ONEIDA COUNTY BAR ASSOCIATION
POLICY: DEATH / INCAPACITY OF A SOLE PRACTITIONER, SUSPENSION OR DISBARMENT OF COUNSEL

This policy shall be followed when the OCBA is contacted by a relative, or the executor / administrator of an estate of an attorney who has died, has become permanently or temporarily incapacitated, or by a client whose attorney has been suspended or disbarred.

Oneida County Bar Association

[1] The OCBA is not an official repository for the safekeeping of wills. The OCBA shall not accept wills, files or any other documents for safekeeping from any office or individual.

[2] The OCBA maintains a voluntary list of attorneys who practice estate law as a part of the OCBA lawyer referral service. If a caller is looking for attorneys who practice estate law, the caller shall be given three names off of the list. The executive director shall keep track of the referrals and rotate through the list. The OCBA does not endorse or recommend individual attorneys.

[3] If a caller has questions about estate procedure, they shall be referred to the Surrogate's Court, Court Clerk.

[4] If a caller has questions about the suspension or disbarment of an attorney, they shall be directed to the appellate division wherein the attorney was admitted.

[5] The NY State Bar Association has a comprehensive Planning Guide (Third Edition) that addresses what must be done when an attorney becomes incapacitated or dies. This document was created over 20 years ago and was updated in 2023. The guide also addresses retirement. Upon inquiry, the executive director shall refer counsel for a family member or executor / administrator to that document. https://nysba.org/attorney-resources/planning-ahead-guide/. The OCBA shall not otherwise copy or redistribute that document. (See copyright statement.) The OCBA shall place a link to the document on the OCBA website.

APPLICABLE LAW

CPLR 321. Attorneys (Attorney withdrawal) (Death, removal or disability of attorney.)
CPLR 4503. Attorney-client privilege
CPLR 5514. Extension of time to take appeal or to move for permission to appeal
Judiciary Law § 468-a. Biennial registration of attorneys
Judiciary Law § 499. Lawyer assistance committees
22 N.Y.C.R.R. § 118.1. Filing Requirement
Part 1240. Rules for Attorney Disciplinary Matters (All Departments.)
Rules of Professional Conduct: (See NYSBA Planning Guide)

OC Bar Assoc. procedure adopted: October 9, 2025