

CHECKLIST FOR CREATING AN ASSOCIATE AGREEMENT

1. State the length of the agreement and the effective date. Describe any pre-employment training or orientation the associate is expected to complete.
2. Clarify that all clients are considered clients of the firm as reflected on the fee agreement/engagement letters.
3. Specify “ownership” of the firm’s forms bank. (For example: All forms are the property of the firm and their use is limited to members of the firm for use with firm matters.)
4. Set forth the terms of associate compensation for work performed by the associate on:
 - a. Cases brought into the firm by the firm; and
 - b. Cases brought into the firm by the associate.

If work on contingent or fixed-fee cases will be compensated differently, describe the compensation scheme for those matters.
5. Describe the conditions under which bonuses are paid.
6. If compensation is reviewed at regular intervals, describe the review process and conditions under which the associate would be eligible for a merit increase.
7. Set forth your expectations for the associate in the areas of production and business origination.
8. Describe how and when progression to partnership will be evaluated.
9. Identify the expenses of practice for which the firm agrees to pay (such as bar dues, PLF assessment, association dues, CLEs), and those which are the associate’s responsibility (if any). State whether any of these paid expenses must be refunded by departing attorneys.
10. Describe the amenities the firm will provide to the associate (reception services, bookkeeping services, staff support, equipment use, furnished office for associate, furnished office for assistant, law library, Internet access, smartphone, etc.)
11. Describe any amenities the firm will NOT provide to the associate if they are commonly provided.
12. Describe any benefits available to the associate, including vacation, sick leave, group insurance, retirement, etc. (Refer the associate to your Office Policy Manual or other publications for details.)
13. Describe the conflict screening process and the associate’s obligations to supply information, check for potential conflicts, and cooperate with screening procedures if the associate is personally disqualified from representation.

PRACTICE TIP: New associates should be required to provide the firm with the names of former clients for entry into the firm’s conflict system. New associates should also review the firm’s current client list and advise the firm immediately if they detect any potential or actual conflicts. If necessary, follow the screening procedures in ORPC 1.10.

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14. Describe the conditions under which the agreement may be terminated. Include type and amount of notice required.
15. Describe the procedure for voluntary resignation. Include type and amount of notice required. Also discuss the client notification process. Clients should be informed that the attorney who has been handling their case is leaving and they should be given the option to remain clients of the firm, terminate representation, or go with the departing attorney. This is best done by sending a joint letter on firm letterhead signed by the departing associate and a designated firm member. No client files or property should be removed from the firm without prior written consent of the client(s).

CAVEAT: Choice of representation is always the client's decision. Therefore, one cannot hold clients to be property of the firm and prevent the clients from electing to leave with the associate should the associate leave. For more information related to the client's choice of representation, visit the PLF website at www.osbplf.org.

This checklist is offered to generate ideas only. It does not cover all possible circumstances and is not intended to be an endorsement of specific employment terms.

For sample letters of understanding, employment agreements, and other resources relating to associates, see the following publications from the ABA Law Practice Division:

[*The Essential Formbook: Comprehensive Management Tools for Lawyers*](#)
[*Accelerating Lawyer Success: How to Make Partner, Stay Healthy, and Flourish in a Law Firm*](#)
[*The Lawyer's Field Guide to Effective Business Development*](#)
[*The Survival Guide to Implementing Effective Law Firm Management Strategies*](#)
[*Lawyers as Managers: How to be a Champion for Your Firm and Employees*](#)

ABA Web store materials are sold at a discount by the PLF. For more information, visit the PLF website, <https://www.osbplf.org/practice-management/resources-discounts.html>.

IMPORTANT NOTICES

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