

SUDDEN HEALTH CRISIS SUCCESSION PLAN

By William C. Gentry, Esq.

In 2016, then State Bar of Georgia President Pat O'Connor appointed me and Darrell Sutton to chair the newly formed Aging Lawyers Task Force (ALTF). Our primary mission was to explore ways to blunt the impact on the public of the anticipated sharp spike in cognitively impaired aging Baby Boomer lawyers.

The ATLF soon morphed into the State Bar's Senior Lawyers Committee (SLC), an ad hoc committee which has been recommissioned each year by every succeeding State Bar President.

The SLC's first task was to address succession planning by creating the so-called "dues checkoff" on each Georgia lawyer's annual membership renewal form. This is a voluntary project in which each State Bar member is asked first to counsel with and then to designate one or two other State Bar of Georgia members who can step in and help transition the lawyer's practice and clientele in the event of the lawyer's sudden absence from the practice of law, whether by death, disability, or otherwise. The primary focus of this project is on assisting sole practitioners in private practice who may not otherwise have made arrangements for such a possibility. However, all lawyers have been invited to participate in this program, and well over half of sole practitioners have made this important designation.

The SLC's most recent project has been the creation of Sudden Health Crisis Succession Plan (SHCSP) portal on the State Bar's website:

<https://www.gabar.org/attorneyresources/succession.cfm>. This project continues the SLC's work to help lawyers plan for a better exit from the practice of law in a way that minimizes the impact of the lawyer's departure from practice on their clientele as well as their employees and families.

The SHCSP portal is divided into two primary sections. The first section is designed with resources to help lawyers plan in advance for a possible sudden exit from the practice of law. Much like buying insurance in advance of a catastrophic loss, creating such a plan will help smooth the transition on the lawyer's clients, staff, and family members if and when such an incident occurs.

The other main section of the portal is designed to help guide the Disabled Lawyer's staff and family through the process of closing down and transitioning the Disabled Lawyer's practice in the event that the lawyer had failed to create an sudden health crisis exit plan from the practice of law in advance of the lawyer's untimely exit from the practice.

For those helping close down and transition the Disabled Lawyer's practice, the SHCSP contains step-by-step instructions and checklists as well as goal-focused commentary about the process. In summary, the goal of those helping close down the practice of the Disabled Lawyer ("Helpers") is to preserve claims or defenses of the Disabled Lawyer's clients as well as expeditiously collecting all monies owed to the Disabled Lawyer's firm refunding or moving to new lawyers any other funds which were on deposit in the Disabled Lawyer's escrow account on behalf of existing clients. The Helpers for the Disabled Lawyer also must reassure the office staff, especially the one or two people with the most knowledge of the workings of the firm and the clients' cases, that they will be compensated for a reasonable period of time after the Disabled Lawyer's sudden health crisis to help in transitioning the clients' cases and perhaps to preserve any value of the Disabled Lawyer's practice for the family.

In creating the SHCSP portal, the SLC's goal is to *strongly* encourage lawyers, especially sole practitioners, to create their own sudden health crisis succession plan with resources that can

be tailored to each such lawyer's particular circumstances. However, failing that, the SHCSP will guide the Disabled Lawyer's employees and family through this unpleasant process.

If you would like further information, please feel free to reach out to me at the following contact information:

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