

# Planning Licensee Checklist:

## Guidelines for appointing an Administrator and developing a compliant client contingency plan



### 1. BEFORE DEVELOPING A PLAN

- Review the client contingency planning requirements in [By-Law 7.1](#) and ensure you understand what is required. If you have questions, contact the [Practice Management Helpline](#).
- Create a list of licensees you would consider for the role of Administrator. Ideally, this person should be someone you trust with some knowledge of your practice (e.g., a peer from law or paralegal school, a past co-worker or colleague from another firm, a mentor or advisor, a fellow member of a professional association, etc.).
- Determine whether you will compensate your Administrator for their role. You should also decide if the Administrator will personally handle the required tasks, or if they will oversee a non-licensee steward (e.g., employee, family member, partner, etc.) in executing their responsibilities.
- Reach out to the licensees on your list and determine which licensee(s) you would like to appoint as your Administrator (and alternate Administrator, if appropriate) and obtain their consent to the appointment. As a best practice, you should obtain the consent in writing or confirm it in writing. Consider referring the Administrator to the Law Society's [Client contingency planning](#) resources and [Administrator Checklist](#).
- If you are unable to identify an Administrator after making reasonable efforts, contact Trustee Services for support via [LSO Connects](#) by completing and submitting their General Inquiry Form.
- To help prepare your plan and facilitate the Administrator's role, review your practice policies and procedures and ensure you have or develop the following:
  - An office manual outlining the key processes in your firm and important information relating to the operation of your professional business.  
**Templates:** [Office manual and policies](#)  
[Office manual template](#)  
[6 must-have sections in your office manual](#)
  - A system for opening, closing, organizing, and destroying client files.  
**Resources:** [Guide to closing, retaining, and destroying client files](#)  
[File management tp<sup>2</sup> podcast](#)

- A complete list of active and closed client files with up-to-date contact information. Ensure your active file tracking chart or similar document includes key deadlines, identifies client property, specifies the current trust balance for each client, and outlines next steps. To support your Administrator, consider listing active client files in order of priority or indicating their priority level in your tracking chart.

**Templates:** [Active file tracking chart](#)  
[Closed file tracking chart](#)

- A process for confirming your retainer in writing with the client and documenting your files. Consider including the details of your client contingency plan in your retainer. **Resources:** [Retainers and non-engagement letters](#)

**Templates:** [Checklist for retainer agreements and engagement letters](#)  
[Instructions for file opening worksheet](#)  
[File opening worksheet](#)

- A system or process for keeping your bookkeeping and accounting records up to date as well as your time and billing records. This includes a record of any original client property that you are safeguarding (e.g., wills, will indices, power of attorney, minute books, etc.) and any valuable property held in trust for clients (e.g., stocks, jewelry, etc.).

**Resources:** [The Bookkeeping Guide](#)  
Sample books and records ([Lawyers](#) and [Paralegals](#))

- An organized and secure method for tracking all hardware and software utilized in your professional business, including the corresponding access credentials and passwords.

**Resources:** [Passwords tp<sup>2</sup> podcast](#)

- Contact your financial institution to advise that you are preparing a client contingency plan. Ask about the steps or documents required to ensure the Administrator can access your bank accounts and return client trust funds. Consider discussing with your financial institution whether the below template prepared by the Law Society is sufficient or if further documentation is required.

**Template:** [Sample Continuing power of attorney for property \(Law or legal services practice\)](#)



## 2. WHEN DEVELOPING A PLAN

- Consider using the Law Society's [Client contingency plan template](#) to create your plan or to update your existing plan to comply with the minimum contingency planning requirements. Use of the template is optional. If you are developing your plan ensure it contains all the information required in [By-Law 7.1](#).
- At a minimum, ensure the plan requires the Administrator to carry out the following tasks:
  - Notify the Law Society and your professional liability insurer that you are no longer able to practice, temporarily or permanently, and that they have been appointed Administrator for your professional business.
  - Inform active clients that you are no longer able to complete their retainers and seek instructions from the client regarding the return or transfer of their files, including any client property, and
  - Attempt to access your trust account(s) to return trust funds to clients as directed by them.
- Where applicable, ensure your plan contains information on and the location of and means of obtaining possession or control of all property that is or should be in your control including:
  - professional business property (e.g., office space address, lease/rental/mortgage agreements, service providers, suppliers, etc.).
  - active and former client property (e.g., client files and documents, original property, valuable client property, etc.).
  - all trust and other accounts of which you are the holder (e.g., mixed trust account, e-reg trust account, separate-interest bearing trust account) in connection with your professional business, clients, or other professional capacity including:
    - an estate for which you are or were the executor, administrator, or administrator with the will annexed
    - a trust of which you are or were the trustee
    - a guardianship under which you are or were a guardian
- Evaluate the unique aspects of your professional business to determine if there are additional steps you would like your Administrator to take for the orderly wind-up of your practice.

*For example, if you have a litigation practice, it would be prudent to discuss with your Administrator what specific steps you would like them to take to manage your duties to the court or tribunal in your absence (e.g., notifying the court and opposing legal representative of your status change).*

### 3. AFTER THE PLAN IS DEVELOPED



- Review your client contingency plan to ensure it complies with the minimum requirements, contains all required information, and reflects the agreement you have with your Administrator.
- Provide a copy of your plan to the Administrator for secure storage.
- Ensure the plan and any related documents are stored securely but remain accessible. Consider using a combination of physical and electronic secure locations.
- Inform at least one other trusted individual of the storage location of your plan and how to access the plan in case they need to retrieve it.
- Notify your staff, family, partners, estate trustee, or other relevant persons about the existence of your plan and the procedures to be followed upon its activation.
- Review the plan at least once a year to ensure it remains up to date and accurately reflects any changes in your law or legal services practice. It is advisable to schedule a reminder for this review in your calendaring or tickler system. If any changes are made, provide an updated copy of the plan to your Administrator.
- Stay in contact with your Administrator. At a minimum, consider scheduling an annual check-in meeting to provide updates, and discuss any changes to the plan or your professional business.