PROCEDURE FOR CLOSING LEGAL PRACTICE GUIDELINES (2026)

1. INTRODUCTION

1.1. These guidelines are intended to provide assistance to the relevant parties in the event that either:
   a) a firm,
   b) a professional company, or
   c) a Barrister and Attorney (pursuant to section 51 of the Supreme Court Act 1905) as a sole practitioner, wishes to or has reason to cease private practice and advising the public.

1.2. As the facts for each situation will differ, these guidelines are not intended to be prescriptive or exhaustive. They will attempt to address both voluntary (retirement) and involuntary (death; bankruptcy; revocation) causes, and recommended actions by key stakeholders as a consequence thereof.

1.3. Should you have any questions please contact the Executive Secretary to the Bermuda Bar Association.

2. LEGAL PRACTICE

2.1. **Sole Practitioner (unincorporated)**

2.1.1. **Voluntary cessation** – Should a Barrister & Attorney voluntarily wish to cease private practice:
   a) Notify Bar Council (via Executive Secretary) in writing with copy to the Barristers and Accountants AML/ATF Board (via the Technical Officer) no less than [six (6)] month[s] prior to cessation of practice of sole practitioner's intention to cease ("Cessation Date"). Notice to include:
      i. Intended Cessation Date;
      ii. Intended successor practitioner, firm or professional company (if any);
      iii. Undertaking to best of the sole practitioner's ability to comply with the steps outlined in these Guidelines as to notifications, transfer of remaining active client matters and engagements (if any), and custody or return of client related assets including but not limited to client funds held in trust or in escrow, property deeds, wills and or divorce matters.
   b) Notify professional indemnity insurer (direct or via broker) in writing in accordance with the policy notice provisions and in any case no less than [three (3)] month[s] prior to Cessation Date and make appropriate arrangements with respect to policy run off.
   c) Notify potential new clients (those who propose to engage the practitioner after the notification to the Bar Council under section [2.1.1(a)], above), in writing at the time of the proposed engagement of the practitioner's intention to voluntarily cease private practice including:
      i. Intended Cessation Date;
      ii. Intended successor practitioner, firm or professional company (if any).
   d) Notify existing clients (those who engaged the practitioner prior to the Bar Council notification under section [2.1.1(a)], above) in writing no less than [three (3)] month[s] prior to Cessation Date. Notice to include:
      i. Intended Cessation Date;
      ii. Recommendation and introduction to proposed successor practitioner, firm or professional company (if any);
      iii. Coordinating instructions and details with respect to the transfer of custody or return/availability for collection of client related assets including but not

limited to client funds held in trust or in escrow, property deeds, wills and or divorce matters.

e) No less than [one (1)] month prior to Cessation Date place a legal advert in Royal Gazette of sole practitioner's intention to cease. Legal advert to be run no less than [three] non-consecutive days and to include:
   i. Intended Cessation Date;
   ii. Contact details with instruction for clients to contact regarding any matters, whether active or dormant.

f) No less than [one] week prior to the Cessation Date, ensure all client trust monies and or client monies held in escrow have been returned to the client or transferred in accordance with the client's written instructions. Initiate process in accordance with relevant bank's procedures to close accounts. Please see section 4.1 below as to actions required if any client trust monies or client monies held in escrow that have not been claimed, transferred or returned prior to the Cessation Date.

g) On or immediately prior to the Cessation Date send to the Bar Council (via Executive Secretary):
   i. Declaration in the prescribed form confirming that all steps as recommended by the guidelines above have been undertaken and complied with;
   ii. Closing Barristers Accountants report (mark as final report);
   iii. Details of the storage location of any uncollected client files, including but not limited to those containing important legal documents relating to property deeds, wills and divorce matters;
   iv. Details of any client trust monies or client monies held in escrow that have not been claimed, transferred or returned and the attempts made to contact the relevant clients; and
   v. Practising Certificate (if hard copy retained).

2.1.2. **Involuntary cessation** – Should a Barrister & Attorney be directed, ordered or otherwise required to cease private practice:

a) Immediately return Practising Certificate to Bar Council (via Executive Secretary) (if hard copy retained).

b) Place a legal advert in Royal Gazette of sole practitioner's direction/obligation to cease private practice. Legal advert to run no less than [three] non-consecutive days and to include:
   i. Effective Cessation Date;
   ii. Instructions for clients to contact sole practitioner regarding any matters, whether active or dormant.

c) Sole practitioners must immediately notify professional indemnity insurer (direct or via broker) in writing in accordance with the policy notice provisions of effective Cessation Date and make appropriate arrangements with respect to policy run off.

d) Sole practitioners must immediately notify clients in writing [with copy to Bar Council]. Notice to include:
   i. Effective Cessation Date;
   ii. Coordinating instructions and details with respect to the transfer of custody or return/availability for collection of client related assets including but not limited to client funds held in trust or in escrow, property deeds, wills and or divorce matters.

d) As soon as practicable, use best efforts to ensure all client trust monies and/or client monies held in escrow have been returned to the client or transferred in accordance with the client's written instructions. Initiate process in accordance with relevant bank's procedures to close accounts. Please see section 4.1 as to actions required if any

client trust monies or client monies held in escrow that have not been claimed, transferred or returned prior to the Cessation Date.

e) As soon as practicable submit to Bar Council (via Executive Secretary):
   i. Declaration in the prescribed form confirming that all steps as recommended by the guidelines above have been undertaken and complied with;
   ii. Closing Barristers Accountants report (mark as final report);
   iii. Details of the storage location of any uncollected client files, including but not limited to those containing important legal documents relating to property deeds, wills and divorce matters; and
   iv. Details of any client trust monies or client monies held in escrow that have not been claimed, transferred or returned and the attempts made to contact the relevant clients.

2.1.3. **Upon sudden incapacity or death of sole practitioner:**
The next of kin, power of attorney or executor shall be expected to assume the role of the sole practitioner and follow the steps recommended pursuant to section 2.1.1 above.

2.2. **Firms & Professional Companies Voluntary cessation** – Should a firm or professional company resolve to voluntarily cease advising the public: The steps recommended pursuant to section 2.1.1 above shall apply mutatis mutandis to a firm or professional company, save for the fact that the firm or professional company on the Cessation Date will formally surrender its Certificate of Recognition rather than a Practising Certificate.

b) Please note that for any and all Barristers & Attorneys and or Registered Associates listed as employed with or affiliate to the firm or professional company their respective Practising Certificates will immediately cease to be valid as of the Cessation Date [and should be formally returned to Bar Council]. Said Barristers & Attorneys and/or Registered Associates will not be allowed to advise the public until they have satisfied all criteria required for the application of a new Practising Certificate under section 10 of the Bermuda Bar Act 1974 and are in receipt of such.

2.2.2. **Involuntary cessation** - Should a firm or professional company be directed, ordered or otherwise required to cease advising the public:

a) The steps recommended pursuant to section 2.1.2 above shall apply *mutatis mutandis* to a firm or professional company, save for the fact that the firm or professional company will formally surrender its Certificate of Recognition rather than a Practising Certificate.
b) Please note that section 2.2.1 (b) and the restrictions and requirements therein will similarly apply in matters regarding involuntary cessation.

2.2.3. **Matters of Governance & Winding-up**

a) Bar Council expects, and these guidelines assume, that any and all decisions made and or resolutions passed by the firm or professional company have been in accordance with its constitutional documents and any other pertinent governing agreements and legislation relevant to its form or structure (partnership, limited liability company, company limited by shares or guarantee).
b) Similarly, Bar Council expects, and these guidelines assume, that the firm or professional company will be terminated, wound-up, dissolved or otherwise liquidated in accordance with its constitutional documents and any other pertinent governing agreements and legislation relevant to its form or structure.

3. CLIENTS

3.1. **Contact law practice**
Immediately upon reading the legal advert or receiving formal written notice of the intended or effective Cessation Date, clients should follow the instruction therein and contact the sole practitioner, firm or professional company to give instructions as to the transition or settlement of any active matters or transfer or return of client monies.

3.2. **New Counsel**
If a matter is ongoing, clients should immediately seek alternate counsel prepared to assume the matter going forward. Sufficient time should be given to allow for potential new counsel to complete their required onboarding process so as to not cause any unnecessary or undue delay. Clients should formally instruct the sole practitioner, firm or professional company in writing as to the transfer of the matter and any and all related client files, including but not limited to those containing important legal documents relating to property deeds, wills and divorce matters, any and all related client trust monies net of outstanding fees, and any client monies held in escrow.

3.3. **Collection**
If the matter is not to be transferred to new counsel, clients should formally instruct the sole practitioner, firm or professional company in writing as to the collection by the client of any and all related client files, including but not limited to those containing important legal documents relating to property deeds, wills and divorce matters, and the transfer of any and all client trust monies, after the deduction of outstanding fees, and any client monies held in escrow.

3.4. **Contact Bar Council**
Clients in all instances should first contact the parties as indicated and instructed in the legal advert or written notice. Bar Council may provide clients with copies of these guidelines in response to any questions. Should a client believe they have potential grounds pursuant to the Bermuda Bar Act 1974 and/or the Barristers Code of Professional Conduct 1981 to file a formal complaint as to alleged unprofessional conduct, they may contact Bar Council for a copy of the Complaint Procedures.

4. MISCELLANEOUS

4.1. **Client Monies**
All reasonable efforts must be made for all client trust monies and or client monies held in escrow to have been returned to the client or transferred in accordance with the client's written instructions prior to the Cessation Date. At no time do these client monies form part or the property of the sole practitioner or if relevant their estate, or become distributable to the members or partners of the firm or professional company upon its termination, winding-up, dissolution or liquidation. Such client monies are to at all times remain separated and accounted for. Details of any client trust monies or client monies held in escrow that have not been claimed, transferred or returned and the attempts made to contact the relevant clients must be provided to Bar Council.

4.2. **Executors**
Executors or those handling probate are expected to recognise that there are restrictions pursuant to the Bermuda Bar Act 1974 as to the transmission and ownership of shares in firms or professional companies.

4.3. **Contingency Planning**

Sole practitioners or single member/law firms are encouraged as a matter of prudent practice to prepare a contingency plan regarding access and actions (including but not limited to passwords, active client lists, filing locations, etc.) to enable their next of kin, power of attorney or executor to act in accordance with section 2.1.3.

These guidelines are not intended to be prescriptive or exhaustive. It is intended that this be a live document that will be amended from time to time without notice. For the most recent version please visit the Bermuda Bar Associations' website.

Dated 20 July 2026