

Last Updated August 2024

Model Non-Engagement Letter

This is a general non-engagement letter that confirms to a potential client, after a consultation or phone conversation, that the firm is unable to act on the matter. Reasons for declining the retainer may or may not be stated.

This letter contains a warning about limitation periods. While this warning contemplates commencing a legal action, you can modify it to cover other imminent deadlines in other types of matters.

Although perhaps impractical for some types of matters, if you have done the consultation without receiving confidential information, confirm this in the letter so that you are protected from future allegations of a conflict of interest.

This model non-engagement letter builds on the Model Non-Engagement Letter in the Canadian Bar Association Conflicts of Interest Toolkit and the Law Society of British Columbia model letters.

[Date]

[Delivery method]

[Potential client name and address]

Dear [name]:

Re: Confirmation we are Not Engaged/Retained

Thank you for your [visit or call] today regarding [describe matter]. I appreciate the confidence you have expressed in our firm but for various reasons the firm has decided that it cannot represent you in this matter. For clarity, we confirm that we are not and have not been retained by you and we do not represent you.

[Where a specific statute of limitations poses as an immediate problem:] Please note that there is a statute of limitation that may apply and prevent you from pursuing your claim if you do not take action on a timely basis to protect your rights or remedies. We recommend that you immediately contact another lawyer or law firm for assistance with this matter.

[Where you completed an initial consultation:] From my consultation with you, I understand [set out details of client's circumstances as explained to you.] In your circumstances, I would advise you to [set out the advice you gave the client].

[Where communications with the potential client involved document or property exchange:] We are returning with this letter documents that we reviewed regarding this matter

and confirm that we are not in possession of any further documents or property received from you.

[If you did not receive any confidential information when meeting with the client:] Finally, we confirm *[if you, ideally, agreed when the appointment was set-up]* that as was agreed when we initially set up our appointment, that you did not reveal any confidential information to us at the meeting today, and as such, there can be no objection on a conflict of interest basis to our firm acting in this or related matters for any other current or future client.

[If appropriate, add:] We appreciate your having approached us regarding this matter. If you ever have need of legal services in the field of *[practice concentration]*, we hope that you will think of us again in that context.