

The Florida Bar's Inventory Attorney Checklist

The purpose of this checklist is to provide some general information as to practical steps for the inventory attorney to follow. It specifically does not address legal issues, such as malpractice insurance or probate matters.

Upon identification of an appropriate need, seek appointment as inventory attorney. Contact your local office of The Florida Bar. Generally, the local office of The Florida Bar will petition for appointment of an inventory attorney with the Chief Judge in the circuit where the former attorney practiced law. If the potential inventory attorney files the petition, please copy Staff Counsel as well as the local Chief Branch Disciplinary Counsel. In many instances, these matters are not handled through the Clerk of Court. The local bar counsel can provide guidance.

- 1) Upon receipt of the order of appointment, ascertain whether a date has been set for filing of the Initial Report of Inventory Attorney. If so, calendar this date as well as the due dates for future periodic reports. Take care not to mention confidential attorney-client matters in your reports.
- 2) If a probate matter is pending for the former attorney, coordinate your actions with the Personal Representative as appropriate.
- 3) Identify any active cases. Former employees of the law firm may be helpful in locating a list of active clients and the upcoming calendar. Notify clients of your appointment as inventory attorney and of their need to seek new counsel. Return the file to the clients, at their expense, so that they can seek new counsel. It may be appropriate to notify courts with active cases of the unavailability of the subject attorney.
- 4) Identify law office bank accounts, including trust accounts, as well as safe deposit boxes and review records to identify appropriate disposition of funds and property. Generally, no disbursements **from operating or trust accounts** should be made absent court order. Your local bar counsel may be able to provide the assistance of an investigator to locate former clients or an auditor to assist with accounting issues. In a case where inadequate records make it impossible to determine the appropriate disposition of the funds, you may seek a court order to pay the remaining trust account funds to the Clients' Security Fund of The Florida Bar. This is only appropriate for unknown payees as the Fund cannot hold funds for specific payees. A court order is required.

- 5) The inventory attorney will incur some expenses such as mailing or storage costs. Generally, the former attorney is responsible for these costs and it is appropriate to seek payment from sources such as the former attorney's estate. If the operating account contains funds, it is appropriate to seek court approval to disburse those funds for costs reimbursement. In rare instances, the bar may be able to provide reimbursement. Please note that bar counsel's specific prior approval is required. If authorized, please provide invoices to your bar counsel on at least a monthly basis.
- 6) Once immediate client needs have been met, it is appropriate to consider disposition of the former attorney's law office, furniture, and office equipment. Again, it is always best to coordinate matters with the estate, if any, and to seek a court order authorizing disposition of property subsequent to a detailed report of the inventory attorney.
- 7) Closed client files can be disposed of, with a court order, after it has been determined that no original items will be destroyed where the loss would prejudice a former client. Original wills belong to the clients. Shredding assistance is available from the bar.
- 8) In some cases, it may be appropriate for the inventory attorney to retain original matters from client files for a defined or an indefinite period. If so, the Order terminating the appointment of inventory attorney should note this.
- 9) Your bar counsel can provide further guidance.

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