

## 24. DEPARTING LAWYERS

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When a lawyer decides to leave the firm, the departing lawyer should promptly notify the Managing Partner and Executive Committee in writing. The Managing Partner will promptly assign a Transition Partner to work with the departing lawyer and notify the Human Resources Director. The Human Resources Director will provide a copy of these guidelines to the Managing Partner, Transition Partner, the departing lawyer, and the departing lawyer's secretary. If the firm decides to terminate a lawyer, the Managing Partner will provide a copy of this policy and schedule an exit interview within a reasonable period of time under the circumstances. *Nothing in these guidelines is intended to amend or affect the interpretation of the firm's Partnership Agreement or any employment arrangement with a lawyer.*

**Procedures.** A lawyer departing from the firm for any reason shall be responsible for the orderly transition to another lawyer within the firm (or, at the client's written direction, to another law firm) of all client work for which the lawyer has responsibility. The Transition Partner will evaluate and approve assignments of client matters to other lawyers. Until the lawyer's actual departure, the lawyer shall (a) diligently perform all work for such clients on behalf of and for the benefit of the firm; (b) promptly submit daily time sheets to account for all billable time; (c) use reasonable efforts to see the prompt and proper billing and collection by the firm of fees for such work; and (d) abide by all applicable firm policies until the lawyer ceases partnership or employment.

**Transition Meeting.** The Transition Partner will promptly schedule a transition meeting with the departing lawyer to provide information on the logistics of the transition and to discuss:

- The status of all open matters on which the departing lawyer is working. Transition memos will be prepared for each open matter and given to the new lawyer assigned to the matter.
- The description and location of all files, records and other documents, including draft documents, relating to such matters.
- All active matters for which the departing attorney is listed as attorney of record with the courts. Substitution of counsel should be filed with the court immediately as appropriate.
- Collection of past due client receivables, and documentation of collection efforts to date. The Transition Partner should notify accounting regarding who will replace the departing attorney as billing and/or working attorney on all matters the departing attorney is listed on.
- Plans for transitioning open matters to other lawyers within the firm.
- What, if any, clients need to be notified of the departing lawyer's plans (unilateral notice to clients is prohibited as described below) and preparation of a mutually agreed notice to clients about the departure.
- What, if any, information the departing lawyer has provided to a prospective employer or law firm concerning the lawyer's work for particular clients.
- The identity of any other firm lawyers or staff the departing lawyer wishes to solicit for affiliation with the departing lawyer's new employer or firm, and what

discussions, if any, the departing lawyer has already had on that subject with such lawyers or staff.

**Notice to Clients.** A departing lawyer shall not unilaterally inform any firm client about his/her planned departure. Rather, the firm and the departing lawyer shall jointly notify all clients for whom the departing lawyer is performing significant work. The notice to clients shall be in a writing mutually prepared by the Transition Partner and the departing lawyer.

**Document Review and Retention.** All client files and documents (whether paper or electronic) are the property of the firm and/or the client. They may not be copied without the consent of the client or the firm, and they may not be removed without permission from both the client and the firm. A departing lawyer, who wishes to take originals or copies (in paper or electronic form) of any materials with client-identifying information, or any nonpublic materials prepared while the lawyer was providing services through the firm, must provide the Transition Partner a complete list of all such documents and materials. The list should either attach copies of the documents, or should be prepared with sufficient specificity for the Transition Partner to make a meaningful review and evaluation of the request.

A departing lawyer may not download or copy document files from the firm's computer system, unless approved in writing by the Transition Partner. However, if permission is given to take specified documents, the firm's IT Department will download the files onto media furnished by the departing lawyer. The Transition Partner, or his/her designee, may monitor and review the departing lawyer's email accounts and file downloads during the transition period.

If a client gives written permission for the lawyer to take original files to a new practice setting, the departing lawyer will ordinarily be permitted to do so subject to the firm's statutory lien rights. However, the firm may have the right to retain originals for reasonable business purposes (such as defense of a malpractice claim). Copies of the client files taken by a departing lawyer shall be made at the departing lawyer's expense. No original file materials or copies may be removed unless the firm has received written authorization from the client, and the departing lawyer signs a receipt for the materials that acknowledges his/her personal responsibility to protect the confidences of the firm's clients and comply with professional requirements related to document retention.

**Filing.** Before leaving the firm, the departing lawyer shall personally review all materials in his/her possession and ensure that any original documents or notes are sent to the File Room or placed in the appropriate client files.

**Firm Property.** Before leaving the firm, the departing lawyer must return all firm property in their possession. This includes, but is not limited to, items from the IT Department such as notebook computers and related accessories; remote access system token devices; telephone calling cards, credit cards, building ID card, office furniture and decoration. Office furniture and equipment purchased by and owned by the departing lawyer must be moved at their own expense.

**Firm Resources.** Upon termination, the departing lawyer is not permitted to use any of the firm's staff or resources including, but not limited to, secretaries, information technology staff, equipment, etc. Future communications should be directed to the Transition Partner or Human Resources Director.

**Phone & Email.** The departing attorney's access to electronic mail, network and voice mail system will be terminated on their final day with the firm. For ninety days thereafter, e-

mail senders will receive an automated e-mail response indicating the attorney has left our firm and that the recipient should instead contact the Transition Partner, whose contact information will be included.

The Transition Partner, or his/her designee, will review the departed attorney's email account for thirty days to direct inquiries to the appropriate party. Thereafter, the Human Resource Director will review the email account for sixty days.

Phone calls for the departed attorney will be routed to the receptionists, who will direct the callers to the Transition Partner or his/her designee.

**Regular Mail.** During the first thirty days following the attorney's departure, all incoming mail will be forwarded to and reviewed by the Transition Partner. After the first thirty days, any mail for the departing attorney will be forwarded to the Human Resources Director.

**Exit Interview.** Upon leaving the firm, the departing lawyer will meet with the Human Resources Director for an exit interview, and discussion of final pay, benefits and administrative details. The departing lawyer will be responsible for settling personal balances owed to the firm.

**Candor and Professionalism.** The firm aspires to maintain a high level of fairness and professional in the conduct of its affairs. Good long-term relationships among lawyers who have been a part of the firm are of value to both departing lawyers and the firm. Upon inquiry, all lawyers are expected to be candid about their plans to explore or pursue other practice affiliations. Both departing and remaining lawyers are expected to remain professional throughout any transition period. After departure from the firm, the departed lawyer should continue to refrain from disclosing business information of this firm, or confidential information relating to clients who do not choose to transfer their legal business to the departed lawyer. In addition, the departing lawyer should not make derogatory statements about this firm or lawyers remaining at this firm.