

CHECKLIST BEFORE A LATERAL HIRE

✓ Ask candidate if they have ever:

Had any potential, pending or dismissed disciplinary matters
Been sued or been a party to any administrative proceeding
Been sanctioned by a court or administrative body or if they or any of their clients are the subject of any pending or threatened motion for such
Been subject to investigation for or charged with any crimes
Filed bankruptcy

✓ Ask candidate if, in their prior legal practice, they:

Had legal malpractice insurance coverage
Ever received notice of a malpractice claim or notified their malpractice carrier or former firm of a malpractice claim or circumstances which may give rise to a claim
Are aware of any circumstances that may give rise to a malpractice claim or disciplinary action
Had accounts receivable and whether any have ever been written off
Withdrew from any client matters prior to the conclusion of the representation
Have ever been terminated by a client
Follow best practices, such as prior use of conflicts checking, dual calendaring, engagement/disengagement/nonengagement letters, billing frequency and collections, communication styles and habits
Have malpractice insurance coverage for their prior acts through their former firm or via "tail" coverage. (If they don't, determine if your firm will provide through your insurer.)

✓ Then check:

All professional licenses

 Check every jurisdiction where candidate licensed to practice

 Verify court admissions, such as federal district court

Professional discipline

 Check Ohio Supreme Court and any other jurisdiction for disciplinary history, administrative sanctions, and suspensions

Court dockets

 Check local common pleas and municipal court for prior legal proceedings

 Check Pacer for bankruptcy actions

Conduct a public records search for a complete background check

Google or other search engines and social media

✓ **Before bringing the candidate on board, confirm that:**

The candidate's clients are fully informed that the candidate is leaving the prior firm

The candidate's clients know the status of their cases,

The candidate's clients understand the fee arrangements

Conflicts checks are run before hiring and appropriate safeguards are taken pre-employment

Successor counsel is assigned for matters the candidate will no longer be handling

All other deadlines are met

For additional information, see [Ohio Ethics Guide: Switching Firms](#).