



NOVA SCOTIA
BARRISTERS' SOCIETY

NSBS *Legal Service Support*

Sample Simple Succession Plan for Wind-up (Stewardship with Counsel)

This Sample is for a sole practice that is relatively simple (eg few areas of law, perhaps less than 50 files, perhaps no staff, no trust account, no real estate files, no wills/will files; it might also work in a practice with many Legal Aid files which is otherwise simple.) It is meant to help you, but you must still adjust it to suit your circumstances, wishes and particular obligations. This sample uses a trustworthy staff or family member to do the work, but under the supervision of a lawyer.

Date and name of law practice _____

1. I have a will, _____ is my Personal Representative/Trustee, and in the will I provide sufficient authority to wind-up my practice if I am dead.
2. I have an enduring power of attorney that gives _____ the authority to deal with or wind-up my practice if I am still alive, and under what circumstances.
3. _____ (my "Steward") agrees to do the primary work to effect this plan;
4. If Steward is not a lawyer, I appoint _____ as Counsel.
5. My Steward shall work under the direction of Counsel, as Counsel is responsible to make certain all of my professional obligations are discharged.
6. Call the Barristers' Society; notify them I have ceased practising. Legal Services Support is available. 902 422 1491
7. Schedule: Located _____. Consult re: impending deadlines and prioritise. Promptly advise client, any court and other parties what is happening. See 8 below.
8. Open Client files: (*choose the one which applies, or customize*):
 - With Counsel's supervision and help, Steward will help find new counsel for my clients, with the choice of counsel being fundamentally up to my clients.
 - With the consent of the client, Counsel may keep any files or find new lawyers.
 - Return open files to my clients, provide them with the attached list of lawyers.
 - Return all my open files to the clients, advise them to find their own lawyer.
9. Closed files: Keep them in secure storage. Tell NSBS who has the key. My file destruction policy is located _____. My files are ready to shred. Counsel shall first confirm what a "closed file" is, then Steward is to (*choose one*):
 - Periodically shred my files which have reached their destruction dates; ***or***
 - After _____ (*date*), shred all my files.
10. WIP: you may render bills for unbilled fees and disbursements. Counsel shall review before a bill goes out. You may choose to:
 - Discount my fees ___% in light of the disruption to the client;
 - Not bill any fees less than \$ _____ or disbursements less than \$_____.

11. Accounts Receivable: you may send reminder notices and collect accounts.
12. Accounts payable: please keep sufficient funds to cover them.
13. Use the funds in my practice account to pay the costs of wind-up. If insufficient, obtain funds from my estate. More information might be in my will and POA. Counsel shall be paid (choose one or write your own):
- An honourarium of _____.
 - An hourly rate of _____.
 - No pay, as Counsel may keep files with the clients' consent.
 - Other _____.
14. I do not have:¹
- Any trust account;
 - Any real estate foundation documents;²
 - Any original wills of clients;
 - Will files/instructions including information about capacity.
15. Additional instructions/information
- I have left further instructions and information, including how to access everything needed, on an attached document, (*we recommend you first review our [Succession Planning Checklist](#).*)
16. This plan will be reviewed annually. Any changes will be brought to the attention of the undersigned.
17. In any circumstance where I might reasonably return to practice, you may say so to my clients, but put their interests first by making sure they get timely representation.

We all acknowledge our role. We agree to keep confidential all information about every client, including their identity, to comply with professional obligations and privacy laws.

Executor

POA

Steward who will wind up

Counsel (if different)

Lawyer making plan

¹ If you do have any of these items, or anything else where your obligations will not be met by this sample plan, you need to provide for them, or transfer them to another lawyer now. See our [Guide to Succession Planning](#).

² "foundation documents" means information on which a practicing lawyer relied in support of the exercise of professional judgment in rendering an opinion of title or certificate of legal effect, and includes an abstract of title, searches, documents, notes, survey fabric, or other title information, whether prepared by the lawyer or others and all information required to be kept pursuant to the Land Registration Administration Regulations. *Legal Profession Act Regulation 1.1.1 ma*