

CMBA Bibliography of Suggested Resources For ‘What If’ Preparedness (WIP) Program

Disclaimer: This bibliography is intended to provide a list of resources for lawyers who are active in the practice of law or who may be exiting the practice of law. This is not an exhaustive list of authorities and is not intended to give legal advice. It may be necessary to consult with a lawyer about the topics included below.

Planning for Contingencies and Transition

- ABA Article: [“Yes, a Plan For Your Disability or Death is a Must, Says Solo Attorney”](#) (July 2018)
- ABA Article: [“Surrogate Attorneys: Designating a Successor in Case the Unexpected Happens”](#) (February 2017)
- ABA Book: [Being Prepared: A Lawyer's Guide for Dealing with Disability or Unexpected Events](#) (2008)
- ABA [Succession Planning Resources](#)
- ALPS [The Ins-n-Outs of Tail Coverage](#)
- Cleveland Metropolitan Bar Association: [Manual for the Disposition of a Law Practice](#) (2009)
- Law Practice Magazine Article: [“Planning Ahead for Injury or Death: How Solos Can Prepare for Unanticipated Events”](#) (May/June 2018)
- OBLIC: [Succession Planning for Ohio Attorneys Handbook](#) (2014)
- Ohio Ethics Guide: [Succession Planning](#) (2017)
- Thompson Hine, LLP Article: [Succession Planning Can Save Lawyers' Estates From Liability](#) (2014)

Creating an Inventory of Your Digital Assets and Key Practice Information

- ABA [When You Pass On Don't Leave the Passwords Behind: Planning for Digital Assets](#) (2012)
- ABA Article: [“Estate Planning for Your Digital Assets”](#) (2010)
- Cleveland Metropolitan Bar Association: [Attorney Practice Inventory](#)

Appointment of an Inventory Attorney or Surrogate

- Cincinnati Bar Association, [Inventory Attorney Program](#) and Attorney Designation [Form](#)
- Cleveland Metropolitan Bar Association: [Inventory Attorney Form](#)
- Ohio State Bar Association Article: [Preparing for the Inevitable](#) (2013)

File Retention and Disposal

- ABA Eye on Ethics Column: [Piles of Files](#) (2011)
- ABA Legal Technology Resource Center: [Records Management/Document Retention](#)
- OBLIC Malpractice Alert: [What Do I Do With Closed Client Files?](#) (2013)
- Ohio Ethics Guide: [Client File Retention](#) (2016)

Resources for Third Parties Dealing With Abandoned Client Files

- ABA Formal Ethics Opinion 92-369 - Disposition of Deceased Sole Practitioner's Client Files and Property (1992) (available for free [here](#))
- ABA Model Rules for Lawyer Disciplinary Enforcement, [Rule 28](#) (Appointment of Counsel to Protect Clients' Interests When Respondent Is Transferred to Disability Inactive Status, Suspended, Disbarred, Disappears, or Dies)

Mental Disability or Impairment

- [ABA Formal Opinion 03-429](#) - Obligation with Respect to Mentally Impaired Lawyer in the Firm (2003)
- [ABA Formal Opinion 03-431](#) - Lawyer's Duty to Report Another Lawyer Who May Suffer From Disability or Impairment (2003)

Selling or Closing a Law Firm

- ABA Article: [Death of a Practice: After Lawyer Dies, Her Friend Is Faced with Closing Down Her Firm](#) (2013)
- ABA Article: [It's OK to 'practice' after selling a law practice to assist in the transition](#) (2015)
- ABA Book: [Lawyer's Guide to Buying, Selling, Closing, and Merging a Law Practice](#), (2008)
- ABA Online Course: [So It's Time: Responsible Planning for Closing the Law Office](#) (2014)

- Board of Professional Conduct [Opinion 92-19](#) Sale of client files and lists (1992)
- Board of Professional Conduct [Opinion 02-12](#) Transfer of shares in a legal professional association to an irrevocable trust (2002)
- Ohio State Bar Association: Practice Tools: Closing, Selling or Acquiring a Law Practice
 - [What happens when a lawyer's practice closes?](#)
 - [OfficeKeeper resources on closing or selling a law practice](#) (OSBA members only)

Moving Offices

- FindLaw.com: [Moving Law Offices? Here Is a Really Big Checklist](#) (2014)

Resources For Lawyers Admitted in Other States

- ABA: [State-by-State Caretaker Rules When Lawyer Disappears, Dies, or is Declared Incompetent](#) (2015)

Emergency Preparedness

- ABA: [The Ethics of Disaster Preparedness for Lawyers: Confronting and Preparing for Disasters](#) (2015 online course)
- ABA: [Disaster recovery plan ensures seamless service to clients](#) (2015)
- American Red Cross [Emergency Preparedness Checklist for Small Businesses](#) (2009)
- Ohio State Bar Association: [Being Prepared With Law Office Emergency Planning](#) (2016)
- [Prepare My Business.org](#)

Other Resources

- [Ohio Rules of Professional Conduct](#)
- [Supreme Court Rules for the Government of the Bar in Ohio](#)
- [Board of Professional Conduct Advisory Opinions](#)