

SAMPLE DISENGAGEMENT LETTER - termination of engagement
By Mark Anesh, Esq.

Disengagement (or termination) letters should always be sent to a client when attempting to remove yourself from a case after it has been accepted. Reasons to disengage from a case range from a potential conflict to unpaid legal bills. Also:

- * Send certified mail, return receipt requested
- * Strongly point out the firm no longer represents the client in the matter as of that particular time
- * Recommend he/she seek advice of other counsel
- * In some case, a Court Order needs to be obtained
- * Provide all upcoming important dates and deadlines
- * You still may have a duty to “protect the file”

How to use this form:

The letter should contain at a minimum, each of the following: an opening paragraph stating the reason for termination (Options A1-A4); a paragraph dealing with successor counsel (Options B1-B4); and a closing paragraph (Options C1-C2). If there are deadlines or action items of which the client needs to be aware, a paragraph describing these is absolutely necessary.

Re: Termination of engagement

Dear _____ :

[Option A1: Inactivity]

In connection with a periodic review of our records, it has become apparent that we have performed minimal or no services for [client name] for a substantial period of time [alternative: since _____ [date]]. Accordingly, pursuant to our firm’s policy, this is to confirm that our engagement has terminated. We no longer have an attorney-client relationship with [name], and will not render further legal services unless we enter subsequent engagement.

[Option A2: Nonpayment of fees]

As we have previously discussed, payment of our fees by [client name] is now seriously in arrears. Specifically, as of [date], we are owed \$ ____ for billed and unbilled fees and \$___ for billed and unbilled costs and disbursements. In light of these circumstances, we have reached the regrettable conclusion that we must terminate our engagement. Accordingly, we will not longer be rendering legal services to [client name] and will have no further attorney-client relationship.

[Option A3: Client election to terminate]

This confirms that, in accordance with your [or client's name] instructions, our engagement is terminated and we will not render further legal services to [client name]. We will have no further attorney-client relationship.

[Option A4: Difficulty in working with client]

This is to inform you that, pursuant to the original engagement with [client name], we have decided to terminate our representation. Regrettably, the difficulty we have had in [communicating with [client name]] [agreeing upon an appropriate course of action][other] has led us to conclude that it is necessary for us to terminate our relationship and for [client name] to proceed with new counsel. Accordingly, we will no longer be rendering legal services to [client name] and will have no further attorney-client relationship.

[Option B1: Litigated matters where motion to leave to withdraw is required]

In accordance with court rules in the matter of _____ [case name], we will file a motion for leave to withdraw as counsel. Pending court approval of the motion, we will continue to serve as your counsel of record. In the event the motion is granted, we will immediately cease to provide services to you, and will have no further attorney-client relationship.

[Option B2: Litigated matter; substitution of counsel]

In accordance with court rules in the matter of _____ [case name], we will work with the successor counsel you have identified, [name of counsel], to file a Substitution of Counsel form, that when approved by the Court, will permit successor counsel to take over your representation. At that point, we will have no further attorney-client relationship, and we will transfer your files to successor counsel unless you direct otherwise.

[Option B3: Non-litigation matters; successor counsel identified]

You have informed us that [name of counsel] will serve as your successor counsel in matters as to which we have provided services. We will work with [name of counsel] toward smooth transition of your matters, and will transfer your files to [name of counsel] unless you direct otherwise.

[Option B4: Non-litigation matters; no successor counsel identified]

To the extent you continue to need an attorney's services, we encourage you to retain new counsel. We will be pleased to assist in the transition of any matters or files to you or your new counsel, as you may direct. In the absence of any request, we will retain our files in accordance with our firm's policy, which also provides that files may be destroyed in the future after notice to you.

[Required paragraph if client has outstanding unpaid fees]

In connection with the termination of our services for you, all of our statements for fees and disbursements are not due and payable and we enclose herewith our final statement for services and disbursements. We request that you pay promptly the enclosed statement and any statement previously rendered to you, which remains unpaid.

[Required paragraph if there are statutes of limitations or other important deadlines]

You should be aware of the following important dates in connection with the matters on which we have provided assistance. [List known statutes of limitations, filing dates or other deadlines imposed by statute or rule.] In addition, you should consider the following action items that may be required to be taken to protect your rights. [Describe any such action items in detail.]

[Option C1: Closing inviting possible future relationship]

We wish you every success in your endeavors and would be pleased to assist you in the future, should the need arise.

[Option C2: Closing where no future relationship is anticipated]

We regret the circumstances that have necessitated this action, but we wish you every success in your future endeavors.

Very truly yours,

By: