

CHECKLIST FOR ATTORNEYS LEAVING AN EXEMPT POSITION AND ENTERING PRIVATE PRACTICE

- Review your employment contract, employment letter, office policies, office procedures, or any other applicable terms that may control:
 - The process for terminating your relationship with your current employer; or
 - Your obligations upon departure (such as maintaining confidences and secrets).
- If your employer paid bar association membership dues, CLE registration, or other costs on your behalf you may or may not be obliged to reimburse your employer. Review your terms of employment as described above. Neither the Oregon State Bar (OSB) nor the Professional Liability Fund (PLF) can make this determination for you.
- Review the PLF practice aid, “Checklist for Departing Attorneys” available on the PLF website, www.osbplf.org regarding “client” notification and other steps that may apply to your termination.
- Follow proper procedure in notifying your employer of your intended resignation. Identify requirements for transitioning your workload, files, projects, and assignments.
- Execute your employer’s requirements for transitioning all work as described above. Minimally, prepare a memo to management regarding the status of assigned work. Include information about upcoming deadlines.
- If you are terminating representation of clients, follow Oregon RPC 1.16. A lawyer may withdraw from representing a client if “withdrawal can be accomplished without material adverse effect on the interests of the client.” Oregon RPC 1.16(b)(1). “Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client’s interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers, personal property and money of the client to the extent permitted by other law.” Oregon RPC 1.16(d). See Beverly Michaelis, “How to Fire a Client: Do’s and Don’ts When Ending Representation,” *Oregon State Bar Bulletin* (July 2007). An updated version of this article is available on the PLF website, www.osbplf.org, along with sample disengagement letters.
- If necessary, file substitutions of counsel or withdrawals. Until you are removed as attorney of record on a matter, you remain responsible for the case in the eyes of the court.
- Make arrangements with your former employer to forward mail and redirect incoming calls as appropriate. [See the PLF practice aid, “Moving Checklist.”]
- Discuss with your employer whether an automated email reply and filter should be created to process email messages, which may come to you after you have left the office. [See the PLF practice aid, “Email Communications for Departing Attorneys.”]
- Arrange to take conflict information with you to your new office. [See the PLF practice aid “Conflict of Interest Systems – Procedures.”]

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- Activate your mandatory primary coverage with the PLF by calling our office at 503-639-6911 or 1-800-452-1639. Information is also available on the PLF website, www.osbplf.org.
- If desired, excess coverage is available from the PLF and private carriers. For more information, visit the PLF website, www.osbplf.org.
- Submit a change of address card to the post office or change your address online at <https://www.usps.com/umove/>.
- Send a change of address notices to others, such as the OSB. When your address is updated with the OSB it is automatically updated with the PLF. You are required to contact the PLF separately, however, to activate your coverage (see above). An OSB change of address can be initiated online through the Member Login on the OSB website, www.osbar.org.
- Send out announcements regarding the opening of your practice to friends, colleagues, state bar associations, local bar associations, and your law school alumni newsletter. See the PLF marketing practice aids for additional marketing tips, www.osbplf.org.
- The information in this checklist is intended as a brief overview of the issues involved in leaving an exempt position (such as in-house counsel, Legal Aid, public defender, district attorney's office, government attorney, etc.). For legal advice, consult outside counsel experienced in employment law. This is especially important if you are unsure about your obligations to your employer, including how much notice to give or what steps you should follow in transitioning your workload. The PLF does not provide legal advice on employment law issues. Nor can we mediate or resolve disputes between lawyers and employers.
- For ethics advice relating to your departure, consult outside counsel or contact the OSB General Counsel's Office, <http://www.osbar.org/ethics>.

IMPORTANT NOTICES

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