

## Non-Engagement Letter – Lost Client

[Date]

[Name and Address of Client]

Re: [LEGAL MATTER]

Dear [Client]:

We have been pleased to have represented you for the past [TIME FRAME] in [LEGAL MATTER]. We have not heard from you, however, for the past [TIME FRAME]. We have attempted to communicate with you by letter and telephone, but we have not been successful. Our letters [ARE RETURNED], and [OUR TELEPHONE CALLS GO UNANSWERED] [YOUR TELEPHONE HAS BEEN DISCONNECTED].

Because we are unable to communicate with you, we must assume that you no longer wish us to represent you in this matter.

Because your case is pending before the court, we may only withdraw with the court's permission. Enclosed is a copy of the motion we intend to file within [number] days from the date of this letter. We believe the court will grant our request for leave to withdraw. You should begin looking for another attorney immediately so that the transition may be as smooth as possible and to insure that no time deadlines are missed. Your failure to take some action regarding this matter may result in [your claim being forever barred] [a default judgment being entered against you].

Of course, we will cooperate with the attorney you choose. If your new lawyer wishes to discuss this case with us, we will do so only if you agree to pay us for the additional time and expense involved in such a consultation. We will also turn over our file to your new lawyer if we have a reasonable assurance that you will pay the outstanding fees and costs for the services we have provided through this date. Without such an assurance, the law allows us to assert a retaining lien on your file until you have either paid the fees owed or posted security for payment unless our retention of the documents would cause prejudice to your case.

If you desire that we continue to represent you, we will do so if you contact us immediately upon receipt of this letter. If you do not contact us within [number] days, we will file the motion to

withdraw. I look forward to hearing from you and hope that we can continue representing you in this matter.

[Name of Firm]

By \_\_\_\_\_

[Name of Attorney]

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.