

BOARD OF OVERSEERS OF THE BAR

Established by the Maine Supreme Judicial Court

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Proxy Closing Office Checklist

Once you selected an attorney who has consented to act as your proxy, you and that attorney should discuss a plan. You should not put off the discussion. Important topics to discuss include, but are not limited to the following:

1. Enter the law office and secure client files.
2. Inventory the files to determine which are active and which contain documents of intrinsic value.
3. Phone and/or send a letter to each client who has an open client file. The client should be notified of the need to retain substitute counsel and to take possession of the client's file without delay. Keep records of how and to whom the files are distributed.
4. Take steps to preserve rights of clients while the client is arranging for substitute counsel.
5. For client files closed in the preceding eight years, attempt direct notice by phone or letter.
6. Place a newspaper advertisement advising all present and former clients that the practice is winding down. The advertisement should explain when, where and how to retrieve files. Keep records of how and to whom the files are distributed.
7. Locate potential caretakers of the unclaimed files and instruct the caretaker on the responsibilities associated with holding, returning and possibly destroying confidential client files.
8. Transfer the electronic records from office equipment to a durable storage media. Make sure that all office equipment has been wiped clean of confidential information before it is transferred to a new owner or disposed of.
9. If there are funds in the trust account, reconcile the trust account records to determine ownership of the funds.
10. Keep track of services provided and hours spent by the proxy and assistants, along with expenses incurred.