

Administrator Checklist:

Guidelines for the effective administration of client contingency plans

1. BEFORE BEING APPOINTED



- Review the contingency planning requirements in [By-Law 7.1](#) and ensure you understand your role and responsibilities. If you have questions, contact the [Practice Management Helpline](#).
- Consult with the Planning Licensee about their professional business to gain a better understanding of the work required to effectively carry out your duties. This may include gathering information about the Planning Licensee's:
 - office, work arrangement, location, and years in operation
 - computer system, software applications, security protocols, and password management
 - practice or file management systems and policies
 - range of legal services provided across their practice area(s)
 - internal processes to ensure client contact information and file status is current
 - whether a trust account is maintained for handling client funds
 - type and volume of client property in their possession and where it is located
- Reflect on your relationship with the Planning Licensee considering communication styles, professional rapport, and level of trustworthiness and reliability.
- Use the information gathered above to assess your readiness to be an Administrator and ensure you can fulfill your duties without compromising your existing practice. In conducting this self-assessment, consider other relevant factors including your knowledge of trust accounts and the Law Society's requirements under [By-Law 9](#).
- Discuss with the Planning Licensee any measures they could implement to facilitate your role in winding up their professional business (e.g., improving file organization, digitizing client lists, maintaining a current active file tracking chart, etc.).
- Ask the Planning Licensee if and how you will be compensated for your role and if you will be taking the required steps or supporting a non-licensee steward in winding-up your business.



2. AFTER BEING APPOINTED

- Review the Planning Licensee's Client contingency plan and ensure you understand what is required. It is recommended that you provide your consent to the appointment in writing.
- Execute any documents required to facilitate your role as Administrator including a continuing power of attorney for property (law or legal services practice).
Template: [Sample Continuing Power of Attorney for Property \(Law or legal services practice\)](#)
- Inform your staff, partners, and family members of your appointment and share the contact information for the Planning Licensee in the event you become incapable of being an Administrator.
- Connect with the Planning Licensee at least once a year to discuss any changes to the plan and to maintain a continuing professional relationship.
- Retain a copy of the Planning Licensee's plan, including any related documents, in a safe but accessible location. Consider storing it in a physical and electronic location.



3. WHEN THE PLAN IS ACTIVATED

- Notify the Law Society's Trustee Services department of the Planning Licensee's change in status and that you are the appointed Administrator by logging into your own [LSO Connects](#) account and submitting a General Inquiry Form.
- Notify the Planning Licensee's professional liability insurer(s) of the Planning Licensee's change in status and that you are the appointed Administrator.
- As soon as possible, attend at the Planning Licensee's practice, or access their digital files, to secure all business and client files and property.
- Locate and review the Planning Licensee's active file tracking chart (or another similar document) to identify client matters that need immediate attention. **To prevent any potential conflict of interest, avoid reviewing actual client files or documents.**
- Notify active clients according to the priority specified in the Planning Licensee's active file tracking chart (or another similar document) that the Planning Licensee cannot complete their retainer. Obtain instructions from each client on whether to return their file, trust funds, and other property to them, or transfer them to a successor licensee of their choosing. You should confirm these instructions in writing and have clients acknowledge receipt of any returned files.

Templates: [Sample letter from Administrator to Planning Licensee's active clients](#)
[Sample direction to transfer client files, funds, or other property](#)

[Sample client request for file, funds, or other property](#)

[Sample client acknowledgement of receipt of files, funds, or other property](#)

- Unless you and the Planning Licensee have a more comprehensive plan to transfer the Planning Licensee's business and clients to you, **refrain from providing legal advice to clients** on their matters. This does not prohibit you from informing clients about significant timelines or impending deadlines that may impact their interests, if this information is included in the Planning Licensee's active file tracking chart (or another similar document). You can also refer them to a successor licensee or the [Law Society Referral Service](#). **Note:** If you will be receiving a fee for the referral of any of the Planning Licensee's active clients you must comply with the Law Society's [referral fee requirements](#).
- Notify the Planning Licensee's financial institution of their status. Provide the financial institution with a copy of the power of attorney or other documents executed to facilitate your access to the Planning Licensee's trust accounts.
- Return client funds in accordance with [By-Law 9](#) and on the instructions of clients. Ensure you maintain the [required records](#). If you need assistance understanding the trust account requirements, consider reviewing the Law Society's [Trust accounts](#) resource and contacting the [Practice Management Helpline](#) for guidance.

Resource: Sample books and records ([Lawyers](#) and [Paralegals](#))

- If, despite reasonable efforts, you are unable to access the Planning Licensee's bank accounts to fulfill your duties under their plan, contact the Law Society's Trustee Services department by submitting a General Inquiry Form via [LSO Connects](#). Upon notification, you will receive a signed letter from Trustee Services to present to the Planning Licensee's financial institution to help gain access to their trust accounts. You should also complete and execute an undertaking specific to the Planning Licensee's trust funds.

Examples: [Example Trustee Services letter to Planning Licensee's financial institution](#)
[Sample Undertaking by Administrator re Planning Licensee's trust account](#)

- If you are unable to obtain instructions from the client regarding the return of their file and trust funds, you must persist in your efforts to contact them and continue to safeguard their property. If despite these efforts, you are unable to reach the client, contact the Trustee Services department by logging into your own LSO Connects account and submitting a General Inquiry Form.
- Comply with any other arrangements you and the Planning Licensee have agreed to under the plan.
- Keep detailed notes of all steps taken to fulfill your duties and responsibilities as Administrator.
- Where applicable, cooperate with the Planning Licensee's estate trustee by providing information and access to documents the estate trustee requires to fulfill their legal and administrative obligations.