

DISENGAGEMENT LETTERS

Letter 1

Matter Completed - Closing File

Letter 2

Letter Declining Further Representation

Letter 3

Letter Regarding Unpaid Fees

A disengagement letter is especially critical when a lawyer decides not to continue past a specific stage in a case. The lawyer should send a disengagement letter to establish that the relationship is no longer continuing, and to refer the client to another lawyer. In the disengagement letter, the lawyer should warn the client of applicable time limitations, deadlines, and uncompleted investigation or casework. The lawyer should address other topics as applicable, such as whether and under what conditions the lawyer will consult with successor counsel, whether the client owes fees or expenses and to explain procedures for file storage and destruction. A disengagement letter serves to make clear that a client has ceased to be a current client for conflict of interest analysis.

We recommend lawyers include language about file destruction in all engagement letters and again in the disengagement letters. This gives the client an opportunity to grant permission to destroy the file when the client has full knowledge of the case.

IMPORTANT NOTICES

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DISENGAGEMENT LETTER 1
MATTER COMPLETED – CLOSING FILE
(Sample – Modify as appropriate)

Re: [Subject]

Dear [Name]:

Thank you for allowing [firm] to represent you in the [describe] matter. To complete this matter, we will [outline any final matters you will take care of]. In addition, you will need to [outline everything the client is responsible for at this time].

Since this case is now closed, we suggest that you keep all information relating to the matter in a safe place where you can easily locate it.

Returning Original Client Documents/Destruction of File

I have sent you a copy of [pleadings, documents, correspondence, and other information]. These copies are your file copies. I also keep a copy of those documents file in my office, and this copy is my file. I will return any original documents you provide unless I are required to file it in court.

It is **[It is not]** my practice to store my files in a digital format and destroy the paper file. I will store the paper and/or digital file for approximately 10 years from the date the matter is closed unless there is a legal requirement to maintain it longer. I will then properly destroy the file.

We hope that this matter has been concluded to your satisfaction. We would appreciate it if you would fill out the enclosed Client Service Questionnaire. The information you provide will help us improve our services.

Thank you for allowing us to represent you in this matter. We believe your referral of this firm to your friends and family is the highest honor. We will do our utmost to serve them as our special clients. If we can be of further assistance on this or any other matter, please let us know.

[Attorney]

[Firm]

ENC.: Client Service Questionnaire

DISENGAGEMENT LETTER 2
DECLINING FURTHER REPRESENTATION
(Sample – Modify as appropriate)

Re: [subject]

Dear [name]:

Since I have not heard from you for the past [30 / 45] days, I now assume that you do not wish to retain me further or proceed with this matter. Accordingly, I am now closing my file and will take no further action in the matter.

You [are / may be] facing time limitations on your claim, so if you decide to proceed you should contact another lawyer immediately. If you fail to do so, your legal matter may be barred by a time limitation.

Returning Original Client Documents/Destruction of File

I have sent you a copy of [pleadings, documents, correspondence, and other information]. These copies are your file copies. I also keep a copy of those documents file in my office, and this copy is my file. I will return any original documents you provide unless I are required to file it in court.

It is **[It is not]** my practice to store my files in a digital format and destroy the paper file. I will store the paper and/or digital file for approximately 10 years from the date the matter is closed unless there is a legal requirement to maintain it longer. I will then properly destroy the file.

Very truly yours,

[Attorney]
[Firm]

DISENGAGEMENT LETTER 3
UNPAID FEES
(Sample – Modify as appropriate)

Re: [Subject]

Dear [Name]:

We have been working together since [date] to accomplish [subject matter]. Prior to commencement, we agreed that I would provide you with quality legal services in return for you compensating me in a timely fashion. To date you have paid [dollar amount already paid] in legal fees and expenses. Unfortunately, you have not paid my monthly statements on a timely basis and currently owe me overdue fees and expenses in the sum of [current balance].

Although I would like to continue representing you until this legal matter has been concluded, I cannot do so unless you bring your account to current status and recommit to your obligation to pay me as agreed on a timely basis going forward.

I am confident that the trial court will permit me to withdraw from your case and that you can retain a new attorney without harming your case or negatively affecting the court's calendar. Likely, if I wait several more months, this would no longer be true. I am unable to effectively provide you with the necessary level of legal services on an unpaid basis.

Should you decide to engage a new lawyer, it would be my intention to cooperate on the following basis: you arrange to pay me for your unpaid bill for fees and expenses for the work I have already completed and for my time and expense for consulting with your new lawyer. Please realize that I will only share my legal work with your new attorney to extent legally required to do without full payment of my fees and expenses.

I have enclosed a copy of my petition to withdraw from your case will file this with the court within 14 days from the date of this letter unless you contact me to make a payment of [dollar amount] to bring your account current.

I hope that I hear from you promptly to resolve this so that I can continue to represent you. Please sign, date, and return the enclosed copy of this letter once you have reviewed it.

Very truly yours,

[Attorney]
[Firm]

I have reviewed, understood, and agreed to this letter.

Signed: _____

Date: _____