

Succession Planning for Texas Attorneys

Protecting Clients, Families, and Your Practice

Hunter Harris • April 10, 2026

Session Objectives

- Identify key risks when there is no succession plan
- Understand Texas framework: Part XIII TRDP and custodian-attorney designations
- Use a simple checklist to start implementing your plan
- Access State Bar resources with forms and sample language

Why Succession Planning?

Without a Plan

- Missed deadlines & malpractice exposure
- Inaccessible trust accounts
- Confusion for staff and family

With a Plan

- Continuity for clients
- Protection of confidences
- Clear roadmap for courts

Texas Framework: Part XIII TRDP

Texas Rules of Disciplinary Procedure address "Cessation of Practice"

- When lawyer dies, disappears, or is disabled with no one handling practice
- Court may assume jurisdiction over the practice
- Court appoints custodian with authority to secure files and notify clients

Role of the Custodian

A custodian stabilizes—not takes over—your practice:

- Secure files and review deadlines
- Notify clients, courts, and opposing counsel
- Help clients transition to new counsel
- Handle trust accounts and return client property

Advance Designation of Custodian-Attorney

Pre-select your custodian under Rule 13.04 via State Bar online portal

- Choose a Texas-licensed attorney you trust
- Designee receives email to accept or decline
- Name alternates for backup coverage

If you do nothing else, designate a custodian

State Bar Resources & Toolkit

- **Succession Planning Toolkit (2nd Edition):** Forms, checklists, sample engagement language
- **Assumption of Practice Guide:** Step-by-step instructions for appointed custodians
- **Online Portal:** Electronic designation of custodian-attorney
- **CLE & Articles:** Ongoing education on cessation and succession

Key Plan Components

- **Triggering Events:** Death, disability, incapacity
- **Authority:** Access to files, calendars, accounts to protect clients
- **Duties:** Review deadlines, seek extensions, notify parties, transfer files
- **Financial:** Handle unearned fees and trust balances

Client Communications

Update engagement letters to inform clients about your custodian designation

- Toolkit provides sample client letters and notices
- File-transfer authorizations and acknowledgments
- Protects confidentiality while enabling emergency access

Practical Steps: Information & Practice Type

- **Create inventory:** Calendars, case management, e-filing systems, trust accounts, vendors
- **Password access:** Ensure custodian can access critical systems
- **Solos:** Cross-coverage with colleagues plus formal designation
- **Firms:** Align internal agreements with succession framework

90-Day Action Plan

Within 30 Days

Download Toolkit and designate custodian via online portal

Within 60 Days

Talk with intended custodian, use sample agreement from Toolkit

Within 90 Days

Update engagement letters, complete inventory, coordinate with estate plan

Resources & Questions

- State Bar of Texas Succession Planning Toolkit (2nd Edition)
- Online portal for advance designation of custodian-attorneys
- Assumption of Practice: A Custodian's Guide
- Texas Bar Practice blog: cessation of practice articles

Questions?