

**AMERICAN BAR ASSOCIATION
 CENTER FOR PROFESSIONAL RESPONSIBILITY
 STANDING COMMITTEE ON CLIENT PROTECTION**

**STATE BY STATE CARETAKER RULES WHEN LAWYER
 DISAPPEARS, DIES, OR IS DECLARED INCOMPETENT**

| STATE | RULE | LINK |
|----------------------|--|---|
| ALABAMA | ALABAMA COURT RULES. Rule 29. Appointment Of Trustee Or Supervising Lawyer To Protect The Interests Of A Lawyer And The Lawyer's Clients | http://judicial.alabama.gov/library/rules/disproc29.pdf |
| ALASKA | ALASKA BAR RULES, Rule 31. Alaska Bar Rules. Appointment of Trustee Counsel to Protect Client's Interests | http://courts.alaska.gov/rules/bar.htm#31 |
| ARIZONA | RULES OF THE SUPREME COURT OF ARIZONA, RULE 66. Appointment of Conservator to Protect Client's Interests. | https://govt.westlaw.com/azrules/Browse/Home/Arizona/ArizonaCourtRules/ArizonaStatutesCourtRules?guid=NB3920120715511DA16E8D4AC7636430&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default) |
| ARKANSAS | | |
| CALIFORNIA | | |
| COLORADO | COLORADO COURT RULES OF CIVIL PROCEDURE. CH. 20, Rule 251.32. Protective Appointment of Counsel. | http://www.lexisnexis.com/hottopics/Colorado/ |
| CONNECTICUT | CONNECTICUT PRACTICE BOOK. Sec. 2-64. Appointment of Attorney to Protect Clients' and Attorney's Interests | http://www.jud.ct.gov/Publications/PracticeBook/PB.pdf |
| DELAWARE | Delaware Lawyers' Rules of Disciplinary Procedures, Rule 24. Law Practice Receivers | http://courts.delaware.gov/odc/dlr_dp.stm |
| DISTRICT OF COLUMBIA | Rule XI. Disciplinary Proceedings. Section 15. Protection of Clients' Interests When Attorney Becomes Unavailable | http://www.dcbar.org/about-the-bar/rules-and-bylaws/rule-11.cfm |
| FLORIDA | Rules Regulating the Florida Bar, Rule 1-3.8 | http://www.floridabar.org/divexe/rtfb.nsf/FV/4A31D2835FF12AD685256EA7005B3860 |
| GEORGIA | Rules of the State Bar of Georgia, Chapter 2, Disciplinary Proceedings, Rule 4-219(d), (e) & (f). Judgments and Protective Orders. | http://www.gabar.org/barrules/handbookdetail.cfm?what=rule&id=150 |

| STATE | RULE | LINK |
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| HAWAII | RULES OF THE SUPREME COURT OF HAWAII, Rule 2.20. Trustee Proceedings | http://www.courts.state.hi.us/docs/court_rules/rules/rsch.htm#Rule_2.20 |
| IDAHO | IDAHO BAR COMMISSION RULES, Section V, Rules for Review of Professional Conduct. Rule 519. Protection of Clients' Interests | http://isb.idaho.gov/pdf/rules/ibcr_sec05_discipline.pdf |
| ILLINOIS | ILLINOIS SUPREME COURT RULES. Rule 776. Appointment of Receiver in Certain Cases | https://www.iardc.org/rulesct.html#Rule_776_BCR.pdf https://www.iardc.org/closing_a_law_practice.pdf |
| INDIANA | INDIANA RULES OF COURT, Rule 23. Disciplinary Commission and Proceedings. Section 21. Attorney Surrogates | http://www.in.gov/judiciary/rules/ad_dis/#_Toc477259915 |
| IOWA | IOWA COURT RULES. SECTION III. Professional Regulation. Rule 35.17. Death or Suspension of Practicing Attorney. | https://www.legis.iowa.gov/docs/ACO/CourtRulesChapter/04-30-2015.35.pdf |
| KANSAS | RULES RELATING TO THE DISCIPLINE OF ATTORNEYS. Rule 221. Appointment of Counsel to Protect Client Interests. | http://www.kscourts.org/rules/Rule-Info.asp?r1=Rules+Relating+to+Discipline+of+Attorneys&r2=295 |
| KENTUCKY | RULES OF THE SUPREME COURT OF KENTUCKY. RULE 3.395. Appointment of Special Commissioner to Protect Clients' Interests | http://c.ymcdn.com/sites/www.kybar.org/resource/resmgr/SCR3/SCR_3.395.pdf |
| LOUISIANA | LOUISIANA SUPREME COURT RULES, RULE XIX. Section 27. Appointment of Counsel to Protect Client's Interests When Respondent is Transferred to Disability Inactive Status, Suspended, Disbarred, Disappears or Dies Resolution of the Lawyer's Transition Committee to provide for lawyer designates in case of death or disability | http://www.lasc.org/rules/supreme/RuleXIX.asp |

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| MAINE | <p>MAINE BAR RULES. Rule 7.3(f). Disciplinary Proceedings: Other Provisions, Appointment of a Proxy to Protect Clients' Interests When Attorney is Disabled, Missing, or Deceased</p> <p>Proposed M.Bar R. 1(g)(12) requiring lawyers in private practice to name a proxy counsel.</p> | <p>http://www.maine.gov/tools/what_snew/index.php?topic=mebar_oversseers_bar_rules&id=63330&v=article</p> <p>http://www.mebaroverseers.org/docs/Proposed%20Revised%20Maine%20Bar%20Rules%20-%20206.20.14.pdf</p> |
| MARYLAND | <p>MARYLAND PROCEDURAL RULES. Rule 16-777. Conservator of Client Matters (Substantive changes soon expected)</p> | <p>Rule available on Westlaw.</p> |
| MASSACHUSETTS | <p>SUPREME JUDICIAL COURT RULE 4:01. Section 14. Appointment of Commissioner to Protect Clients' Interests When Lawyer Disappears or Dies, or is Placed on Disability Inactive Status</p> | <p>http://www.mass.gov/obcbbo/rule401.htm#Commissioner</p> |
| MICHIGAN | <p>MICHIGAN COURT RULES, CHAPTER 9. Professional Disciplinary Proceedings, Rule 9.119(G). Conduct of Disbarred, Suspended or Inactive Attorneys</p> | <p>http://courts.mi.gov/courts/michigansupremecourt/rules/pages/current-court-rules.aspx</p> |
| MINNESOTA | <p>RULES ON LAWYERS PROFESSIONAL RESPONSIBILITY. Rule 27. TRUSTEE PROCEEDING.</p> | <p>http://lprb.mncourts.gov/rules/PublishingImages/2014%20Rules%20on%20Lawyers%20Professional%20Responsibility.pdf</p> |
| MISSISSIPPI | <p>MISSISSIPPI COURT RULES. Rules of Discipline for the Mississippi Bar, Rule 11 (d) & (f). Effect of Suspension, Disbarment, Resignation, Incapacity or Death</p> | <p>http://www.mssc.state.ms.us/rules/msrulesofcourt/rules_of_discipline.pdf</p> |
| MISSOURI | <p>MISSOURI SUPREME COURT RULES. Rules Governing the Missouri Bar and the Judiciary. Rule 5.26. Appointment of a Trustee</p> | <p>http://www.courts.mo.gov/courts/ClerkHandbooksP2RulesOnly.nsf/c0c6ffa99df4993f86256ba50057dcb8/8faa45ac2cb81e7486256ca6005211bf?OpenDocument</p> |
| MONTANA | <p>RULES FOR LAWYER DISCIPLINE ENFORCEMENT, Rule 33. Appointment of Trustee to Protect Client Interest When the Lawyer Has Been Disbarred or Suspended</p> | <p>http://www.montanaodc.org/Portals/ODC/RLDE.2005.DeskbookVersion.pdf</p> |
| NEBRASKA | <p>NEBRASKA COURT RULES, CHAPTER 3. Art. 3. Discipline</p> | <p>http://supremecourt.ne.gov/supreme-court-rules/1803/%C2%A7-3-</p> |

| STATE | RULE | LINK |
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| | Procedures For Lawyers. Rule 3-328. Appointment of Trustee | 328-appointment-trustee |
| NEVADA | SUPREME COURT RULES. Rule 118. Appointment of Counsel to Protect Clients' Interest. | http://www.leg.state.nv.us/CourtRules/SCR.html |
| NEW HAMPSHIRE | RULES OF THE SUPREME COURT OF THE STATE BAR OF NEW HAMPSHIRE, Rule 37. Attorney Discipline System. Section 17. Appointment of Counsel to Protect Clients' Interests | http://www.courts.state.nh.us/rules/scr/scr-37.htm |
| NEW JERSEY | NEW JERSEY COURT RULES, Rule 1:20. Discipline of Members of the Bar. Section 19. Appointment of Attorney – Trustee to Protect Clients' Interest | http://www.judiciary.state.nj.us/rules/r1-20.htm |
| NEW MEXICO | New Mexico Supreme Court Rules. Rule 17-231. Appointment of Counsel. | http://www.nmcompcomm.us/nmrules/NMRules/17-213_2-29-2012.pdf |
| NEW YORK | <p>The Monroe County Bar Association has adopted and implemented a program establishing a Confidential Lawyers Registry encouraging them to advance designate a lawyer who agrees to assist clients of deceased, disabled, disbarred, etc lawyers in the transition of their files and matters to competent lawyers should the need arise.</p> <p>See Also, NYSBA publication <i>Planning Ahead</i> which recommends “Designate an Assisting Attorney to manage or close your practice in the event of your disability, incapacity, retirement or death. This may be accomplished by a limited power of attorney, a comprehensive agreement with detailed powers, or a short form authorization and consent form to close or manage a law practice.”</p> | <p>https://www.nysba.org/PlanningAheadGuide/</p> |
| NORTH CAROLINA | RULES AND REGULATIONS. Subchapter B. Discipline and Disability Rules. Section .0122. | http://www.ncbar.com/rules/regulations.asp |

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| | Appointment of Counsel to Protect Clients' Interests When Attorney Disappears, Dies, or Is Transferred to Disability Inactive Status | |
| NORTH DAKOTA | SUPREME COURT RULES, Rule 6.4. Professional Trusteeships. | http://www.ndcourts.com/rules/discipline/frameset.htm |
| OHIO | SUPREME COURT RULES FOR THE GOVERNING OF THE STATE BAR OF OHIO. Rule V. Disciplinary Procedure. Section 8(F). Appointed Attorney to Inventory and Protect Clients. | http://www.supremecourt.ohio.gov/LegalResources/Rules/govbar/govbar.pdf |
| OKLAHOMA | RULES GOVERNING DISCIPLINARY PROCEEDINGS. Chapter 1, App. 1-A Rule 9. Procedure Following Disciplinary Action by Court and Notice Thereof; Winding up of Business of Deceased, Disciplined or Missing Lawyer. Section 9.3. Appointment of Attorneys to Wind up Lawyer's Business. | http://www.oscn.net/applications/OCISWeb/DeliverDocument.asp?CiteID=100641 |
| OREGON | OREGON STATE BAR RULES OF PROCEDURE. Title 3, Special Proceedings. Rule 3.2 Mental Incompetency Or Addiction— Involuntary Transfer To Inactive Membership Status. | https://www.osbar.org/_docs/rulesregs/rulesofprocedure.pdf |
| PENNSYLVANIA | PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT. Subchapter C. Disability and Related Matters. Rule 321. Appointment of Conservator to Protect Interests of Clients of Absent Attorney | http://www.pacode.com/secure/data/204/chapter83/s321.html Proposed Rule Changes Pending: http://www.pabulletin.com/secure/data/vol38/38-33/1482.html |
| RHODE ISLAND | RULES OF DISCIPLINARY PROCEDURE FOR ATTORNEYS. Rule 18. Appointment of Substitute Counsel. | https://www.courts.ri.gov/PublicResources/disciplinaryboard/PDF/Article3.pdf |
| SOUTH CAROLINA | RULES GOVERNING THE PRACTICE OF LAW. Chapter 413. Rules for Lawyer Disciplinary Enforcement. Rule 31 Appointment of Attorney to Protect Clients' Interests When Lawyer is Transferred to Incapacity Inactive Status, Suspended, Disbarred, Disappears or Dies | http://www.sccourts.org/courtReg/displayRule.cfm?ruleID=413.0&subRuleID=RULE%2031&ruleType=APP http://www.sccourts.org/courtreg/ |

| STATE | RULE | LINK |
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| | See also, SC Rule of Professional Conduct. Rule 1.19. Succession Planning | displayRule.cfm?ruleID=407.0&subRuleID=RULE |
| SOUTH DAKOTA | | |
| TENNESSEE | RULES OF THE SUPREME COURT OF THE STATE OF TENNESSEE. Rule 9. Disciplinary Enforcement. Section 22.Appointment of Counsel to Protect Clients' Interests When Their Lawyer Has Been Transferred to Disability Inactive Status, Place on Interim Suspension, Suspended or Disbarred, or Has Disappeared, Abandoned a Law Practice, or Died, or is Alleged to be Disabled or Incapacitated | http://www.tsc.state.tn.us/rules/supreme-court/9 |
| TEXAS | TEXAS RULES OF DISCIPLINARY PROCEDURE. Part XIII. Cessation of Practice. | http://www.texasbar.com/AM/Template.cfm?Section=Ethics_Resources&Template=/CM/ContentDisplay.cfm&ContentID=11069 |
| UTAH | SUPREME COURT RULES OF PROFESSIONAL PRACTICE. Chapter 14. Rules Governing the Utah Bar. Art. 5. Lawyer Discipline and Disability. Rule 14-527. Appointment of Trustee to Protect Clients' Interest When Lawyer Disappears, Dies, is Suspended or Disbarred, or Is Transferred to Disability Status | http://www.utcourts.gov/resources/rules/ucja/ch14/05%20Lawyer%20Discipline/USB14-527.html |
| VERMONT | RULES GOVERNING ESTABLISHMENT AND OPERATION OF THE PROFESSIONAL RESPONSIBILITY PROGRAM. Rule 24. Appointment of Counsel to Protect Clients' Interest | https://www.vermontjudiciary.org/LC/Shared%20Documents/Supreme%20Court%20Administrative%20Order%20No.%209%20and%20Rules_AmendmentsthroughOctober%2031_2011.pdf |
| VIRGINIA | CODE OF VIRGINIA§ 54.1-3900.01. Protection of client interests; appointment of receiver for practice of a disabled, impaired, absent, deceased, suspended or disbarred attorney. | http://leg1.state.va.us/000/cod/54.1-3900.01.HTM |
| WASHINGTON | WASHINGTON STATE COURT RULES: RULES FOR ENFORCEMENT OF LAWYER | http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=ELC&ruleid=gaelc07 |

| STATE | RULE | LINK |
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| | CONDUCT. Title 7. Interim Procedures. ELC 7.7. Appointment of Custodian to Protect Clients' Interests | 07.07 |
| WEST VIRGINIA | RULES OF LAWYER DISCIPLINARY PROCEDURE. Rule 3.29. Appointment of Counsel to Protect Clients' Interests. | http://www.wvdc.org/3hear.html#3 |
| WISCONSIN | SUPREME COURT RULES. Chapter 12. Client Protection. Rules 12.01-12.03. | http://www.wicourts.gov/sc/scrules/DisplayDocument.pdf?content=pdf&seqNo=79759 |
| WYOMING | DISCIPLINARY CODE FOR THE WYOMING STATE BAR. Rule 23. Protection of Client Interests. | https://www.wyomingbar.org/for-lawyers/attorney-surrogate-designation/ |

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