



T. Edward Welbourn Orange County Bar Association

T. Edward Welbourn is an exceptional attorney practicing in San Diego who, in addition to representing clients in criminal cases, has been actively involved in the Orange County community and legal profession.

Edward, a partner with Corrigan & Welbourn, APLC, started his legal career as a Deputy District Attorney for the County of Orange where he prosecuted cases ranging from misdemeanors to the most serious of felonies and federal crimes. After gaining valuable insight and experience, Edward left to continue his career as a criminal defense attorney, successfully defending clients against a wide range of cases, including high profile special circumstance death penalty cases.

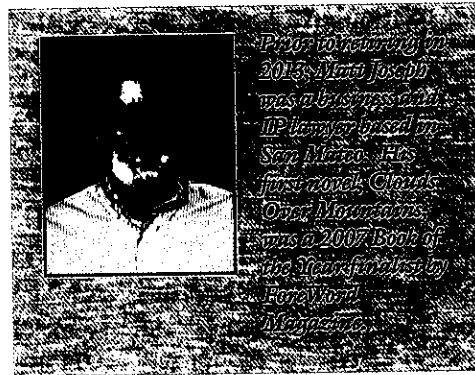
As an active member of the Orange County Bar Association, Edward regularly speaks to newly admitted members of the California Bar and is called upon as a keynote speaker at the swearing in ceremonies of several sitting Orange County judges. Edward is a board member of the Orange County Criminal Defense Bar Association and has also been involved with the Orange County Bar Foundation over the course of his career, where he has worked to educate and divert at-risk youth. "If you get them at a young age, you can have a real positive impact," says Edward.

Edward served as a judicial clerk for the Federal District Court, Southern District of California while earning his Juris Doctor from California Western School of Law in San Diego. He grew up in Los Angeles and currently lives in Orange County with his wife and two kids, where he coaches youth soccer and baseball.

practice

Retiring from a Sole Law Practice in California

By Matt Joseph



My decision to retire from the practice of law in July 2013 after some 35 years was, of course, a life-changing decision. There aren't many "how to" guides for small California practitioners when they decide to retire and close their business.

These are some of the main things I considered when closing my solo business transactions law practice after 18 years. This isn't necessarily an exclusive list of retirement "to-dos," and each California lawyer's situation is unique and may require different considerations. I think what's universally recommended is clarity of purpose, good planning and client communication, and awareness that one is terminating a business regulated by the state bar and subject to many ethical rules.

CLARITY OF DECISION

It's perhaps most important from the start to be clear about one's future professional intentions. For example, has the attorney decided to stop practicing law completely and permanently, or merely to cut back and continue practicing part time? That decision, in turn, affects many of the decisions a retiring lawyer must next make, among them, choices about future bar status, continued malpractice coverage, and on-going marketing and client communications.

CLIENT COMMUNICATIONS

As a general matter, prior to retirement, lawyers must determine their ethical obligations to all clients on all pending matters. Once my decision was made to stop practicing law entirely, my clients were individually contacted with specifics such as the termination date

and how their pending projects would be resolved. I felt it was important to give sufficient advance notice to allow clients to transition to other counsel if they wished. I didn't practice law after the "stop" date. Clients asked me to do legal work after the stop date, but I politely declined. I also provided select clients with new attorney referrals – when requested by the client.

CLIENT RECORDS

A retiring lawyer must determine how to handle confidential client records. Transition challenges are greater for sole practitioners without law firm colleagues who can seamlessly take over client files. When and if possible, my active client files were returned to the clients, in both paper and e-format, or were otherwise e-archived in a secure manner so that they remain accessible if needed later. Inactive client paper files, particularly long-gone clients I was unable to contact, were shredded or otherwise destroyed. Before that, however, I reviewed each page of each paper file to make certain original documents or time-sensitive materials were dealt with properly. Ex-client e-files were retained as part of my general e-archiving. Several clients were offered the opportunity to take possession of their entire client files.

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VENDORS, REVENUES AND BOOKKEEPING

As part of my exit strategy, I needed to resolve office lease, subscription status and other accounts payable obligations, as well as provide for future taxes. I had no employees – and no employee obligations to sort through. I also didn't retain client trust funds and had no trust fund obligations to consider. I practiced as a sole proprietor, not a PC, so in my case nothing was needed to resolve an entity's status or dissolve it. I started contacting business vendors as soon as I made my decision to retire. My bookkeeping included a wind down period after the practice's stop date. During this wind down, for example, client payments were received for work done before the stop date, vendor refunds for certain prepaid services were

received, and expenses were incurred before and after the closing which would be paid after the stop date. This was all accounted for before my law practice's "books" were closed for good. I kept everything open for about three months after I stopped practicing to account for such things.

BAR STATUS

I wasn't sure what my bar status should be post-retirement. It appears there were three main options: remain on active status (meaning full membership dues and full MCLE compliance), elect "inactive" bar status (which means partial membership dues and pro-rata MCLE compliance) or resign from the bar and surrender one's law license. I wasn't prepared to take the last step, but remaining on full active bar status seemed inconsistent with my decision to retire. So, for now, I've elected to take "inactive" status with the state bar. "Inactive" status carries restrictions for "retired" lawyers who wish to continue "dabbling" as practicing lawyers. As I understand it, inactive status in California means that a lawyer is not authorized to practice law or hold themselves out to the public as an attorney authorized to practice law – at least not until they revert back to active status. Each retiring lawyer, therefore, should determine what bar status best meets his or her particular needs and understand the advantages and limitations of each option.

MALPRACTICE INSURANCE

One policy feature offered by my malpractice carrier of longstanding duration was the option of a lifetime "tail" which, upon my permanent retirement after age 55, provides lifetime malpractice coverage at no additional cost. As I understand it – under my policy anyway – lawyers under 55 or who've retired from their law practice full time but still want to "dabble" with practicing law might not qualify for the lifetime tail. In any event, a retiring lawyer who's fully prepaid an annual malpractice premium may be entitled to a pro-rata refund.