

Practice Resource

Model non-engagement letters

Please be aware that these letters are intended to be used at the outset of a potential client representation, and are not intended to be used as withdrawal letters. For guidance on correspondence with respect to withdrawal, consider BC Code rule 3.7-9 and contact a Practice Advisor if you have questions at 604.443.5797 or practiceadvice@lsbc.org.

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Non-engagement letter (confirming conversation)

Dear [CLIENT NAME]:

Re: Legal Representation

I write further to our conversation of [DATE] in regard to your legal matter. This letter confirms, as we discussed, that our law firm will not represent you in this matter.

[Select ONE of the following two options for the next paragraph]

- **OPTION 1:** You should be aware that there may be strict time limitations within which you must act in order to protect your rights in this matter.

-OR-

- **OPTION 2:** You should be aware that there are strict time limitations within which you must act in order to protect your rights in this matter. **In your matter, a lawsuit must be started by filing an action in the appropriate court registry before [DATE].** After this date your claim will be statute barred which means that you will not be able to start a lawsuit or make a claim against any of the parties.

I strongly encourage you to contact another lawyer immediately to obtain legal representation. I will not be taking any steps to protect your interest.

If you do not have another lawyer in mind to represent you, I suggest calling the Access Pro Bono Legal Referral Service, as that service maintains a list of lawyers who may be available to handle your type of case. British Columbians may access the Lawyer Referral Service by calling

(604) 687-3221 or 1-800-663-1919 Monday to Friday from 8:30am to 5:00pm. More information is available here: <http://www.accessprobono.ca/lawyer-referral-service>.

Yours truly,

Non-engagement letter (after consideration)

Dear [CLIENT NAME]:

Re: Legal Representation

I write further to our conversation of [DATE] in regard to your legal matter. After consideration, our law firm has concluded that we will not represent you in this matter.

This letter is not intended to be an opinion concerning the merits of your case. In declining to represent you, we are not expressing an opinion as to whether you should take further action in this matter.

[Select ONE of the following two options for the next paragraph]

- **OPTION 1:** You should be aware that there may be strict time limitations within which you must act in order to protect your rights in this matter.

-OR-

- **OPTION 2:** You should be aware that there are strict time limitations within which you must act in order to protect your rights in this matter. **In your matter, a lawsuit must be started by filing an action in the appropriate court registry before [DATE].** After this date your claim will be statute barred which means that you will not be able to start a lawsuit or make a claim against any of the parties.

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Please find enclosed all of the materials that you provided for our review.

Yours truly,

Non-engagement letter (conflict of interest)

Dear [CLIENT NAME]:

Re: Legal Representation

I write further to our conversation of [DATE] in regard to your legal matter. As we discussed, before our law firm could agree to represent you in this matter we had to investigate whether this representation would create a disqualifying conflict of interest for the firm, meaning whether representing you could adversely affect existing or former clients' interests, or some other reason that we would not be able to adequately represent your interests.

Our law firm has reviewed the matter and found that we do have a conflict of interest in this case. Accordingly, our law firm cannot represent you in this matter.

[Select ONE of the following two options for the next paragraph]

- **OPTION 1:** You should be aware that there may be strict time limitations within which you must act in order to protect your rights in this matter.

-OR-

- **OPTION 2:** You should be aware that there are strict time limitations within which you must act in order to protect your rights in this matter. **In your matter, a lawsuit must be started by filing an action in the appropriate court registry before [DATE].** After this date your claim will be statute barred which means that you will not be able to start a lawsuit or make a claim against any of the parties.

I strongly encourage you to contact another lawyer immediately to obtain legal representation. I will not be taking any steps to protect your interest.

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Yours truly,