



# Columbus Bar Association

The Advance Succession Registry Form

New Form:  Updated Form:

## Notice and Acknowledgment

By signing below, you, as the Registering Attorney, acknowledge that:

- You have read and understand the Columbus Bar Association’s (CBA) Advance Succession Registry (“the Registry”) guidelines
- You have notified the Designated Attorney and the Alternate Designated Attorney of your designations of them and that each has agreed to serve in that role.
- This form does not confer any legal rights or responsibilities on the Designated Attorney, the Alternate Designated Attorney, the CBA, or any other third party.
- The CBA is not responsible for the accuracy of the information provided on this form or for contacting the Designated Attorney or the Alternate Designated Attorney upon the occurrence of your death or incapacity.
- Your signature on this form authorizes the Designated Attorney, the Alternate Designated Attorney and the CBA to have access to the information in this form.
- You authorize the CBA to release the information on this form, upon receipt of a court order to do so, and to release the name and contact information of your Designated Attorney and the Alternate Designated Attorney upon written request to the CBA.

## Registering Attorney

Full Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Registration No.: \_\_\_\_\_

Law Firm (if any): \_\_\_\_\_

Office Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attorney Registration  
Email Address: \_\_\_\_\_  
(the email address at which you are  
registered with the Ohio Supreme  
Court’s Office of Attorney Services)

Other Email Address: \_\_\_\_\_

### Designated Attorney

Full Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Registration No.: \_\_\_\_\_

Law Firm (if any): \_\_\_\_\_

Office Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone Number: \_\_\_\_\_

Attorney Registration

Email Address: \_\_\_\_\_  
(the email address at which you are registered with the Ohio Supreme Court's Office of Attorney Services)

Other Email Address: \_\_\_\_\_

### Alternate Designated Attorney

Full Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Registration No.: \_\_\_\_\_

Law Firm (if any): \_\_\_\_\_

Office Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone Number: \_\_\_\_\_

Attorney Registration

Email Address: \_\_\_\_\_  
(the email address at which you are registered with the Ohio Supreme Court's Office of Attorney Services)

Other Email Address: \_\_\_\_\_

### Signature of Registering Attorney

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Signature

*(Return to: CBA, 230 West Street, Suite 100, Columbus, Ohio 43215- Email: ethics@cbalaw.org)*

**THE COLUMBUS BAR ASSOCIATION**

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**ADVANCE SUCCESSION REGISTRY**

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**PROTECTING YOUR CLIENTS IF THE UNTHINKABLE HAPPENS**

We all know that accidents, illnesses and unexpected deaths occur which can require an attorney to abruptly stop practicing law. When that happens, and with clients depending on you, who will wrap up and/or refer their matters to others who can help them, retrieve their file, or let a judge in a pending matter know what has happened and seek a continuance?

All Ohio attorneys have an ethical obligation to consider the immediate impact a debilitating event would have on their clients. While there is no rule requiring participation in an Advance Succession Registry, the Ohio Rules of Professional Conduct (Ohio R. Prof. Cond. 1.3, Comment 5) may require Ohio's sole practitioners, as part of their obligation to diligently represent clients, to prepare a plan that designates another competent attorney to protect client interests upon their death or disability. Every Ohio attorney should consider putting a plan in place to protect their clients. The CBA's *Advance Succession Registry* can be that plan.

The Registry allows you, as the Registering Attorney, to have control over what steps are taken immediately after events such as your unforeseen death, disability, disbarment, or other incapacity. Through the Registry, you can designate another Ohio-licensed Attorney, the Designated Attorney, to provide the immediate assistance that your clients will need if you are no longer there to help.

Being a Designated Attorney is a short-term opportunity to give back to our profession. A Designated Attorney can make an immediate and positive difference in the lives of the clients of an unexpectedly disabled attorney.

Ohio's attorneys are encouraged to put this stopgap plan in place today. Do not wait another minute to be an attorney who can rest easy, knowing that you have designated another attorney to protect your clients when you are unable to do so.

## **WHAT ARE SOME OF THE BENEFITS OF THE REGISTRY?**

There are many benefits to participating in the CBA's Advance Succession Registry. For example:

- ✓ The Registry will immediately assist your clients, staff, spouse/family, and estate representatives in the event of your death, disability, or unavailability.
- ✓ Your clients do not need to expressly authorize the Designated Attorney to access or transmit client files upon your death or incapacity to act. By enrolling in the Registry, you have authorized the Designated Attorney to facilitate the transmission of client files and other client property.
- ✓ The process should make it easier for you to complete additional advance planning steps including the method of transitioning of your practice upon death, disability, or other unavailability.
- ✓ The public's opinion of our profession will be enhanced and confidence in the legal profession will increase.

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## **OKAY, I AM CONVINCED THIS IS A GOOD IDEA.**

### **HOW CAN I PARTICIPATE?**

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At the CBA, we want to make sure that our Registry is user-friendly and reliable. It is our goal to make participating in the Registry a straightforward process. With that in mind and as you move toward the goal of providing for your clients and serving our profession, please read and thoroughly consider the following guidelines:

#### **1. THE REGISTRY HAS SOME LIMITATIONS**

The CBA's Registry is a source of information. The Registry does not operate to transfer a client's legal representation from one attorney to another. The Registry does not convey responsibility for a client's representation to the Designated Attorney or to any other attorney.

The Registry does not give the Designated Attorney the authority to: (1) wind down a law practice; (2) provide clients with a final accounting of fees and expenses; (3) collect fees; (4) access client trust account funds or other bank accounts; or, (5) liquidate or sell a law practice. The payment of fees or expenses incurred by the Designated Attorney are not authorized by Registry designation, but such costs may be part of a separately negotiated agreement between the Registering Attorney and Designated Attorney(s).

## 2. THE REGISTERING ATTORNEY

As the Registering Attorney, you have acknowledged that, “attorneys are only human.” By registering, you have helped your clients, your family, the courts, and others.

After registering, you are encouraged to complete the following soon thereafter:

- ✓ Discuss the Registry and the role of the Designated Attorney with your staff;
- ✓ Discuss the role of the Designated Attorney with your family and estate representative(s);
- ✓ Give your clients notice of your registration and identify your Designated Attorney; and,
- ✓ Within 30 days of any changes to the information on the form, including the identity of the Designated Attorney, notify the CBA.

## 3. YOU MUST REGISTER USING THE FORM CREATED BY THE CBA

The CBA has created a form titled “The Advance Succession Registry Form” (“the Form”). It is accessible from our website for execution in conjunction with these guidelines. Submitting an accurate and fully completed Form is the only way that you can participate in the Registry.

- As the Registering Attorney, you must fully complete and sign the Form. Fully completing the Form includes providing the full name, Ohio attorney registration number, address and complete contact information for your Designated Attorney.
- When you complete and sign the Form, you, as the Registering Attorney warrant that your Designated Attorney is, at the time of registering, willing and able to perform the contemplated duties.
- You may also provide information for an alternate Designated Attorney who will be called upon to serve should the primary Designated Attorney be unavailable or unwilling to serve. Likewise, you, as the Registering Attorney warrant that the alternate Designated Attorney is, at the time of registering, willing and able to perform the contemplated duties if the Designated Attorney is unable or unwilling to serve.
- Upon completion, original, signed applications should be submitted to the CBA via U.S. mail, hand-delivery, or email to [ethics@cbalaw.org](mailto:ethics@cbalaw.org). If you initially submit the Form via email, you must also provide the CBA with the original Form via U.S. Mail or hand-delivery.

- ✓ Your designation will remain in effect until the Form is revoked in a writing, signed by the Registering Attorney and/or the Designated Attorney, and received by the CBA.

#### **4. THE DESIGNATED ATTORNEY**

By consenting to serve and in conjunction with Ohio Prof. Cond. Rule 1.3, Comment [5], a Designated Attorney agrees that in the event of the contingencies described herein, his/her responsibilities are generally limited to the following:

- ✓ Contacting the clients of the Registering Attorney;
- ✓ Obtaining instructions from the clients on transferring files;
- ✓ Obtaining extensions of time in litigation matters where necessary; and,
- ✓ Providing notice to relevant persons and entities regarding the status of the Registering Attorney's law practice.

#### **5. WHAT WILL HAPPEN AFTER YOU REGISTER**

- ✓ After we receive your fully executed Form, the CBA will provide the Registering Attorney and the Designated Attorney with letters confirming the activation of the Registry.
- ✓ The CBA will provide the Registering Attorney:
  - A recommendation that you add language to your fee agreements and/or letters of engagement for new clients that in the event of your incapacity or death, the client contact the Columbus Bar Association, 230 West Street, Suite 100, Columbus, OH 43215, 614.221.4112, for information regarding the Designated Attorney.
  - A recommendation that you send a letter to all current clients that in the event of your incapacity or death, the client should contact the Columbus Bar Association, 230 west Street, Suite 100, Columbus, OH 43215, 614.221.4112, for information regarding the Designated Attorney.
  - A recommendation that as soon as possible after submitting the completed Registry Form to the CBA, you create and continue to maintain a list identifying current and former clients with the intention of having that list assist the Designated Attorney with the transfer of files.

- ✓ The CBA will maintain a list of the Registered Attorneys and their respective Designated Attorneys.

## **6. HOW CAN SOMEONE OBTAIN INFORMATION FROM THE REGISTRY**

To obtain information from the Registry, a Succession Information Form must be completed and returned to the CBA. The Information Form is available on the CBA's website. If the request for information comes from a court, through a court order, or from the Designated Attorney, the CBA will provide a photocopy of the entire Advance Succession Registry Form. For all other requests, only the Designated Attorney's name and contact information will be provided. All requests must be signed, dated, and accompanied by a court order or a copy of government-issued identification.

## **7. COST TO REGISTER**

All Ohio-licensed attorneys are eligible to participate in the Registry free of charge.

## **8. DISCLAIMER**

The CBA does not warrant or represent that participating in the Advance Succession Registry will comply with any Rule of Professional Conduct or Rule for the Government of the Bar (including but not limited to Gov.Bar R. VI) that may subsequently be enacted by the Supreme Court of Ohio. The CBA will not and cannot be a repository for client files or property or a guarantor of the accuracy of information provided on an Advance Succession Registry Form by the Registering Attorney.