

Caretaker Checklist and Agreement

The Law Society of British Columbia created the Caretaker Checklist and Agreement to serve as a tool in creating a succession plan and planning for coverage of a law practice in the event of a lawyer's unexpected ability to practice.

A Caretaker is someone the lawyer has chosen, who is willing to step in, temporarily or permanently, if necessary, to manage the lawyer's practice and take care of their clients.

The Law Society recommends that the lawyer and their chosen Caretaker review the lawyer's practice and complete the below Checklist so, in the event the lawyer cannot practice, the Caretaker will be equipped to continue to serve the lawyer's clients and protect the law practice.

Lawyers and Caretakers may use the below sample documents or create their own record to reflect what is deemed necessary for the Caretaker fulfil their role should the need arise.

Caretaker Checklist

Lawyer: _____

Caretaker: _____

Insofar as they apply, the Lawyer and the Caretaker have reviewed the below list such that the Caretaker can properly act should the need arise.

- The bank name, address, account signers, and account numbers for all law office bank accounts;
- The location of all law office bank account records (trust and general);
- Where to find, or who knows about, the computer passwords;
- How to access the voice mail (or answering machine) and the access code numbers;
- How to generate a list of active client files, including client names, addresses, and phone numbers;
- Where client ledgers are kept;
- How the open/active files are organized;
- How closed files are organized and assigned numbers;
- Where closed files are kept and how to access them;
- The office policy on keeping original documents of clients;
- Where original client documents are kept, e.g. Wills, Powers of Attorney, Representation Agreements;
- Where the safe deposit box is located and how to access it;
- How to use the calendaring system to determine upcoming dates for hearings, trials, discoveries, active real estate files (to ensure there are no undertakings or discharges remaining) or identified limitation dates;
- The location of corporate minute books and files;
- Where to have physical mail redirected if necessary;
- Where to find and how to access a list of the Accounts Payable and instructions regarding creditors and bills to be paid;
- The business and personal insurance policies with contact information for brokers and insurance companies; and
- How the Caretaker be compensated.

The Law Society encourages adding a clause to evidence the arrangement, which may alleviate some hurdles for the Caretaker to fulfil their role in the event that the lawyer cannot instruct or assist the Caretaker.

Caretaker Agreement

I, _____, have agreed to act as Caretaker for _____, doing business as _____ should the need arise.

In support of that agreement, I confirm that _____ has made me (or caused me to be made) aware of details required regarding the law practice, and consented to my being aware of the same, so that I may properly act as Caretaker. _____'s consent to my involvement is evidenced by their signature below.

Signed by:

Name: _____

Name: _____

Signature: _____

Signature: _____

Lawyer

Caretaker

The Law Society suggests that the lawyer and Caretaker periodically review the Caretaker arrangement and update their agreement as systems change in the lawyer's law practice.