assets of a law practice, do not constitute a sale or purchase governed by this Rule.

[15] This Rule does not apply to the transfers of legal representation between lawyers when such transfers are unrelated to the sale of a practice.

APPENDIX B

LETTER ADVISING THAT LAWYER IS CLOSING HIS/HER LAW OFFICE (*Sample – Modify as appropriate*)

Re: [*Name of File, Case or Matter*]

Dear [*Client Name*]:

As of [*date*], I will be closing my law practice due to [*provide reason for inability to practice, such as health, disability, retirement, death, discipline, or other*]. I will be unable to continue representing you on your legal matters. You will need, therefore, to retain the services of another attorney to represent you in your legal matter(s), and I encourage you to do so immediately to protect your legal interests and avoid adverse consequences or action against you.

You can select any lawyer you wish, or I would be happy to provide you with a list of local lawyers who practice in the area of law relevant to your legal needs. Also, the State Bar of Georgia (404-527-8700) will direct you to your local bar that provides a lawyer referral service.

When you select your new lawyer, please provide me with written authority to transfer your file to the new lawyer. If you prefer, you may come to our office and pick up a copy of your file, and deliver it to that lawyer yourself.

You will need [*a copy/copies*] of your file(s). Accordingly, enclosed please find a proposed written authorization for your file(s) to be released directly to your new attorney. When you or your new attorney returns this signed authorization, I will release your file(s) as instructed. If you prefer, you may come to [*address of office or location for file pick-up*] and retrieve [*it/them*] so that you may deliver [*it/them*] to your new attorney. In either case, it is imperative that you act promptly, and in no event later than [*provide date*] so that your legal rights may be preserved.

Your closed file(s), if any, will be stored at [*location*]. If you need a closed file, you may contact me at the following address and phone number until [*date*]:

[*Name*] [*Address*] [*Phone*]

After that time, you may contact [Attorney in charge of closed files] for your closed file(s) at the following address and phone number:

[*Name*] [*Address*] [*Phone*]

Within the next [*fill in number*] weeks I will be providing you with a final accounting of any fees you currently owe and an accounting of any funds in your client trust account.

I would like to thank you for affording me the opportunity to provide you with legal services. If you have any additional concerns or questions, please contact me at the address and phone number indicated in this letter.

Thank you.

Sincerely,

[*Lawyer*] [*Firm*]

APPENDIX C

NOTICE THAT FILE SHOULD NOT BE CLOSED

TO: Records Department

FROM: Attorney _____
(or, alternatively, Bookkeeping Department)

RE: [Matter]

DO NOT MARK THIS FILE CLOSED OR RETURN OR DESTROY ANY MATERIAL IN THIS FILE AS THERE IS A BILLING PROBLEM.

**SAMPLE CLIENT CONTACT LETTER: AUTHORIZATION TO
RETURN/DESTROY FILES**

Dear [Client Name]:

Under the firm's document retention policy, we normally destroy files [X] years after a matter is closed, unless other arrangements are requested by, and arranged with, you. Our records indicate that the files for the matters previously handled for you and closed on [month, day, year] are now subject to destruction unless you wish to make other arrangements.

You are entitled, upon written request, to any files in the firm's possession relating to legal services performed by us for you, excluding any documents not reasonably necessary to your representation. Please contact me if you wish to inspect any files before making the decision whether to have them transferred to you or destroyed. Our off-site storage facility will charge for removing files from storage for inspection at the rate of [\$X] per box, which you would be expected to pay.

If you elect to inspect boxes and/or to have these boxes transferred to you, you acknowledge your obligation to pay the costs of removal from storage and transportation by signing a copy of this letter.

Sincerely,

[Name of Firm]

By: [Name of Lawyer]

[Name of Client]

Date: _____

APPENDIX E

NOTICE REGARDING FILE DESTRUCTION

[Date]

As you know from your retainer agreement, we hold all the file information pertaining to your matter for a period of _____ following the conclusion of the matter.

At the expiration of that period, all material in the file will be destroyed according to firm policy. If you would like a copy of any or all of the material in the case file before it is destroyed, please contact our office before the expiration date for your file to make arrangements. You will be charged a nominal fee for copying costs.

APPENDIX F

AUTHORIZATION FOR TRANSFER OF CLIENT FILE

I hereby authorize the law office of [Firm/Attorney's Name] to deliver a [copy/copies] of my file(s) to my new attorney(s) at the following address:

[Client]

[Date]

APPENDIX G

REQUEST FOR FILE

I hereby request that [Firm/Attorney's Name] provide me with [a copy/copies] of my file(s).
Please send the file(s) to the following address:

[Client]

[Date]

APPENDIX H

ACKNOWLEDGEMENT OF RECEIPT OF FILE

I hereby acknowledge that I have received [a copy/copies] of my file(s) from the law office of [name].

[Client]

[Date]

[CAPTION]

MOTION TO WITHDRAW AS COUNSEL

Comes now _____, attorney of record for _____ in this matter, and respectfully requests leave to withdraw under the provisions of Rule 4.3 of the Uniform Superior Court Rules of Georgia.

The undersigned has given (his) (her) client due written notice of this intention to withdraw prior to submitting this request to the Court, as shown by the attached notification certificate.

In accordance therewith, the undersigned certifies (Plaintiffs) (Defendants) _____ are further informed under the above Rule.

- a. The _____ Court retains jurisdiction of this matter;
- b. (Plaintiffs) (Defendants) have the burden of keeping the Court informed of their current address for the service of notices, pleadings, or other papers;
- c. (Plaintiffs) (Defendants) have the obligation to prepare to go forward with their case or to hire other counsel to handle their case;
- d. If (Plaintiffs) (Defendants) fail or refuse to meet these obligations, they may suffer adverse consequences including the entry of judgment against them.
- e. (Plaintiffs) (Defendants) must file any objections to this Motion to Withdraw with this Court no later than ten days from the date of filing of this motion, _____.

Wherefore, the undersigned _____ respectfully requests that an Order be entered permitting (him) (her) to withdraw as attorney of record for _____.

This _____ day of _____, 20__.

(Name of Attorney)
Georgia Bar No. _____
Attorney for (Defendants) (Plaintiffs)
(Address)

NOTICE OF SUBSTITUTE COUNSEL

Be it known that _____,
Attorney-at-Law, hereby withdraws as Of Counsel in the attached listed
Cases and/or proceedings, and _____,
Attorney-at-Law, hereby enters her appearance as substitute Of Counsel in
The attached listed cases and/or proceedings.

Date: _____

BY WITHDRAWING OF COUNSEL:

Signature

Printed Name

Address: _____

Telephone: _____

Georgia Bar No. _____

Date: _____

BY SUBSTITUTE OF COUNSEL:

Signature

Printed Name

Address: _____

Telephone: _____

Georgia Bar No. _____

[CAPTION]

NOTIFICATION CERTIFICATE

The undersigned _____ hereby certifies as follows:

1. The undersigned intends to withdraw as attorney of record for _____.
2. The undersigned has complied with notification requirements of Rule 4.3 of the Uniform Superior Court Rules of Georgia by U.S. Mail to the client's last known address:

(Name and address of client)

The last known telephone number of the client is _____.

SO CERTIFIED this _____ day of _____, 20_____.

(Name of Attorney)
Attorney for (Defendant) (Plaintiff)
Georgia Bar No. _____
(Address)

APPENDIX L

[CAPTION]

ORDER PERMITTING WITHDRAWAL OF ATTORNEY

Counsel for the (Plaintiffs) (Defendants) having submitted its Motion to Withdraw as attorney of record for _____, and it appearing that all requirements of Rule 4.3 of the Uniform Superior Court Rules of Georgia have been satisfied, the Motion is hereby granted.

So ORDERED _____ this day of _____, 20_____.

Judge, _____ Court of Judge, _____ Court of County, Georgia.

Prepared by:

(Name of Attorney)

Georgia Bar No. _____

(Address)

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STATE BAR OF GEORGIA

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Faye First, *Conference Center Manager*

404-419-0155 | fayef@gabar.org

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Sheila Baldwin, *Member Benefits Coordinator*

404-526-8618 | sheilab@gabar.org

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www.gabar.org/attorneyresources/

[discountsforattorneys/hotels](http://www.gabar.org/attorneyresources/discountsforattorneys/hotels)

JOB RESOURCES

Resources are provided as a member service of the State Bar of Georgia. This list is provided as a service to lawyers seeking employment. The list is not intended to be inclusive or an endorsement of any organization. Members are advised to use their own due diligence prior to using the services of these or any other organizations.

www.gabar.org/attorneyresources/jobresources

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Provides business management assistance; technical and general consultations; software advice and training; sample forms; start up resources; a solo/small firm discussion board and video resources.

www.gabar.org

Nkoyo R. Effiong, *Director*

404-527-8770 | nkoyoe@gabar.org

Javonne Williams, *Administrative Assistant*

404-527-8772 | javonnew@gabar.org

LAWYER ASSISTANCE PROGRAM

The Lawyer Assistance Program (LAP) is a confidential service provided by the State Bar to help its members with life's difficulties. In order to help meet the needs of its members and ensure confidentiality, the Bar contracts the services of CorpCare Associates, Inc., Employee Assistance Program, a Georgia-headquartered national counseling agency.

www.gabar.org/LAP

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www.georgiaLHL.org

Headquarters

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404-527-8700
800-334-6865

Coastal Georgia

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Memorial Drive
Suite 105
Savannah, GA 31406
912-239-9910
877-239-9910

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STATE BAR OF GEORGIA

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Sheila Baldwin, *Member Benefits Coordinator*
404-526-8618 | sheilab@gabar.org

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www.gabar.org
Amanda Draper, *Director*
404-527-8777 | membership@gabar.org

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A directory of practice-related products and services, sometimes with discounts.

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Sheila Baldwin, *Member Benefits Coordinator*
404-526-8618 | sheilab@gabar.org

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Building Security
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Selection of books, audio CDs and DVDs on a variety of topics related to law office management and technology. Two-week checkout with shipping options available at cost.

www.gabar.org
Kim Henry, *Resource Advisor*
404-526-8621 | kimh@gabar.org

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SOLACE (Support of Lawyers/Legal Personnel) is a State Bar program designed to assist any member of the legal community in Georgia who suffer serious loss due to a sudden catastrophic event, injury or illness.

www.gabar.org/SOLACE

Headquarters

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Atlanta, GA 30303
404-527-8700
800-334-6865

Coastal Georgia

7402 Hodgson
Memorial Drive
Suite 105
Savannah, GA 31401
912-239-9910
877-239-9910

South Georgia

244 E. Second St.
Tifton, GA 31794
229-387-0446
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PRIVATE INSURANCE EXCHANGE FOR STATE BAR OF GEORGIA INDIVIDUAL AND FAMILY PLANS

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The Private Insurance Exchange for members of the State Bar of Georgia is your source to easily access the benefits you need! With a broad range of choices and concierge-level of support, this multi-carrier private exchange was designed exclusively for members, employees, and eligible dependents.



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Decision Support. Our *Best Fit* interactive decision support tool helps you make a more informed decision across a range of health plans. *Best Fit* guides you through the buying process by asking a few simple questions, then suggesting the plan that best fits your needs. For a more personalized approach use our live chat or speak with a licensed benefits counselor.

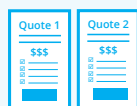
Concierge-Level Support and Advocacy. Your personal benefits counselor will also be available throughout the year to provide support and advocacy on issues such as billing errors, lost ID cards, problems with claims, changes in your family status, and more.

HOW IT WORKS

1. Register by entering some basic information.



2. Review quotes from leading providers side-by-side.



3. Need help? Schedule an appointment with a benefits counselor.



4. Shop for other products.



5. Review your selections and apply.



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Easily control your company's health insurance expenses while also providing more personalized coverage options to your employees. Your licensed benefits counselor will do an analysis of your needs and the options available on the market in order to find the best solution for your business.



Your benefits counselor will provide you:

- A cost/benefits analysis of the exchange health plans vs. your current plan.
- A live demonstration of the private exchange portal.
- A proposal that includes all costs and benefits.

HOW IT WORKS

1. Employer creates an insurance marketplace account.



2. Employer chooses the benefits to make available.



3. Employer sets up a defined-contribution strategy & amount.



4. Employees shop for benefits that meet their individual needs.



WHY GO THROUGH THE PRIVATE INSURANCE EXCHANGE FOR STATE BAR OF GEORGIA?

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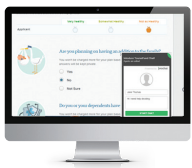
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100's of different health plans from leading carriers are available. Compare multiple group and individual plan options on the exchange.

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- Named insured has the right to consent to settlement
- Outside interests in clients– coverage for legal services rendered if less than 10 percent equity in the client
- Prior acts coverage, including predecessor firm coverage full prior acts coverage available
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The Law Practice Management Program (LPM) is a member service assisting all Georgia lawyers and their staff with pulling together the pieces of the office management puzzle. Get advice on technology, personnel issues, compensation, workflow, file organization, and tickler systems. Browse on-line forms and articles collections, check out books, CDs, DVDs or videotapes from our Resource Library, or schedule on-site management consultations and training sessions.

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INFORMATION DESK

Kim Henry
Phone: 404-526-8621
Email: kimh@gabar.org

**LPM Resource Online Checkout
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Library Hours:
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Law Practice
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104 Marietta St., Suite 100
Atlanta, GA 30303
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- 1 Materials may be checked out by all Bar members, Bar members' staff and law students. The law firm will be responsible for postage and replacement costs of materials checked out by their staff.
- 2 Only three (3) items (books and/or media) may be checked out at a time so that everyone has an opportunity to use our resources. This rule may be waived at the discretion of the librarian. We will ship materials upon receipt of a request.
- 3 You may pick up your materials at no charge at the State Bar. If delivered by mail, there is a shipping fee of \$10 for the first item and \$2.50 for each additional item. You may remit payment for postage through the State Bar's web Store at www.gabar.org under Law Practice Management products. We accept Mastercard, Visa or American Express and will ship materials upon receipt of request. Please allow at least five days to receive your material via mail.
- 4 All checked-out materials must be returned to the library in two (2) weeks so that others may take advantage of the same services you have received. Should you need a renewal, click on the *My Account* link through the online library catalog to extend checkout (max. 2) or contact the Information Desk for assistance.
- 5 First-time patrons are required to fill out the first-time patron registration form. The link to the form can be found on LPM's Resource Library web page at www.gabar.org or located under *Library News* on the library site at <https://statebarga.library.site>.
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- 7 Because we realize how long it might take for materials to be returned to us via mail, we always extend a five (5) day grace period in the return of all resource materials.
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This Help Document provides a basic introduction to working with Adobe Inc.'s proprietary PDF documents using Adobe's READER program, version XI. A full discussion of features and capabilities is available at:
<http://helpx.adobe.com/reader/html>.

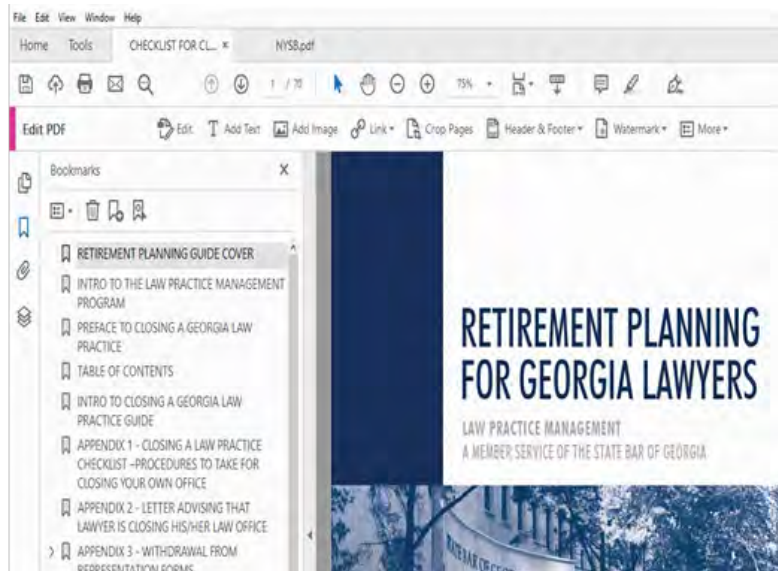
GENERAL INFORMATION

This e-Book contains the entire contents of the publication. The structure of this material is specifically set to provide easy and quick access to any section or sub-section with a minimum of mouse clicks. By utilizing both "Bookmarks" and "hyperlinks" (links), the user can go directly to the area of interest or, conversely, scroll page by page through the entire document if desired. This product is entirely formatted in the Adobe PDF structure and requires that Adobe Reader or other suitable software be installed on your computer.

NAVIGATING WITHIN THE PUBLICATION

Opening this e-Book displays the cover of the publication where several buttons have been added. Clicking your mouse on the button of interest will take you to the desired material. As you have already discovered, clicking the "Getting Started" button brought you to this help document. Clicking the "Table of Contents" button will take you to a list of the sections in the publication with each title a link which, when clicked, will display the first page of that section.

When you follow links that take you into the text of the publication, the initial page of the selected chapter or sub-part will be displayed. Along with the text, a separate panel will also be displayed on the left side of the screen which contains a list of all the Bookmarks contained in the publication. An alternate method of navigating through the material is to click on the desired location displayed in this Panel.

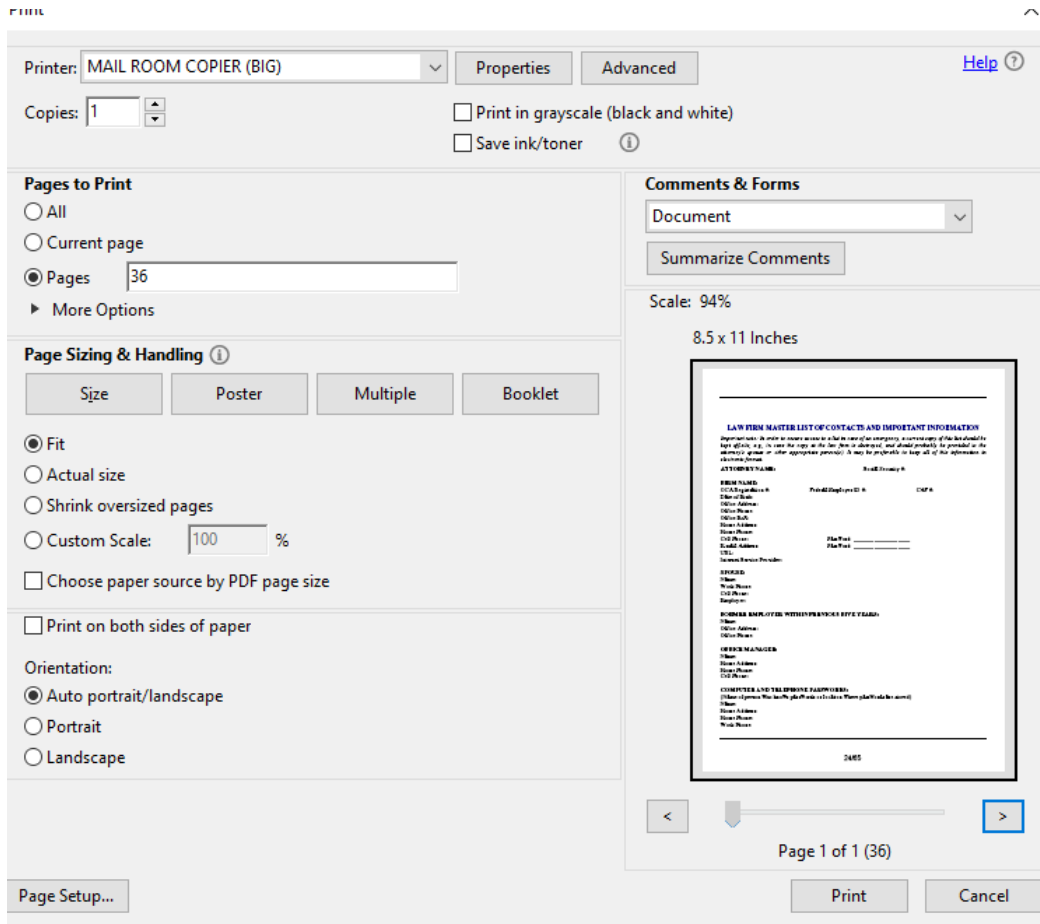


State Bar of Georgia Retirement Planning for Georgia Lawyers Guide

Note: We recommend downloading the publication to your computer as opposed to viewing the publication in your web browser. If you choose to view in your browser, please note the publication bookmark panel may not open automatically and links, when clicked, may open in the same window and require you to utilize your "back" button to return to the e-book. Refer to your browser's help guide to learn more about navigating bookmarked/linked PDFs in your browser.

Printing selected pages

While viewing the desired page that you wish to print, right click your mouse while it points to the Bookmark in the left hand panel (not to the text in the page displayed which sets up the whole volume to be printed). Then select the "PRINT" option from the drop-down list. A window will open which provides the necessary controls to print the desired page (see diagram on the following page).



Note especially that the option to print “Pages” is selected. If “ALL” is specified, the complete book will be printed. Therefore, be very careful to insure the “PAGES” option is selected and the desired page number(s) is shown BEFORE clicking the “PRINT” button at the bottom of the window. The page number of the page you are viewing is shown to the right of the Pages option and also under the small display of the page in the lower right of the screen (in this example it is “Page 1 of 1 (35)” thus you are viewing page 35 of the document).



The following material is taken directly from the “Help” function of Adobe Reader and provides additional details regarding functionality of PDF documents.

Opening pages in PDF

Depending on the PDF you open, you may need to move forward through multiple pages, see different parts of the page, or change the magnification. There are many ways to navigate, but the following items are commonly used:

Note: If you do not see these items, choose View > Show/Hide > Toolbar Items > Reset Toolbars.


Next and Previous

The Next Page  and Previous Page  buttons appear in the Page Navigation toolbar. The text box next to them is also interactive, so you can type a page number and press Enter to go directly to that page.

Scroll bars



Vertical and horizontal scroll bars appear to the right and bottom of the document pane whenever the view does not show the entire document. Click the arrows or drag to view other pages or different areas of the page.

Select & Zoom toolbar

The Page Thumbnails  button on the left side of the work area opens the navigation pane to the Page Thumbnails panel, which displays thumbnail images of each page. Click a page thumbnail to open that page in the document pane.



Page through a document

There are many ways to turn pages in a PDF. Many people use the buttons on the Page Navigation toolbar, but you can also use arrow keys, scroll bars, and other features to move forward and backward through a multipage PDF.

The Page Navigation toolbar opens by default. The default toolbar contains frequently used tools: the Show Next Page , Show Previous Page , and Page Number. Like all toolbars, the Page Navigation toolbar can be hidden and reopened by choosing it in the Toolbars menu under the View menu. You can display additional tools on the Page Navigation toolbar by right-clicking the toolbar and choosing an individual tool, Show All Tools, or More Tools and then selecting and deselecting tools in the dialog box.

Move through the PDF

❖ Do one of the following:

- Click the Previous Page  or Next Page  button on the toolbar.
- Choose View > Page Navigation > [location].
- Choose View > Page Navigation > Page, type the page number in the Go To Page dialog box and then click OK.
- Press the Page Up and Page Down keys on the keyboard.

Jump to a specific page

❖ Do one of the following:

- From Single Page or Two-Up page display view, drag the vertical scroll bar until the page appears in the small pop-up display.
- Type the page number to replace the one currently displayed in the Page Navigation toolbar, and press Enter.

Note: If the document page numbers are different from the actual page position in the PDF file, the page's position within the file appears in parentheses after the assigned page number in the Page Navigation toolbar. For example, if you assign numbering for a file that is an 18-page chapter to begin with page 223, the number shown when the first page is active is 223 (1 of 18). You can turn off logical page numbers in the Page Display preferences. See [Renumber pages \(Acrobat only\)](#) and [Preferences for viewing PDFs](#).

Navigate with Links

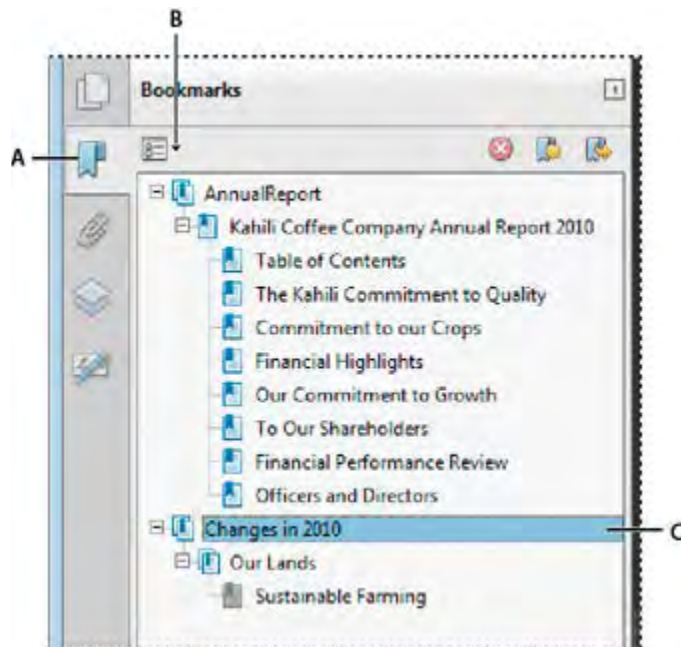
Links can take you to another location in the current document, to other PDF documents, or to websites. Clicking a link can also open file attachments and play 3D content, movies, and sound clips. To play these media clips, you must have the appropriate hardware and software installed. The person who created the PDF document determines what links look like in the PDF.

Note: Unless a link was created in Acrobat using the Link tool, you must have the Create Links From URLs option selected in the General preferences for a link to work correctly.

1. Choose the Select tool.
2. Position the pointer over the linked area on the page until the pointer changes to the hand with a pointing finger. A plus sign (+) or a *w* appears within the hand if the link points to the web. Then click the link.

Jump to bookmarked pages

Bookmarks provide a table of contents and usually represent the chapters and sections in a document. Bookmarks appear in the navigation pane.



Bookmarks panel

A. Bookmarks button

B. Click to display bookmark options menu.

C. Expanded bookmark

1. Click the Bookmarks button, or choose View > Show/Hide > Navigation Panes > Bookmarks.

2. To jump to a topic, click the bookmark. Expand or collapse bookmark contents, as needed.

Note: Depending on how the bookmark was defined, clicking it may not take you to that location but perform some other action instead.

If the list of bookmarks disappears when you click a bookmark, click the Bookmarks button to display the list again. If you want to hide the Bookmarks button after you click a bookmark, select Hide After Use from the options menu.

Automatically scroll through a document

Automatic scrolling advances your view of the PDF at a steady rate, moving vertically down the document. If you interrupt the process by using the scroll bars to move back or forward to another page or position, automatic scrolling continues from that point forward. At the end of the PDF, automatic scrolling stops and does not begin again until you choose automatic scrolling again.

1. Choose View > Page Display > Automatically Scroll.
2. Press Esc to stop scrolling.

PDFs with file attachments

If you open a PDF that has one or more attached files, the Attachments panel automatically opens, listing the attached files. You can open these files for viewing, edit the attachments, and save your changes, as permitted by the document authors.

If you move the PDF to a new location, the attachments automatically move with it.



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