

CHECKLIST FOR CLOSING YOUR OWN OFFICE

1. Finalize as many active files as possible.
2. Write to clients with active files, advising them that you are unable to continue representing them and that they need to retain new counsel. Your letter should inform them about time limitations and timeframes important to their cases. The letter should explain how and where they can pick up copies of their files and should give a time deadline for doing this. (See sample *Letter Advising That Lawyer Is Closing His/Her/Their Office*, available on the PLF website, www.osbplf.org.)
3. For cases with pending court dates, depositions, or hearings, discuss with the clients how to proceed. When appropriate, request extensions, continuances, and resetting of hearing dates. Send written confirmations of these extensions, continuances, and resets to opposing counsel and your client.
4. For cases before administrative bodies and courts, obtain the clients' permission to submit a motion and order to withdraw as attorney of record. Review ORPC 1.16.
5. If the client is obtaining a new attorney, be certain that a Substitution of Attorney is filed.
6. Pick an appropriate date to check whether all cases either have a motion and order allowing your withdrawal as attorney of record or have a Substitution of Attorney filed with the court.
7. Make copies of files for clients with open matters. Retain your original files. All clients should either pick up the copy of their files (and sign a receipt acknowledging that they received them) or sign an authorization for you to release the files to their new attorneys. (Sample *Acknowledgment of Receipt of File* and *Authorization for Transfer of Client File* available at www.osbplf.org.) If a client is picking up the file, return original documents to the client and keep copies in your file.
8. Remind clients of your file retention and destruction policy. Tell them where you will be storing your client file records and who they can contact should they need an additional copy of their file. If your fee agreement or engagement letter did not notify your client about your file retention and destruction policy, you should obtain all clients' permission to destroy the files after approximately 10 years. The PLF recommends that closed files be kept for 10 years or longer. (See *File Retention and Destruction Guidelines* available at www.osbplf.org.) If a closed file is to be stored by another attorney, get the client's permission to allow the attorney to store the file for you and provide the client with the attorney's name, address, and phone number.
9. Send the name, address, and phone number of the person who will be retaining your closed files to the OSB Regulatory Services, P.O. Box 231935, Tigard, OR 97281-1935. Also send them your name, current address, and phone number.
10. If you are a sole practitioner, ask the telephone company for a new phone number to be given out when your disconnected phone number is called. This eliminates the problem created when clients call your phone number, get a recording stating that the number is disconnected, and do not know where else to turn for information. In the alternative, arrange for your telephone number to have a recorded announcement about your closed office for 30 to 60 days after you close your office.
11. If you are a notary and resign your commission, file a resignation with the Oregon Secretary of State:

"A notary public whose commission was terminated because of resignation shall arrange for the storage of his/her notarial records, in any form and at any location within 30 days

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following resignation. The records or any reproduction of the records must be readable and the notary public must be able to obtain possession of such records within 15 days of receipt of a request for such records pursuant to OAR 160-100-320(1).

A notary public shall store such records for a period of seven years after the date of resignation. After the seven-year period, the notary public may destroy such records pursuant to OAR 160-100-320(3).”

A notary resignation form is available on the Oregon Secretary of State’s website at <http://sos.oregon.gov/business/Documents/notary-forms/termination-of-notary-public-commission.pdf>.

12. If you are a registered agent for Oregon businesses, deliver a signed, written statement of resignation to the Corporation Division and give notice to the affected businesses.

Businesses must designate a new registered agent and provide that information to the Corporation Division. Failure to do so will result in the administrative dissolution of the business.

For more information and forms, see <http://sos.oregon.gov/business/Pages/registered-agents-service-of-process.aspx>.

IMPORTANT NOTICES

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