The Florida Bar

INVENTORY LAWYER MANUAL

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PREFACE

The Florida Bar created this manual to be available to each inventory lawyer assigned to an inventory proceeding. This manual is intended to acquaint all interested individuals with the inventory rules and procedures of The Florida Bar. This manual is intended only to be a guide and a starting point for persons appointed or interested in determining the requirements of the inventory lawyer procedures. The Florida Bar makes no warranties about the manual’s content. Suggestions for changes or additions to the manual are welcome.

WORD versions of the attached forms are available on request via email at invatty@floridabar.org as well as from The Florida Bar’s branch offices.

CAVEAT: Because the Rules Regulating The Florida Bar are amended periodically, readers of this manual are urged to consult the current Rules Regulating The Florida Bar at www.floridabar.org.

RULE REGULATING THE FLORIDA BAR 1-3.8 RIGHT TO INVENTORY

(a) Appointment; Grounds; Authority. Whenever a lawyer is suspended, disbarred, becomes a delinquent member, abandons a practice, disappears, dies, or suffers an involuntary leave of absence due to military service, catastrophic illness, or injury, and no partner, personal representative, or other responsible party capable of conducting the lawyer’s affairs is known to exist, the appropriate circuit court, on proper proof of the fact, may appoint a lawyer or lawyers to inventory the files of that lawyer (“the subject lawyer”) and to act as necessary to protect the interests of the subject lawyer’s clients.

(b) Maintenance of Confidentiality. Any lawyer appointed to inventory a subject lawyer’s files must not disclose any information contained in the inventoried files without the consent of the client to whom the files relate except as necessary to carry out the order of the court that appointed the lawyer to make the inventory. Lawyers appointed to inventory files may seek a protective order from the appropriate court or take other action necessary to protect confidential information of the subject lawyer’s clients.

(c) Status and Purpose of Inventory Lawyer. Nothing in this rule creates the duties or obligations of a lawyer-client, fiduciary, or other relationship between a lawyer appointed to inventory a subject lawyer’s files and the subject lawyer’s clients except for those duties and obligations specifically set forth in this rule and those duties and obligations inherent in the specific tasks undertaken by the inventory lawyer. The purpose of appointing an inventory lawyer is to avoid prejudice to the subject lawyer’s clients and, as a secondary result, prevent or reduce claims against the subject lawyer.

(d) Designation of Inventory Lawyer. Each member of the bar who practices law in Florida must designate another member of The Florida Bar who has
agreed to serve as inventory lawyer under this rule except that no designation is required with respect to any portion of the member’s practice as an employee of a governmental entity. When the services of an inventory lawyer become necessary, an authorized representative of The Florida Bar will contact the designated member and determine the member’s current willingness to serve. The designated member is not under any obligation to serve as inventory lawyer.

OVERVIEW

Rule 1-3.8 requires all members of The Florida Bar to designate an inventory lawyer to wind up a lawyer’s practice in the event the lawyer becomes unable to practice, e.g., due to death, disability, or disbarment. Normally, there will be a responsible party capable of conducting the lawyer’s affairs who will act as needed, making it unnecessary for The Florida Bar or the courts to intervene. For example, the affairs of a lawyer employed at a law firm with more than one member will ordinarily be wound up by the law firm; a lawyer’s personal representative or the personal representative’s lawyer may sell the practice or wind up the practice through the estate. Thus, the rules do not contemplate seeking the formal appointment of an inventory lawyer through Rule 1-3.8 except in extraordinary circumstances.

When the services of an inventory lawyer become necessary, an authorized representative of The Florida Bar will contact the designated member and determine the member's current willingness to serve. Bar counsel or the proposed inventory lawyer then will file a petition for appointment of inventory lawyer (Form 1, attached) with the Chief Judge in the judicial circuit where the subject lawyer’s practice is located. A judge will be assigned to preside over the case and an order appointing the inventory lawyer will be issued (Form 2). Staff Counsel, bar counsel, and the subject lawyer's representative must receive notice of all pleadings and orders.

It is important to remember that the inventory lawyer does not become counsel to the clients of the subject lawyer’s practice. While the client(s) and the inventory lawyer can agree to representation by mutual consent, the role of the inventory lawyer is to close out the practice by notifying clients and taking steps to return client files and funds to appropriate parties. On appointment, the inventory lawyer should compile a list of the active cases so that clients can be notified of the need to obtain new counsel and the availability of their file. The inventory lawyer notifies each active client of the appointment by sending a notification letter (Form 3) along with a Request for File Disposition (Form 4) to be completed by the client and returned to the inventory lawyer. The inventory lawyer must review the files under Florida Bar Ethics Opinion 81-8 before seeking an order of destruction.

The inventory lawyer can apply for an injunction freezing the bank accounts of the subject lawyer or for necessary writs.

The inventory lawyer must file an initial report with the circuit court (Form 5).

The inventory file may be closed by filing the Final Report of Inventory Lawyer.
and Petition for Discharge (Form 7) and a proposed order of discharge (Form 9) only after each client of the subject lawyer has been notified; their files have been distributed to them or they have declined to receive their files; they cannot be located or they fail to respond to the notification; and funds have been delivered to the rightful owner.

Operating and Trust Account Funds

Part of the responsibility of an inventory lawyer requires disposition of funds. Money that is properly in the subject lawyer’s operating account generally belongs to the subject lawyer or the deceased subject lawyer’s estate. If appropriate, the inventory lawyer may seek an order authorizing reimbursement of documented costs expended for the inventory matter from the operating account. Money properly in the trust account does not belong to the subject lawyer. Before disbursing any funds from the trust account, the inventory lawyer must contact the Florida Bar Clients’ Security Fund and determine whether any claims already have been paid in connection with the subject lawyer. This will ensure no double payments are made on the same claim. When the rightful owner of funds in the trust account can be identified, a court order should be sought providing authority to disburse the funds to the rightful owner. If there are insufficient funds in the trust account to fulfill all trust obligations, a court order should be sought providing for pro rata distribution. If, after due diligence, the inventory lawyer cannot locate the rightful owner or cannot identify the rightful owner of the funds, then the inventory lawyer should obtain a specific order directing that the money to be disbursed to the Florida Department of Financial Services, Division of Unclaimed Property under rule 5-1.1(i) and Chapter 717, Florida Statutes. The telephone number for the abandoned property section is (850) 410-9000 or 1-888-258-2253, Florida Department of Financial Services, Division of Unclaimed Property.

Rule Regulating The Florida Bar 5-1.1(i) states:

Unidentifiable Trust Fund Accumulations and Trust Funds Held for Missing Owners. When a lawyer’s trust account contains an unidentifiable accumulation of trust funds or property, or trust funds or property held for missing owners, the funds or property must be designated as unidentifiable or held for missing owners. The lawyer must make a diligent search and inquiry to determine the beneficial owner of any unidentifiable accumulation or the address of any missing owner. If the beneficial owner of an unidentified accumulation is determined, the funds must be properly identified as trust property in the lawyer’s possession. If a missing beneficial owner is located, the trust funds or property must be paid over or delivered to the beneficial owner if the owner is then entitled to receive the funds or property. Trust funds and property that remain unidentifiable and funds or property that are held for missing owners must be disposed of as provided in applicable Florida law after diligent search and inquiry fail to identify the beneficial owner or owner’s address.
Inventory Lawyer Checklist

The purpose of this checklist is to provide general information as to practical steps for the inventory lawyer to follow. It specifically does not address legal issues, such as malpractice insurance or probate matters. The checklist is located on the bar’s website [www.floridabar.org](http://www.floridabar.org).

On identification of an appropriate need, seek appointment as inventory lawyer by petitioning for appointment with the Chief Judge in the circuit where the subject lawyer practiced law. Copy Staff Counsel of The Florida Bar and bar counsel on the petition requesting appointment by emailing a copy to [invatty@floridabar.org](mailto:invatty@floridabar.org). In many instances, these matters are not handled through the Clerk of Court. Bar counsel in the appropriate branch can provide guidance.

1) On receipt of the order of appointment, determine whether a date has been set for filing the Initial Report of Inventory Lawyer. If so, calendar this date as well as the due dates for future periodic reports. Avoid mentioning confidential lawyer-client matters in your reports.

2) If a probate matter is pending for a deceased lawyer, coordinate your actions with the decedent’s personal representative.

3) Identify any active cases. Former law firm employees may be helpful in locating a list of active clients and the upcoming calendar. Notify clients of your appointment as inventory lawyer and of their need to seek new counsel. Return files to the clients, at their expense, so that they can seek new counsel. It may be appropriate to notify courts with active cases of the unavailability of the subject lawyer.

4) Identify law office bank accounts, including trust accounts and fiduciary accounts, as well as safe deposit boxes, and review records to identify appropriate disposition of funds and property. It may be prudent to freeze the subject lawyer’s law office accounts or to transfer the funds to the inventory lawyer’s accounts to safeguard them. Generally, no disbursements from operating or trust accounts should be made absent court order. In a case where inadequate records make it impossible to determine the appropriate disposition of the funds, you should seek a court order to direct you to disburse the funds to the Florida Department of Financial Services, Division of Unclaimed Property.

5) The inventory lawyer will incur expenses such as mailing or storage costs. Generally, the subject lawyer is responsible for these costs, and it is appropriate to seek payment from sources such as the subject lawyer’s estate or operating account. In rare instances, the bar may be able to provide reimbursement. Please note that bar counsel’s specific prior approval is required. If authorized, please provide invoices to your bar counsel on at least a monthly basis.

6) Once immediate client needs have been met, it is appropriate to consider disposition of the subject lawyer’s law office, furniture, and office equipment. Again, it is always best to coordinate matters with the estate, if any, and to seek a court order authorizing disposition of property after a detailed report of the inventory lawyer.

7) Review closed client files to determine if they contain any original documents, such as original wills, or other client property where the loss would prejudice a former client of the subject lawyer. Remove and attempt to return all such documents to their owners.
Seek a court order to permit disposition of the rest of the closed client files. Shredding assistance is available from the bar.

8) In some cases, it may be appropriate for the inventory lawyer to retain original matters from client files for a defined or an indefinite period. If so, the order terminating the appointment of inventory lawyer should note this.
FREQUENTLY ASKED QUESTIONS FOR INVENTORY LAWYERS

Q 1. A client/third party is demanding that I release funds over which they claim ownership from the trust account. I have not yet completed a full accounting nor acquired authorization from the court to release the funds. Can I pay them?

It is inappropriate to release any funds until a full accounting has been made to assure that adequate funds exist to satisfy all claims. Once the inventory lawyer can represent to the court that a full account has been made, the inventory lawyer may seek court authorization to disburse the funds.

Q 2. The bank will not honor the order appointing me as inventory lawyer. What should I do?

Contact the bar counsel to have a staff investigator speak to the bank representatives and explain the inventory process.

Q 3. During the inventory process, I have found personal belongings and non-client related business paperwork owned by the lawyer for which I am serving as inventory lawyer. What should I do with them?

If the subject lawyer is still living, or if there is a guardian, personal representative or heir, the items can be delivered to that person. It may be prudent to note this in the inventory lawyer report, seek court authorization before the delivery, and obtain a receipt.

Q 4. I need clerical/moving/etc. assistance to complete the inventory process and the subject lawyer has funds remaining in the operating account sufficient to cover these expenses. May I use the funds for this purpose?

Yes, if your accounting shows the funds in the operating account belong to the subject lawyer, not clients, and you obtain court authorization first.

Q 5. I cannot find the client/third party so that I can send the funds/property to that person. What should I do?

The bar’s staff investigators may be able to assist you with this matter. Please contact bar counsel.
Q 6. The subject lawyer left no records regarding a trust account. I do not even know what bank they used or if they had a trust account. What should I do?

Bar counsel can contact The Florida Bar Foundation and determine whether it has any information regarding an IOTA trust account. Please contact bar counsel.

Q 7. Is it really necessary to go through every closed client file before destruction? This is overwhelming.

Please see the bar’s Ethics Department’s information packet on closed files on the bar’s website. Also check any agreements made with the client as to file retention.

Q 8. Can I close the inventory matter if I still need to hold files for a certain period of time?

Yes, the court order discharging you as inventory lawyer can specify that you will continue to hold the files for a certain period of time.

Q 9. The inventory lawyer rule contemplates payment of inventory lawyers by the bar. May I, as inventory lawyer, be paid for my services?

Please consult with bar counsel. Funds to reimburse inventory lawyers for their services are extremely limited and only available with prior specific written approval.
FORM 1

FILED BY BAR COUNSEL FOR THE FLORIDA BAR OR THE PROPOSED INVENTORY LAWYER

IN THE CIRCUIT COURT OF THE ________________ JUDICIAL CIRCUIT
IN AND FOR ______________________ COUNTY, FLORIDA

In Re:

THE FLORIDA BAR,

            Petitioner,    Circuit Court Case No. _____________
            Florida Bar File No. _______________

[SUBJECT LAWYER NAME],

            A __________________ [disbarred, deceased, suspended, etc.] lawyer.
            ________________________________/

PETITION FOR APPOINTMENT OF INVENTORY LAWYER

(The Florida Bar OR Proposed Inventory Lawyer) brings this Petition for Appointment of Inventory Lawyer and says:

1. This Court has jurisdiction to entertain this petition and over the petition’s subject matter under Rule 1-3.8, Rules Regulating The Florida Bar.

2. [Subject Lawyer’s Name] (subject lawyer) is a member of The Florida Bar and subject to the jurisdiction of this Court.

(OPTIONAL PARAGRAPHS, choose appropriate one):
3. Subject lawyer has been [disbarred/suspended, etc.] as of [enter date of order], by the Supreme Court of Florida.

[OR]

4. Subject lawyer is [deceased/disabled, etc.,] and unable to practice law.

5. Subject lawyer has no partner, executor, or other responsible party capable of conducting subject lawyer’s affairs connected with the practice of law.

6. Subject lawyer is in actual or constructive possession of certain files of clients or former client files.

7. Subject lawyer’s inability to practice law creates the probability of prejudice to the clients or former clients.

8. In order to protect the legal rights of subject lawyer’s clients and minimize subject lawyer’s liability, if any, all active files of subject lawyer must be inventoried under Rule 1-3.8, Rules Regulating The Florida Bar and appropriate action must be taken to notify and otherwise protect the clients as provided in the rules.

9. Subject lawyer is believed to have maintained a trust account and an office operating account.

10. That [Inventory Lawyer Name], a member of The Florida Bar,
[Inventory Lawyer Address, Inventory Lawyer Phone, Inventory Lawyer email address] has consented to act as inventory lawyer.

WHEREFORE, (The Florida Bar OR Inventory Lawyer), by and through its undersigned representative, prays that this Honorable Court:

A. Appoint [Inventory Lawyer Name], a lawyer licensed to practice law in the State of Florida, as inventory lawyer for [Subject Lawyer] with the full powers and duties under Rule 1-3.8, Rules Regulating The Florida Bar.

B. Direct that [Inventory Lawyer] proceed as soon as possible.

C. Direct that [Inventory Lawyer] furnish progress reports to this Court with copies to The Florida Bar periodically at times and intervals as this Court may deem appropriate until the inventory lawyer’s duties are complete and this Court enters an order approving the inventory lawyer’s final report.

D. Direct that such writs as are necessary to enable [Inventory Lawyer Name] to carry out (his/her) duties under this court order will be issued forthwith by the clerk of this Court on application of [Inventory Lawyer].

E. Direct that [Inventory Lawyer] will have full access to and authority to make deposits to and disbursements from the trust account(s) and operating account(s) of the subject lawyer and comply with the
provisions of Rules 5-1 and 5-2, Rules Regulating The Florida Bar, in all transactions involving these accounts.

________________________________________
Inventory Lawyer or Bar Counsel
Address
Telephone number
Florida Bar Number:
Email address

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above Petition for Appointment of Inventory Lawyer has been furnished to the Chief Judge (or other appropriate Judge) [insert appropriate name, address and email address of the judicial assistant]; to Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, at invatty@floridabar.org; to Bar Counsel, The Florida Bar [insert appropriate address] at __________@floridabar.org; and to [Subject of the inventory matter or Personal Representative and appropriate address] on this ___ day of ____________, 20___.

Proposed Inventory Lawyer or Bar Counsel
IN THE CIRCUIT COURT OF THE _______________ JUDICIAL CIRCUIT
IN AND FOR _________________ COUNTY, FLORIDA

In Re:

THE FLORIDA BAR,

Petitioner,

Circuit Court Case No. _____________
Florida Bar File No. _______________

[SUBJECT LAWYER NAME],

A __________________ [disbarred, deceased, suspended, etc.]
lawyer.

/_____________________________________

ORDER APPOINTING INVENTORY LAWYER

THIS CAUSE came on to be heard on the Petition of (The Florida Bar
OR the inventory lawyer) for Appointment of Inventory Lawyer under Rule
1-3.8, Rules Regulating The Florida Bar, and the Court being otherwise
fully advised in the premises and finding that:

(OPTION 1, but if disbarred or disciplinary revoked or resigned, use
WAS) [Subject Lawyer Name] is/was a member of The Florida Bar and that
he/she has been (disbarred/suspended/etc.) by order of the Supreme Court
of Florida;

(OPTION 2) [Subject Lawyer Name] has abandoned (his/her)
practice;
(OPTION 3) [Subject Lawyer Name] has disappeared or died and no executor, partner, or responsible party capable of conducting (his/her) law practice affairs is known to exist;

and that [Subject Lawyer Name] has in (his/her) actual or constructive possession files of clients or former clients and has not returned those files to those clients; and that in order to protect the rights of all concerned including [Subject Lawyer Name] and (his/her) clients and former clients, it is:

ORDERED AND ADJUDGED:

1. [Inventory Lawyer Name/Address/Phone/Email Address], is hereby appointed as inventory lawyer for [Subject Lawyer Name] with full powers and duties under Rule 1-3.8, Rules Regulating The Florida Bar to carry out the function as inventory lawyer.

2. The inventory lawyer is directed to proceed as soon as possible to inventory the files of [Subject Lawyer Name] and to take such action as he/she deems indicated to protect the interests of the current and former clients of [Subject Lawyer Name] as well as the interest of [Subject Lawyer Name].

3. The inventory lawyer specifically is authorized to accept representation of [Subject Lawyer Name]'s clients in connection with the
activities of cases found in the files inventoried as long as each client is
given a free choice for the further employment of inventory lawyer as
counsel.

4. The inventory lawyer is not obligated to accept employment as
counsel in connection with any or all the active cases found in the files
inventoried but he/she, at his/her option, may agree or refuse to represent
the clients.

5. The inventory lawyer must furnish a progress report to this
court with copies to Staff Counsel, The Florida Bar, [Physical Address], via
email at invatty@floridabar.org, and Bar Counsel, [Name/Physical
Address], via email at [_______@floridabar.org] within 60 days of this
order, and furnish periodic progress reports as this court directs until
completion of the duties as inventory lawyer and approval of a final report
by this court.

6. The Clerk of this Court will issue, on application of the
inventory lawyer, such writs as may be necessary to carry out this order.

7. The inventory lawyer has specific authority to have access to
the law office bank accounts of [Subject Lawyer Name], whether the bank
account is operating, escrow, trust, estate, or in any representative
capacity.
DONE AND ORDERED in Chambers at __________, County of __________, Florida, this _____day of ________, 20___.

________________________________________
[Judge’s Name], Chief Judge/Circuit Judge

Copies Provided To:

[Personal Representative Name], Personal Representative OR [Subject Lawyer Name], [insert appropriate address];
Staff Counsel, The Florida Bar, [insert address], and via email at invatty@floridabar.org;
Bar Counsel, The Florida Bar, [insert address], and via email at __________@floridabar.org;
[Inventory Lawyer Name], Inventory Lawyer [insert address and email].
[Letterhead]

[Date]

[Client Name]
[Client Address]

Re: [Subject Lawyer Name]; Circuit Court Case No. _______________
The Florida Bar File No. ______________________________

Dear [Client Name]:

I have been appointed by the circuit court as the Inventory Lawyer for the files of [Subject Lawyer Name] due to the fact that [Subject Lawyer Name] has [died/been disbarred, etc.]. (NOTE: If the subject lawyer was disbarred, has died, disappeared or has been adjudicated incompetent, that fact should be substituted). [Mr./Ms. Subject Lawyer Last Name]'s files indicate that (he/she) has represented you in a legal matter. If this representation has not been fully completed, it is suggested that you hire a new lawyer and have your new lawyer contact me immediately.

You may pick up your files in person on your request. I will mail your file to you only if you indicate that on the enclosed REQUEST FOR FILE DISPOSITION. Please indicate on the enclosed REQUEST FOR FILE DISPOSITION what disposition you wish to have made of the file and mail this request to me at [Inventory Lawyer Name/Address]. Please print your name and address legibly. If you wish the file to be mailed to you, you will be asked to provide appropriate mailing costs in advance.

Please allow at least 5 working days after mailing the request before attempting to pick up your file.

If you have any questions, I can be contacted by telephone at [Inventory Lawyer Phone], or my office at [Inventory Lawyer Address].

Sincerely,

[Inventory Lawyer Name],
Inventory Lawyer
FORM 4
REQUEST FOR FILE DISPOSITION

TO: [Inventory Lawyer Name]
[Inventory Lawyer Address]

Re: [Subject Lawyer Name]; TFB File No.

a) I HEREBY request disposition of my office file held by [Inventory Lawyer Name] as follows:

_____ I will pick up my file at your [Inventory Lawyer Office Location] office.

_____ The legal matter contained in the file has been completed and the file may be destroyed.

_____ This is your authority to send the file via regular U.S. Mail to the person indicated below after I provide appropriate mailing costs to you.

Sincerely,

Name: ______________________________________

Address: ______________________________________

__________________________________________

__________________________________________

Phone: ______________________________________
FORM 5

IN THE CIRCUIT COURT OF THE _______________ JUDICIAL CIRCUIT
IN AND FOR _________________ COUNTY, FLORIDA

In Re:

THE FLORIDA BAR,

Petitioner,

Circuit Court Case No. ____________
Florida Bar File No. ________________

SUBJECT LAWYER NAME],

A _________________ [disbarred, deceased, suspended, etc.] lawyer.

INITIAL REPORT OF INVENTORY LAWYER

Comes now [Inventory Lawyer Name], as Inventory Lawyer for the
files of [Subject Lawyer Name], and reports to the Court as follows:

1. I was appointed as inventory lawyer by order of the court
dated [Date of Order].

2. There has been delivered to me approximately [# of Files] files
of [Subject Lawyer Name] and so far as is known at this time this
constitutes all of the active and inactive client files. Approximately [# of
Active Files] of these files are active files on which [Subject Lawyer Name]
is the lawyer of record. Each file has been examined and the party in
interest has been notified of the pendency of this inventory proceeding and
that their file may be secured from me on application.

3. The remaining files numbering approximately [# of files] contain copies of documents, letters, and miscellaneous papers of no apparent value or use. Each file is being examined and an evaluation is being made as to the necessity of notifying the client. If the file shows action or inquiry during the past six years, a letter is being written to the client, a copy of which is attached as Exhibit A, with a return letter to me indicating their choice as to the disposition of the file.

4. Where files indicate that there has been no action or inquiry during the past six years or that they have been fully completed, those files are being held as "no action files," subject to future disposition or destruction.

5. OPTIONAL: This court has granted authority to return all files to [Subject Lawyer Name]'s former clients or to have them destroyed as the court may direct. A copy of this authority is attached as Exhibit ________.

6. As of the date of this report, approximately [# Letters mailed] letters have been mailed to clients concerning their files; approximately [# of No Action Files] files have been designated as "no action files" and [#Files Delivered] files have been delivered to clients or their respective lawyer or agent.
7. On [Date applied for Injunction], I applied for and received an injunction freezing the bank accounts of [Subject Lawyer Name]. The total amount in held under that order is $____________ as will appear from the letter(s) from the bank(s) attached as Exhibit(s) ________. There are no other assets of [Subject Lawyer Name] known to me at this time.

Respectfully submitted this ___________ day of ________ 20___.

__________________________________________
[Inventory Lawyer Name]
Inventory Lawyer
[Inventory Lawyer Address]
[Inventory Lawyer Phone] [Inventory Lawyer Bar No.]
[Inventory Lawyer Email Address]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the Chief Judge [insert appropriate name and address]; to Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, at invatty@floridabar.org; to Bar Counsel, The Florida Bar [insert appropriate address] at _________@floridabar.org; and to [Subject of the inventory matter or Personal Representative and appropriate address] on this ______ day of __________, 20____.

__________________________________________
Inventory Lawyer or Bar Counsel
FORM 6

IN THE CIRCUIT COURT OF THE _______________ JUDICIAL CIRCUIT
IN AND FOR _________________ COUNTY, FLORIDA

In Re:

THE FLORIDA BAR,

Petitioner, Circuit Court Case
No.____________ Florida Bar File No.

[SUBJECT LAWYER NAME],

A __________________ [disbarred, deceased, suspended, etc.] lawyer.

SECOND REPORT OF INVENTORY LAWYER

Comes now [Inventory Lawyer Name], as Inventory Lawyer for the files of [Subject Lawyer Name], and reports to the court the following:

1. Since the filing of the first report, I have ascertained that I received approximately [# of files] office files. Of these files approximately [# of files] require no action.

2. The items reported in paragraph ____ and paragraph _____ of the initial report have been disposed of by delivery of files to clients or to their new lawyers.

3. The status of the office files of is approximately as follows, as
of this date:

a) Letters mailed to clients ______
   Requests for files ______
   Request to destroy files ______
   No response to letters ______
   Letters returned undelivered ______

b) Requests for files ______
   Files delivered ______
   Files requested, but not delivered ______

4. Your petitioner makes the following recommendations concerning the disposition of all remaining files:

   a) That the approximately [# of Files] "no action" files be destroyed.

   b) That the [# of Files] "no response" files be destroyed.

   c) That the persons interested in the remaining [# of Files] files requested but not retrieved files be given a second notice and that any files not retrieved be destroyed as of [Date].

   d) That the receipts for the [# of Files] files delivered to clients be held by your petitioner until [Date], and on that date be destroyed.

5. Your petitioner, as inventory lawyer, has incurred the following expenses for which (he/she) requests reimbursement from the Florida Bar:

   a) Cost of mailing [# of Letters] letters at $ ________________.

   b) Miscellaneous expense per statement attached $ __________

      (OR)

6. Your petitioner represents that there are funds in [Subject Lawyer Name]'s operating account in the amount of $ __________.
Petitioner requests permission from this Court to reimburse those expenses from this operating account. The remaining funds are the legal property of [Subject Lawyer Name] and petitioner seeks authority of this Court to disburse them to [Subject Lawyer Name] [or Subject Lawyer’s Estate] or to the Division of Financial Services, State of Florida, if the undersigned is [unable to locate the subject lawyer through reasonable efforts or if the estate is closed].

7. Your petitioner represents that there is a trust account balance of $____________, representing trust funds of [Subject Lawyer Name] held in trust for clients. Petitioner will make diligent search and inquiry to ascertain the owners of these funds and seek further authority of this Court to disburse them to the owner of the funds.

WHEREFORE, your petitioner requests the entry of an order,

   a) Authorizing the destruction of files or other disposition as the Court may direct;
   b) Authorizing the payment of expenses incurred by the inventory lawyer in the distribution and destruction of files; and
   c) Holding in abeyance the disposition of the trust funds of [Subject Lawyer Name] until the rightful owners are located and a report is filed requesting proper disbursement of the funds.

[Inventory Lawyer Name]
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the Chief Judge [insert appropriate name and address]; to Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, at invatty@floridabar.org; to Bar Counsel, The Florida Bar [insert appropriate address] at __________@floridabar.org; and to [Subject of the inventory matter or Personal Representative and appropriate address] on this ______ day of __________, 20____.

______________________________
Inventory Lawyer or Bar Counsel
FORM 7

IN THE CIRCUIT COURT OF THE _______________ JUDICIAL CIRCUIT
IN AND FOR _________________ COUNTY, FLORIDA

In Re:

THE FLORIDA BAR,

Petitioner,

Circuit Court Case
No.____________
Florida Bar File No.___________

[SUBJECT LAWYER NAME],

A ________________ [disbarred, deceased, suspended, etc.] lawyer.

____________________________________/

FINAL REPORT OF INVENTORY LAWYER AND PETITION FOR DISCHARGE

Petitioner respectfully submits that on [Date of Court Order] was appointed as inventory lawyer for the files and records of [Subject Lawyer Name] under Rule 1-3.8, Rules Regulating The Florida Bar.

Petitioner has filed (his/her) report(s) of (his/her) actions as inventory lawyer. On [Date of Order], an order was entered directing the distribution and payment of funds held in trust accounts and personal bank accounts of [Subject Lawyer Name] and directing the destruction of the remaining office files.
Pursuant to that order of [Date of Order], petitioner has destroyed all of the remaining office files of [Subject Lawyer Name].

Petitioner caused the funds in the trust account(s) of [Subject Lawyer Name] to be paid to [fill in appropriate name or agency].

Petitioner caused the funds in the operating account to be paid to [fill in appropriate name or agency].

WHEREFORE, having completed all duties as inventory lawyer for [Subject Lawyer Name], [Inventory Lawyer Name] respectfully requests the entry of an order approving (his/her) actions and to discharge [Inventory Lawyer Name] as inventory lawyer.

Respectfully submitted this __________ day of __________, 20______

[Inventory Lawyer Name]
Inventory Lawyer
[Inventory Lawyer Address]
[Inventory Lawyer Phone] [Inventory Lawyer Bar No.]
[Inventory Lawyer Email Address]
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the Chief Judge [insert appropriate name and address]; to Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, at invatty@floridabar.org; to Bar Counsel, The Florida Bar [insert appropriate address] at _______@floridabar.org; and to [Subject of the inventory matter or Personal Representative and appropriate address] on this ______ day of __________, 20____.

________________________________________
Inventory Lawyer or Bar Counsel
FORM 8

IN THE CIRCUIT COURT OF THE _______________ JUDICIAL CIRCUIT
IN AND FOR _________________ COUNTY, FLORIDA

In Re:

THE FLORIDA BAR,

          Petitioner,

                                         Circuit Court Case No._________
                                         Florida Bar File No. ____________

[SUBJECT LAWYER NAME],

A __________________ [disbarred, deceased, suspended, etc.] lawyer.

ORDER

This cause coming on to be heard on the reports of [Inventory Lawyer Name], as inventory lawyer for the files of [Subject Lawyer Name], and the court being fully advised,

IT IS ORDERED:

1. That the approximately [Number of Files] "no action" files and the [Number of Files] "no response" files be destroyed immediately.

2. That the [Number of Files] files authorized to be destroyed by the persons interested in those files be destroyed immediately.

3. That the [Number of Files] files requested but not picked up, and the [Number of Files] files belonging to clients whose letters were
returned undelivered, be held by the inventory lawyer until [Date], and all files not delivered by that date be destroyed.

4. That the receipts for files delivered to clients to be held by the inventory lawyer until [Date], or for any additional time as the inventory lawyer elects, and on that date be destroyed.

5. That the sum of $__________ in the operating account in the name of [Subject Lawyer Name] on deposit in [Name and Address of Banking Institution] be paid to [fill in appropriate name or agency].

6. That the balance of $____________ in the trust account in the name of [Subject Lawyer Name] on deposit in [Name and Address of Banking Institution] be paid to [fill in appropriate name or agency].

DONE AND ORDERED in Chambers at __________, County of ____________, Florida, this ____________ day of ________, 20___.

[Judge’s Name], Chief Judge/Circuit Judge
Copies Provided To:

[Personal Representative Name], Personal Representative OR [Subject Lawyer Name], [insert appropriate address];

Staff Counsel, The Florida Bar, [insert address] via email at invatty@floridabar.org;

Bar Counsel, The Florida Bar [insert address] via email at ___________@floridabar.org; and

[Inventory Lawyer Name], Inventory Lawyer [insert address] via email at[ insert email].
FORM 9

IN THE CIRCUIT COURT OF THE _______________ JUDICIAL CIRCUIT
IN AND FOR _________________ COUNTY, FLORIDA

In Re:

THE FLORIDA BAR,

       Petitioner,                                      Circuit Court Case
No.____________                                      Florida Bar File No.

[SUBJECT LAWYER NAME],

       A __________________[disbarred, deceased, suspended, etc.] lawyer.

ORDER

This cause come on to be heard on the petition of [Inventory Lawyer Name], as inventory lawyer for the files of and records of [Subject Lawyer Name], for the approval of a final report and for discharge, and the court being fully advised, it is

ORDERED:

1. That the final report of inventory lawyer for the files and records of [Subject Lawyer Name] is hereby approved.

2. That [Inventory Lawyer Name] is hereby discharged as the inventory lawyer for the files and records of [Subject Lawyer Name].
DONE AND ORDERED in Chambers at ____________, County of ________________, Florida, this ________ day of ________, 20__.  

__________________________________

[Judge’s Name], Chief/Circuit Judge

Copies Provided To:

[Personal Representative Name], Personal Representative OR [Subject Lawyer Name], [insert appropriate address], via email at [insert email address];

Staff Counsel, The Florida Bar [insert address], via email at invatty@floridabar.org;

Bar Counsel, The Florida Bar [insert address], via email at __________@floridabar.org; and

[Inventory Lawyer Name], Inventory Lawyer [insert address], via email at [insert email address].