

NOTE: This material is intended as only an example, which you may use in developing your own form. It is not considered legal advice and as always, you will need to do your own research to make your own conclusions with regard to the laws and ethical opinions of your jurisdiction. In no event will ISBA Mutual Insurance Company be liable for any direct, indirect, or consequential damages resulting from the use of this material.

Documentation: Notice to Client of Departure of Partner/Associate from Firm

[Date]

[Client Address]

RE: **[Smith v. Jones]**

Dear **[Client Name]**:

On **[date of withdrawal]**, [departing lawyer] [is leaving/left]the law firm of **A B & C, Ltd.** [to join law firm D & E, LLC].

Inasmuch as [departing lawyer] was your designated lawyer on the above matter, we are required by the Illinois Rules of Professional Conduct to inform you that you have the right to choose to have [departing lawyer] continue in [his/her] new capacity to represent you in this matter, or you may have our firm continue to represent you, in which case the file will be handled by [current firm lawyer], or you can choose to retain an entirely new lawyer.

We have appreciated the opportunity to serve you in the past. If you wish to have [departing lawyer] or a new lawyer continue to represent you, arrangements to secure your outstanding account with us will have to be made before the file can be released to [departing lawyer] or new lawyer. [If applicable: You may be liable for fees and costs for services already provided by the firm.] [If applicable: Any retained/unspent fees or costs currently held by the firm will be promptly returned or transferred to [departing lawyer] or [new lawyer] as you designate. Please advise [departing lawyer] and us, as quickly as possible, of your decision so that continuity in your representation is assured. You may do so by indicating your choice below and returning a signed and dated copy in the enclosed stamped envelope. Please retain the additional copy of this designation letter for your records.

Should you have any questions related to these matters, please contact us for further information.
Sincerely,

A B & C, Ltd.

By: _____

Instructions

- I wish my file to stay with A B & C, Ltd.
- I wish my file and trust account balalnce to be transferred to [name of departing lawyer].
- I will retain new counsel and have them contact [name of current firm lawyer].

Comments:

1. See [Illinois Rules of Professional Conduct Rule 1.16](#) for ethical guidelines concerning withdrawal from representation and termination of the lawyer-client relationship.
2. Remember when withdrawing from representation, you must take reasonable steps to avoid foreseeable prejudice to the rights of the client, including the following:
 - a. giving due notice to the client in writing;
 - b. allowing time for employment of other counsel;
 - c. delivering to the client all papers and property to which the client is entitled; and
 - d. refunding promptly any part of the fee that was paid in advance, but which has not been earned.
3. Don't forget to promptly file substitutions of counsel with the court.
4. If the client has decided to retain other counsel, send a closure letter. If the client has opted to move his/her file to your new firm, send an engagement letter.

DISCLAIMER: This sample form is designed to reduce the likelihood of being sued for legal malpractice. It is not intended to be, nor should it be considered legal advice. It is not the intent of this form to suggest or establish practices standards or standards of care applicable to a lawyer's performance in any given situation. Rather, the sole purpose of this sample form is to assist lawyers insured by ISBA Mutual in avoiding legal malpractice claims, including meritless and frivolous claims. To that end, the intention is to advise lawyers insured by ISBA Mutual to conduct their practices in a manner that is well above the accepted norm and standards of care established by substantive legal malpractice law. The recommendations contained in these materials are not necessarily appropriate for every lawyer or law firm and do not represent a complete analysis of each topic.