



FREE PASSES

Ellen Freedman, CLM
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“Psst. Psst. Yes, you. Come over here. I have something special for you.” The beckoning figure lingered in the shadow at the side of the long hallway at the Bedford Springs Resort. It was a conference unfolding like any other in July. Or was it? Why was this familiar figure summoning him over? He got close and cocked his head slightly in an inquisitive gesture.

She had an unfamiliar look in her eye. Her voice was almost breathless, “This is something you really need. I only get one of these each year. Their value is incalculable. I’ve decided to give you one. I chose you because you come to the conference every year, and never miss one of my sessions. You ask good questions. You take advantage of the one-on-one meeting opportunities. You’ve participated in leadership of the section. And most importantly, you’ve bought me a lot of glasses of wine over the years.”

He nodded in confirmation. His pulse quickened. She glanced furtively left and right, and then slowly extended her arm and opened her left hand, revealing a shimmering 1”x4” laminated piece of paper labeled, simply, FREE PASS.

His inquisitive look let her know she had to provide further explanation. “Look at it,” she said in a voice which clearly showed her excitement and communicated a sense of urgency, “look who issued it! Look what it’s for.” He gently slid the ticket from her palm to take a closer look. On the front of the pass, in tiny print under FREE PASS were the words “Issued by the Disciplinary Board of the Pennsylvania Supreme Court.”

His ever-doubtful lawyer instincts were already telling him this was not possible. He turned it over to examine it further. On the reverse side was printed, “*The holder of this pass is entitled to a favorable disposition of one disciplinary matter, regardless of the number of Rule violations cited, during the career of the ticket holder.*” He stuttered uncontrollably, “How can this be real? And more importantly, why give it to me? I’m retiring next year and have never had a complaint.”

“Geez,” she uttered in exasperation, “talk about looking a gift horse in the mouth! These bad boys are real, and top secret. I only get one a year. I can assure you they’re real. But imagine what lawyers would do if word got out there was any chance they could get a FREE PASS.” He nodded in sudden understanding.

“You took over your solo practice from your father, right?” He nodded in agreement. “You inherited all his old client files, right?” His eyes widened. “You’ve got an additional 50+ years of your own files, right?” His face quickly transformed into a painful contorted wince. He knew where this was going and could feel his stomach tightening. He nodded in agreement again.

Her voice rose an octave and simultaneously lowered in volume as she leaned in and furtively asked, “So how are you going to go through all those files, and then contact all the past clients in whose files you’ve found originals to get their permission to either return or destroy them?” Overcome with anxiety she grabbed his shoulders and shook slightly, “Listen, there’s no way you can do that by the time you want to close your office. Even if that’s all you do between now and then. Don’t you see, this is your only way out. I can’t save you all. But I can save you!” Like a Titanic passenger who’d just been pulled out of the icy water into a lifeboat, he gave her a hasty but grateful hug, shoved the FREE PASS deep into his pocket for safekeeping, glanced about furtively, and then scuffled down the hallway at a fast pace.

Oops. The pre-Super Bowl hoopla on the TV in the background distracted me. All that talk about how people got their tickets, how much they spent, lucky winners of tickets, and those who bought before they knew the Eagles would be playing but had faith, must have gotten me thinking subconsciously about free passes. Wouldn’t it be nice if there were such a thing for a lawyer?

Ultimately each and every one of you will ultimately retire, willingly and purposefully, or unwilling and/or unexpectedly. As our marketplace becomes ever more challenging, many of you are suddenly opting out as well. I know, because I am getting calls almost daily. The first question is almost always, “What do I really have to do about all these client files?” I know you’re looking for that FREE PASS. But in reality I have none to give. So yes, I’ve been hearing a lot of whining and complaining about the work required regarding old client files.



This is nothing new, folks. So stop making it worse by ignoring it. If you have not read my article “Best Practices for File Closing and File Retention” send an email request to lawpractice@pabar.org right now. (Include the title and your member ID in the request.) Then we can customize your plan, which is simple to do. You can start improving the situation now, or delay dealing with the mess. If you delay it long enough, you may leave it behind for your colleagues to clean up. Not nice. You’ve been warned!

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