

MILWAUKEE BAR ASSOCIATION

PROFESSIONALISM COMMITTEE

STANDARD FORM LETTER # 3

**Non-engagement Letter
(Firm Decision Not to Take Case)**

September 29, 1999

Mr. Non-Client
100 Non-Client Lane
Decline, WI 54321

Re: Non-engagement of law firm

Dear Mr. Non-Client:

Thank you for your visit/telephone call today. As we discussed, our firm will be unable to represent you in connection with you (*brief reference to client matter*).

Please understand that we have not investigated your case and are expressing no opinion as to its merits or the likelihood you will prevail. Rather, we have decided it would be inappropriate for us to become attorney and client with regard to this matter. We are returning the documents you left at our office, with this letter.

[Note: Avoid giving a specific reason why you declined. Avoid expressing any opinion as to liability.]

We strongly recommend that you consult with another attorney about this matter without delay to be sure your rights will not be lost or jeopardized. There are various statutes of limitations imposing time deadlines on the commencement of suits. Failure to meet these limitations would forever bar you from pursuing your case.

[Or: "There are certain rigid time restrictions that must be met in prosecuting your case or your rights might be forever lost. Therefore, if you intend to pursue this matter, it is imperative that you not delay in moving the case forward either on your own or with other counsel."]

[Beware citing a specific statute of limitations. You could be wrong - perhaps you do not know all of the circumstances. If you believe the statute is running out very fast, you might say that the statute will run within the next few days/this month/as appropriate.]

Again, we will not be representing you in this matter and will not be taking action on your behalf. We wish you the best of luck in the future.

Sincerely,

Encl.-employment contract

Note: It is recommended that law firm policy require that any potential client with whom you have consulted - in person or by phone - receives confirmation that you will not be handling the matter. Send letter by certified mail, return receipt requested. (If recipient doesn't sign for letter, be sure to make note for file and resend by regular mail.) Or have client sign a copy at the end of your meeting. Keep copy in file created specifically for non-engagement matters.

[This is a sample form to be used as a guide or example, and should be adjusted to suit your client's needs. The Milwaukee Bar Association, Inc. hereby disclaims any

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