



The Role of the Inventory Attorney

Collier County Bar Association
September 7, 2022

Hon. Michael T. McHugh • Laird A. Lile • Katy Koestner Esquivel



Laird A. Lile
Laird A. Lile, PLLC



Chief Judge Michael T. McHugh
Chief, 20th Judicial Circuit



Katy Koestner Esquivel
Esquivel Law Chartered



Is designating an Inventory Attorney required?



How to designate an Inventory Attorney



How will I know if I have been designated as an Inventory Attorney



How to find out who another attorney has designated



**Why
Designate
an
Inventory
Attorney?**

Is designating an Inventory Attorney required?

- ▶ **YES** if you practice law in Florida (regardless of where you live) (including in-house counsel)
- ▶ **NO** if...
 - You are a Judge
 - You do not practice law (engaged in other occupations)
 - You are an Authorized House Counsel
 - You are an inactive member of The Florida Bar
 - You are a government attorney

How to Designate an Inventory Attorney

FORM (fill in and mail to)
 The Florida Bar
 Department of Lawyer Regulation
 651 East Jefferson Street
 Tallahassee, Florida 32399-2300

DESIGNATION OF INVENTORY ATTORNEY

I hereby designate:

_____ (print record Bar name of designated inventory attorney)
 _____ (print The Florida Bar number)

who has indicated a current willingness to serve as my inventory attorney should the need for protection of my clients' legal rights arise.

Dated this _____ day of _____, 20__

_____ (signature)

_____ (typed or printed name as recorded in Bar records)

_____ Florida Bar Number

The Old School Way

Welcome Mr. Laird Andrew Lile (Bar #044314) 0 Items

THE FLORIDA BAR MEMBER PORTAL

HOME MY ACCOUNT MY STATUS COMMITTEES CLE SEARCH MEETINGS SECTIONS

Florida Bar Links
 Floridabar.org
 Member Benefits
 LegalFuel: The Practice Resource Center
 Legal Accelerator

External Links
 Fastcase
 On Demand Courses

Additional Links
 CLE Status
 Certification Status
 Certificate of Good Standing
 Lawyers Advising Lawyers Advisor
 Lawyers Advising Lawye Requestor
 Update Photograph
Inventory Attorney
 Become a Speaker

My Profile My Account
 3033 Riviera Dr Ste 104
 Naples, FL 34103-2746
 United States
 Office: (239) 649-7778
 Fax: (239) 649-7780
 Email: llile@lairdalile.com
 Website: www.LairdALile.com
 Personal URL: 443141

Upcoming Meetings
 08/24/2022 Family Law Section Leadership Retreat & Fall Meetings 2022
 09/02/2022 Business Law Section Labor Day Retreat 2022
 09/19/2022 Media & Communications Law Committee Reporters' Workshop 2022
 09/29/2022 Elder Law Section Retreat 2022
 10/06/2022 Workers' Compensation Section Retreat 2022
 10/27/2022 Tax Section Fall Meeting 2022

Member in Good Standing

My Fees
 Current Member Dues Paid

My Invoices
 No invoices found

My CLE Show More
 Cycle Dates: 7/1/2022 - 6/30/2025
 Cycle Status: ● Incomplete

Credit Type	Required	Claimed	Remaining
General	33.0	0.0	33.0
Technology	3.0	0.0	3.0
PR	5.0	0.0	5.0
Professionalism	1.0	0.0	1.0

Basic Skills	Status	Date
Phase 1	Compliant	9/30/1988
Phase 2	Compliant	10/1/1988

I Have Credits to Post

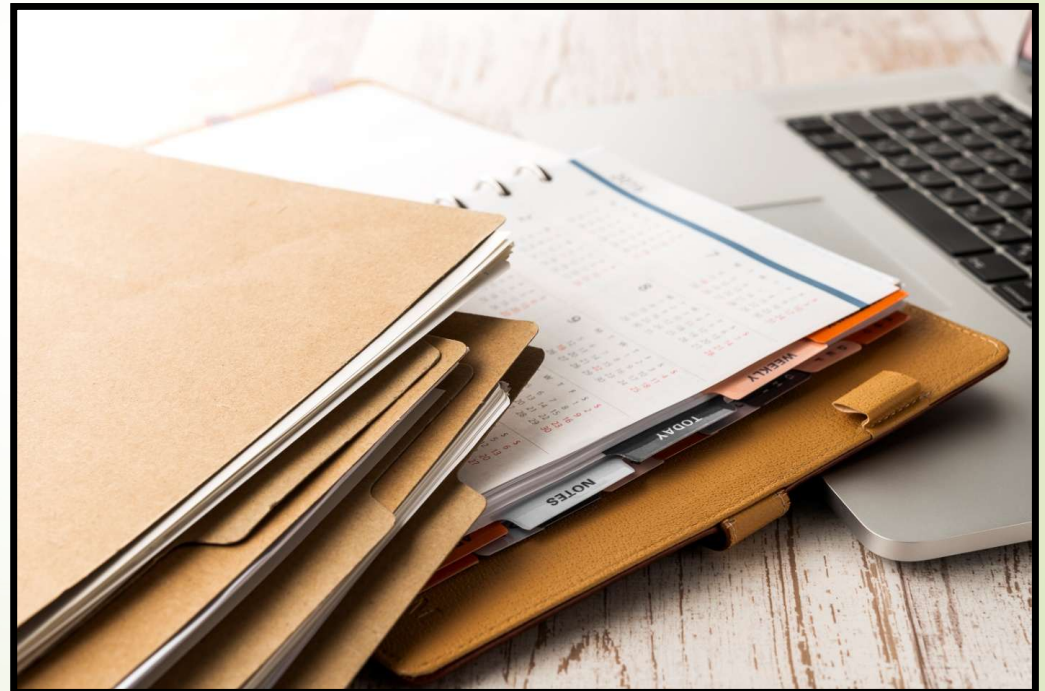
My Board Certifications Show More

Wills

The New School Way

How will I know if I have been designated as an Inventory Attorney

- The Florida Bar
- Personal representatives of estate
- The designated member shall not be under any obligation to serve as inventory attorney.



How to find out who another attorney has designated

The screenshot displays the Florida Bar Member Portal interface. The user is logged in as Laird Andrew Life (Bar #0443344). The page shows the 'My Account' section for an 'Inventory Attorney'. The user's profile includes a photo and name. The 'Profile Links' section contains links for Firm & Address, Legal Education, Expanded Profile, and Update Photograph. The 'Account Links' section includes Payment Method, My Transactions, Trust Account Compliance / Pro Bono Reporting, and Reset Password. The 'Additional Links' section features 'Inventory Attorney' and 'Become a Speaker'. The main content area is titled 'My Account' and 'Inventory Attorney'. It displays 'YOUR INVENTORY ATTORNEY' information for Sandra Fascell Diamond, including her Member Number (0275093), Status (Eligible to Practice Law in Florida), and Address (150 2nd Ave N Ste 570, St Petersburg, United States, 33701-3340). There are 'Change' and 'Delete' buttons next to this information. Below this, 'YOUR STATUS AS AN INVENTORY ATTORNEY' section lists three members who have designated the user as their Inventory Attorney: S Dresden Brunner (Member Number: 0123886), John Colby Wallace (Member Number: 0104389), and another member (Member Number: 34108-0127). All listed members are also 'Eligible to Practice Law in Florida'.

Profile Links

- Firm & Address
- Legal Education
- Expanded Profile
- Update Photograph

Account Links

- Payment Method
- My Transactions
- Trust Account Compliance / Pro Bono Reporting
- Reset Password

Additional Links

- Inventory Attorney
- Become a Speaker

My Account
Inventory Attorney

YOUR INVENTORY ATTORNEY

Member Number : 0275093
Status : **Eligible to Practice Law in Florida**
Member Name : Sandra Fascell Diamond
Address : 150 2nd Ave N Ste 570
St Petersburg
United States
33701-3340

YOUR STATUS AS AN INVENTORY ATTORNEY

The following members have designated you as their Inventory attorney :

Member Number : 0123886
Status : **Eligible to Practice Law in Florida**
Member Name : S Dresden Brunner
Address : PO Box 111575
Naples
United States
34108-0127

Member Number : 0104389
Status : **Eligible to Practice Law in Florida**
Member Name : John Colby Wallace
Address : PO Box 9729
Portland
United States
04104-5029

Serving as an Inventory Attorney

&

The Role of the Court



Overview



What did I have to do to obtain
authority?



Reporting Requirements &
Expectations



Trust Account & Costs Incurred

An Inventory Attorney Is...

- ▶ Responsible for closing the practice of the deceased attorney
- ▶ Responsible for notifying clients of the deceased attorney
- ▶ Responsible for returning client files
- ▶ Responsible for returning funds to appropriate parties (if this can be determined)

An Inventory Attorney Is Not...

- ▶ Stepping into the shoes of the deceased attorney
- ▶ Automatically counsel for the clients of the deceased attorney's practice.

Review of client files and contacting clients

- Work with Staff and opposing counsel to identify & handle upcoming deadlines
- Secure access to deceased attorney's files
- Identify all files in the office/storage
- Identify the last state of activity in the file (6 years)
- Locate contact information for clients
- Notify clients and obtain client instructions for what to do with the file
- Log all returned mail and client responses; send additional mailings as needed
- Best practice is to work closely with liaison from The Florida Bar



Letters to Clients

- Notify clients of attorney's death
- Request instructions from client regarding file
- Give client options

Via U.S. Mail

Thursday, September 1, 2022

Mrs. Jane Smith
123 Anytown Lane
Naples, FL 34103

Re: [Deceased Attorney]'s File: *Smith, Jane, [Matter Description/File ###]*

Dear Mrs. Smith:

I have been appointed by the circuit court as the Inventory Attorney for the files of [Deceased Attorney] due to the fact that [Deceased Attorney] died in late June of 2022.

[Deceased Attorney]'s files indicate that he has represented you in the above legal matter, and the last activity in case took place on or about [date]. If this representation has not been fully completed, it is suggested that you contact and secure a new attorney and have your new attorney contact me immediately.

Your file can be secured upon request, and must be picked up by you in person. No files will be delivered by mail unless you so indicate 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 e-mail or fax this request to my office at **inventory@esquivel-law.com** or by facsimile to (239)431-3942. If you wish the file to be mailed to you, you will be asked to provide appropriate mailing costs in advance.

If you wish to pick up your file, we will coordinate a pickup date and time with you. Please allow at least 10 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 239-206-3731 or by email at inventory@esquivel-law.com.

Sincerely,

Client Request for File Disposition

- ▶ Allows clients to decide what happens to their file
- ▶ Avoids any question about client instructions

BG1

CLIENT REQUEST FOR FILE DISPOSITION

TO: Katy K. Esquivel, Inventory Attorney for [Deceased Attorney]

FROM: Mrs. Jane Smith
123 Anytown Lane
Naples, FL 34103
Client E-mail Address: _____

Client Phone: _____

[Deceased Attorney]'s FILE: *Smith, Jane, [Matter Description/File ###]*

I, the client identified above, request disposition of the file for legal services provided by [Deceased Attorney] as follows:

- I will pick up my file at the office of Katy Esquivel listed above. ***Please contact my office to arrange for pick up.***
- I instruct Ms. Esquivel to destroy the file.
- I authorize Katy Esquivel to send the file via regular U.S. Mail to me at the address indicated above after I provide appropriate mailing costs. ***We will email you a link for credit card payment of the expected postage fee and within 10 days of receipt of payment, we will mail the file to you.***
- I authorize Katy Esquivel to send the file via regular U.S. Mail to the person indicated below after I provide appropriate mailing costs. ***We will email you a link for credit card payment of the expected postage fee and within 10 days of receipt of payment, we will mail the file to the person designated below.***

Dated: _____, 2022. _____

Client's Signature

Client's Printed Name

Return this form by mail to 2335 Tamiami Trail North, Suite 301, Naples, FL 34103, by email to inventory@esquivel-law.com or by fax to (239)431-3942 within 30 days

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[@Katy Esquivel] Incomplete

Berenice Martínez García, 2022-09-06T14:42:35.475

Receipt of Client File

- ▶ Documents client receipt of file
- ▶ Document mailing and other disposition

RECEIPT OF CLIENT FILE

TO: Katy K. Esquivel, Inventory Attorney for [Deceased Attorney]

FROM: [Client]

FILE: [Matter]

I hereby acknowledge receipt of my file in the above matter from Katy K. Esquivel, Inventory Attorney for [Deceased Attorney] on the date below.

[Client]

Date

Document EVERYTHING

Last Name	Matter	Notice Date	Response	Last Activity	Originals	Sal.	First Name	Address	City	State	Zip
Doe	Jane Doe v Bank of America	7/24/2020	9/11 request to destroy	7/3/2015		Ms	Jane	123 Anytown Lane	Naples	FL	34114
Cruise	Tom Cruise - Postnuptial Agreement	7/24/2020	DEPOSIT @ clerk of court – advised that clerk w/n accept – mailed 8/22 USPS 989855546565			Mr.	Tom	c/o Church of Scientology 215 S. Ft. Harrison Ave.	Clearwater	FL	33758
Trump	Trump, Donald v. FBI	7/24/2020	Picked up	4/23/2014		Mr.	Donald	121 Mar a Lago Way	Palm Beach	FL	34120
Bath	Bath, Anita General Rep	7/26/2020	7/28 set appt for 7/30 @ 3:00 EST	4/16/2018	April 16, 2018 Will	Ms.	Anita	Smith Street	Naples	FL	34117-8458
Money	Marion Money v. Nationwide	7/24/2020	notice not required	8/30/2011							
O'Teen	Nic O' Teen - Pre-Nuptial Agreement	7/24/2020	No response	12/23/1987		Mr.	Nic	3660 Pilot Cir	Naples	FL	34120-0715
Heard	Johnny Depp v. Amber Heard	7/24/2020	9/12 gave client est. mailing costs – waiting on \$\$	5/23/2018		Ms.	Amber	6636 Shade Lane	Hollywood	CA	34116
Cayote	Acme Corp.	7/24/2020	NO ADDRESS	10/11/2006		Mr.	Wiley	1266 Desert Road	The Desert	AZ	33623
Potter	Potter, Harry	12/16/2020	Mailed 7/11 – USPS 987595654498	1/14/2020	January 14, 2020 Will	Mr.	Potter	4 Privet Drive	Little Whinging	Surrey	UK
Wonka	Willy Wonka's Chocolate Factory adv. Dept. of Labor	7/24/2020	Mail Returned – no alt. address found	3/17/2015		Mr.	Willy	1445 W. Norwood Ave.	Itasca	IL	98899
Costanza	Vandelay Industries	7/24/2020	Deceased	4/23/1993		Mr.	George	5545 Import & Export Way	New York	NY	22157

Reporting Requirements

- ▶ **INITIAL REPORT OF INVENTORY ATTORNEY:** An initial report of inventory attorney is filed with the Circuit Court (Form IA-5).
 - ▶ **SECOND REPORT OF INVENTORY ATTORNEY:** (Form IA-6). Shows the current status of the office files.
 - ▶ 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 _____
- The Inventory attorney makes recommendations concerning the disposition of all remaining file.
- ▶ **FINAL REPORT OF INVENTORY ATTORNEY AND PETITION FOR DISCHARGE:** Once each client of the subject attorney has been notified, their files have been distributed to them, or they have declined to receive their files, or they cannot be located or they fail to respond to the notification and all trust account money has been delivered to the rightful owner, the inventory file may be closed by filing the Final Report of Inventory Attorney and Petition for Discharge (Form IA-7) and a proposed order of discharge (Form IA-9).

Sample Summary of Final File Disposition

Total Files	1,163
No Action Required	(544)
Cannot contact client - no address	(32)
Client has picked up file	(78)
Request to Destroy file	(8)
Client asked document to be filed with Clerk	(1)
Client is deceased	(45)
Returned Mail and no other contact from client	(159)
The file was mailed to the client	(26)
Client No Show/No Contact after 2nd letter	(9)
Notice not required due to age of file	(30)
Other	(1)
No Response	(230)
	-

Trust Account & Costs Incurred

- Inventory attorney is only required to rely on books and records of deceased attorney
- If ownership of trust account funds cannot be determined, the funds may be paid to the Florida Bar Clients' Security Fund upon a Court Order
- Expenses such as mailing or storage costs. It is appropriate to seek payment from sources such as the former attorney's estate or operating account

Text of Ad:

NOTICE TO PERSONS OR ENTITIES WHO MAY BE ENTITLED TO FUNDS FROM LAWYER'S IOTA ACCOUNT

██████████ of Naples, Florida, has passed away. This attorney's trust accounts have been frozen and those persons with claims on the funds should contact Inventory Attorney Katy Koestner Esquivel within the next 30 days at (239) 206-3731, or email KKE@Esquivel-Law.com. Please provide documentation, which is required, that indicates your claim to any funds and the amount of those funds. A hearing has been scheduled via remote call-in before the Honorable Michael T. McHugh, Chief Judge of the Twentieth Judicial Circuit, on Monday, January 11, 2021, at 1:30 p.m. regarding the disbursement of trust account funds.

AD#4432902

10/23/2020

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AD#443290



Questions