

What to do if Your Attorney Dies, Disappears, or Becomes Disabled, Suspended, or Disbarred

Important legal rights may be compromised when a client is not able to contact their attorney in a reasonable amount of time. The following suggestions may help you protect your rights and ensure that your legal matter is handled appropriately.

1. Finding Your Client File or Documents

- If the attorney has disappeared, check to see if the attorney has relocated:
 - Check the State Bar of Texas [Find A Lawyer](#) page, input your attorney's name, and see if the attorney's address has changed. If so, contact the lawyer at the new location.
 - If the information listed on the State Bar of Texas Find A Lawyer page has not changed, contact the State Bar of Texas Law Practice Management department at lpm@texasbar.com to find out if your attorney named another attorney to assume responsibility for contacting clients to return the files or client funds in the event that they became unable to practice law.
 - If the attorney has not provided the State Bar of Texas with new contact information, contact the building supervisor or landlord of the attorney's office building to determine if the attorney left a forwarding address.
 - If the building supervisor or landlord does not know where the attorney is but the attorney has not moved out, ask to retrieve your file or have them retrieve your file from the attorney's office.
 - As the attorney's client, you own your file and are entitled to receive your property if it's in the attorney's former office or if the landlord has possession of the file.
 - Also send a letter, certified mail return receipt requested, to the attorney's office. If the attorney has left a forwarding address with the United States Postal Service (USPS), it will be delivered to the attorney's new address. If not, it will be returned to you as undeliverable. You may need to check the USPS website for the location of the delivery.
- If the attorney has died or become incapacitated:
 - Contact the State Bar of Texas Law Practice Management department at lpm@texasbar.com to determine if your attorney named another attorney to close the office and agreed to assume responsibility for contacting clients to return the files or client funds,
 - Determine who is the executor or administrator of the estate, or
 - Contact the building supervisor, landlord, or other tenants in the attorney's office building.
- If the attorney has been suspended or disbarred:
 - An attorney who has been suspended or disbarred is normally ordered to notify clients and return any client files and unearned fees. If the attorney does not notify you, then follow procedures suggested in other sections of this checklist.

- If you are unable to obtain your file or locate the attorney:
 - You can file a petition in the district court in the county of the attorney's residence asking the court to assume jurisdiction over the attorney's law practice. A petition is a written request asking the court to take action.
- If you are looking for an original will and have not been able to locate the attorney or client file that has the will:
 - Contact the county clerk in the county in which the person lived to see if it was recorded with the county clerk, which is allowed under Section 252.001 of the Texas Estates Code. It is not commonly done, but it is worth checking.

2. Protecting Your Rights and Hiring a New Attorney

- Protect Your Legal Rights: You may lose important legal rights in your case if you delay finding another lawyer too long.
 - Contact a lawyer to determine what legal rights you may have regarding your case and your lawyer.
 - Contact the court to determine if there are any pending court dates of which you are not aware and notify the court of the situation in writing.
 - Request a continuance of any court settings. "Requesting a continuance" means that you may need to ask the court to reset any court dates to a later date.
 - If you have not been able to locate your client file, make copies of all documents that have been filed with the court in your case.
- Hire a new attorney immediately if your case is not yet closed and:
 - You have not been able to locate your attorney.
 - Your attorney has been suspended or disbarred or has become incapacitated.
 - Your attorney has died.
- If Your Legal Matter Includes a Court Case, your new attorney will need to file a Notice of Substitution of Counsel with the court.
- If Your Legal Matter Does Not, or Does Not Yet, Involve a Court Case, your new attorney will need to notify opposing attorneys or the opposing parties of the situation, as appropriate.

3. How to Obtain a Refund of Unearned Fees You Paid the Attorney

- If someone has been appointed or designated to sign checks on the attorney's trust account, ask them to return any unearned fees to you.
- If the attorney has died and there is an administrator or executor of the estate, contact that person and file a claim against the estate.
- If your attorney has not died, you can file a grievance with the Office of Chief Disciplinary Counsel, State Bar of Texas. See Section 4 on Taking Action Against Your Attorney.
- Based on the circumstances, you may be eligible for payment from the Client Security Fund. Request a brochure describing eligibility and requirements from the State Bar of Texas in writing to P.O. Box 12487, Austin, Texas 78711-2497 or by calling 877-953-5535.

4. Taking Action Against Your Attorney

- ❑ Illegal Activity: If you believe your attorney engaged in illegal activity, report the conduct to the proper authorities (police, county attorney, and/or district attorney) in the county where the conduct occurred.
- ❑ Contact the State Bar of Texas Client-Attorney Assistance Program (CAAP) at 800-932-1900 or 800-204-2222, ext. 1790 to request their assistance. CAAP's goal is to facilitate communication and foster productive dialogue between Texas lawyers and their clients in an effort to assist them in resolving minor concerns, disagreements, or misunderstandings that are impacting the attorney-client relationship. CAAP helps thousands of people every year resolve problems with their lawyers, and offers services in Spanish, Thai, and Laotian.
- ❑ File a grievance with the Office of Chief Disciplinary Counsel at the State Bar of Texas, P.O. Box 12497, Austin, Texas 78711-2487. Grievance forms are available on the State Bar of Texas website or you may call 800-204-2222, ext. 1350.

Related Documents

- [Request for File](#)
- [Authorization for Transfer of Client File](#)
- [Acknowledgement of Receipt of File](#)