

**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.dcbbar.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
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#Rule2.20
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#Rule776BCR.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/index.html#r23
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

STATE	RULE	LINK
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-%20%206.20.14.pdf</p>
MARYLAND	MARYLAND PROCEDURAL RULES. Rule 16-777. Conservator of Client Matters (Substantive changes soon expected)	Rule available on Westlaw.
MASSACHUSETTS	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	http://www.mass.gov/obcbbbo/rule401.htm#Commissioner
MICHIGAN	MICHIGAN COURT RULES, CHAPTER 9. Professional Disciplinary Proceedings, Rule 9.119(G). Conduct of Disbarred, Suspended or Inactive Attorneys	http://courts.mi.gov/courts/michigansupremecourt/rules/pages/current-court-rules.aspx
MINNESOTA	RULES ON LAWYERS PROFESSIONAL RESPONSIBILITY. Rule 27. TRUSTEE PROCEEDING.	http://lprb.mncourts.gov/rules/PublishingImages/2014%20Rules%20on%20Lawyers%20Professional%20Responsibility.pdf
MISSISSIPPI	MISSISSIPPI COURT RULES. Rules of Discipline for the Mississippi Bar, Rule 11 (d) & (f). Effect of Suspension, Disbarment, Resignation, Incapacity or Death	http://www.mssc.state.ms.us/rules/msrulesofcourt/rules_of_discipline.pdf
MISSOURI	MISSOURI SUPREME COURT RULES. Rules Governing the Missouri Bar and the Judiciary. Rule 5.26. Appointment of a Trustee	http://www.courts.mo.gov/courts/ClerkHandbooksP2RulesOnly.nsf/c0c6ffa99df4993f86256ba50057dcb8/8faa45ac2cb81e7486256ca6005211bf?OpenDocument
MONTANA	RULES FOR LAWYER DISCIPLINE ENFORCEMENT, Rule 33. Appointment of Trustee to Protect Client Interest When the Lawyer Has Been Disbarred or Suspended	http://www.montanaodc.org/Portals/ODC/RLDE.2005.DeskbookVersion.pdf
NEBRASKA	NEBRASKA COURT RULES, CHAPTER 3. Art. 3. Discipline	http://supremecourt.ne.gov/supreme-court-rules/1803/%C2%A7-3-

STATE	RULE	LINK
	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

STATE	RULE	LINK
	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
	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
	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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