

Parting Checklist

- Ask the firm to delegate authority to deal with your departure to one person.
- List all files for which you are responsible. Completely clean your office, including in and behind your credenza and filing cabinets to make sure no files slip between the cracks.
- List the files where you want to give the client the option of going with you or staying with the firm, noting any:
 - trust funds;
 - outstanding accounts receivable;
 - unbilled disbursements;
 - outstanding work in progress;
 - outstanding trust conditions or undertakings; and
 - loans to clients.
- Discuss the list with the firm and negotiate the wording of the letter to go to the clients (see the template letters below).
- Send the letters giving the client the option of going with you, staying with the firm or retaining new counsel, including an authority to transfer the file and trust funds. If clients contact the firm or the departing lawyer to ask what their rights are, it is unethical for either to use undue influence or harassment to keep the file.
- Complete, bill out and collect on as many files as possible. On matters that cannot be completed, interim bill and collect on as many as possible.
- Negotiate trust conditions for the transfer of contingency fee files, which:
 - recognize the firm's right to share in the fee and provide a mechanism for determining the appropriate share, with an arbitration clause for disputes;
 - deal with disbursements, either requiring them to be paid at the time of file transfer or when the matter is settled; and
 - deal with loans to clients.
- Negotiate trust conditions for the transfer of non-contingency files with outstanding accounts receivable or work in progress dealing with:
 - trust funds;
 - accounts receivable;
 - disbursements, billed and unbilled;
 - work in progress; and
 - loans to clients.
- Print out, forward, or save electronic copies of all emails, documents, correspondence and other computer files that relate to files that are going with you.



- Inform the firm in writing on a timely basis of all the deadlines (particularly limitation and court dates) on all files that you are not taking with you so appropriate arrangements can be made to protect the clients' interests.
- Make a list of the firm's clients and matters on which you will have an ongoing conflict of interest.
- If you are a partner, negotiate the terms of your withdrawal from the partnership.
- If your compensation is based on a percentage of fees collected, negotiate the basis for your compensation for work in progress unbilled and accounts receivable not collected by the time you leave.
- File, where applicable:
 - notices of change of solicitors;
 - notices of change of agent on caveats and other Land Titles documents that contain a notice of address for service;
 - notices of change of address on security registrations;
 - notices of change of address in respect of contracts (including leases and options) where your new office will be the address for service; and
 - change of registered office for corporations where your new office will be the registered office.
- Notify the Law Society of Alberta of your new address and status.
- Give notice of your new address to:
 - lawyers you deal with regularly;
 - lawyers you have files with;
 - LESA, CBA other legal organizations you belong to;
 - publishers of magazines or other subscription services to which you subscribe; and
 - listservs and other Internet subscriptions 17.
- If you have signing authority on the firm's bank accounts, arrange for new signing documents to be executed.