



## Reminder for Attorneys: Duty to Designate Inventory Attorney

**“Hope for the best, but prepare for  
the unexpected.”**

No one wants to imagine that an unexpected catastrophe could lead to a life-changing event. But, to protect the system of justice and the people it serves, The Florida Bar Rules provide that all attorneys who practice law in Florida must designate an inventory attorney in the event of their suspension, disbarment, death, or other circumstance. The entire rule is below, and you may click [here](#) for information on how to appoint an inventory attorney and for the necessary forms.

### **Rules Regulating the Florida Bar Rule 1-3.8 Right to Inventory**

**(a) Appointment; Grounds; Authority.** Whenever an attorney is suspended, disbarred, becomes a delinquent member, abandons a practice, disappears, dies, or suffers an involuntary leave of absence due to military service, catastrophic illness, or injury, and no partner, personal representative, or other responsible party capable of conducting the attorney’s affairs is known to exist, the appropriate circuit court, upon proper proof of the fact, may appoint an attorney or attorneys to inventory the files of the subject attorney (hereinafter referred to as “the subject attorney”) and to take such action as seems indicated to protect the interests of clients of the subject attorney.

**(b) Maintenance of Attorney-Client Confidences.** Any attorney so appointed shall not disclose any information contained in files so inventoried without the consent of the client to whom such file relates except as necessary to carry out the order of the court that appointed the attorney to make the inventory.

**(c) Status and Purpose of Inventory Attorney.** Nothing herein creates an attorney and client, fiduciary, or other relationship between the inventory attorney and the subject attorney. The purpose of appointing an inventory attorney is to avoid prejudice to clients of the subject attorney and, as a secondary result,

prevent or reduce claims against the subject attorney for such prejudice as may otherwise occur.

**(d) Rules of Procedure.** The Florida Rules of Civil Procedure are applicable to proceedings under this rule.

**(e) Designation of Inventory Attorney.** Each member of the bar who practices law in Florida shall designate another member of The Florida Bar who has agreed to serve as inventory attorney under this rule; provided, however, that no designation is required with respect to any portion of the member's practice as an employee of a governmental entity. When the services of an inventory attorney become necessary, an authorized representative of The Florida Bar shall contact the designated member and determine the member's current willingness to serve. The designated member shall not be under any obligation to serve as inventory attorney.