Changing Firms or Leaving Private Practice: Draft Letters to Clients

- When an attorney leaves their current firm or the practice of law, their primary concern should be their clients.

- In Formal Opinion 2010-02, the Disciplinary Commission opined that the entire file belongs to the client. Thus, when an attorney leaves a firm, the client needs to be notified of the transition in order to determine where their file should reside.

- When drafting notice to current clients, the best practice is to send a joint letter on firm stationery prior to your departure from the firm. If that is not possible, the attorney who is responsible for the case should still send the notice.

- Notices should not be sent to firm clients with whom the leaving attorney did not have any contact or case responsibility.

- This packet includes draft notices that should be sent to clients to provide your clients notice of the change and requesting directions for where the client would like their file to reside after your departure.

- These are only intended as samples and should be amended to reflect your individual situation.

- In addition, placing the letters on firm letterhead would be the best course of action.

- In the modern age of technology, email is used most frequently. Sending these notices by email, so long as you have the proper cyber security measures in place, is acceptable. Consider sending these letters in an encrypted email similar to Secure Send or with a read receipt included.

- Keep a running master list of all current clients include date the initial letter was sent and whether a response have been received. Routinely check the list, as you do not want to end your last day with client's matters lingering in the unknown.

Sample Notice Letter

[Date]

[Client Address]

Re: [Matter]

Dear [Client]:

On [date], I am leaving the practice of law and will no longer be able to represent you in your pending matter. This letter is to notify you that your file will need to be transferred to a new lawyer.

Please indicate your decision below and return one copy of this letter to the address above so that continuity in your representation is assured.

Yours very truly,

Attorney Name

_____   I wish for an attorney of ABC Law Firm to represent me. Please send my file to the following lawyer:

_____   I wish to receive my file and select a new attorney to represent me in this matter.

_____
Client Signature

Sample Notice Letter

[Date]

[Client Address]

Re: [Matter]

Dear [Client]:

On [date], I am leaving [or left] ABC law firm to [join the law firm of XYZ][to commence practice as a sole practitioner]. Because I have been the lawyer primarily responsible for handling your case, this letter is to notify you that you may continue to retain me to represent you in this matter, you may choose to have another attorney of the ABC law firm represent you, or you may select a new attorney unrelated to either myself or the ABC firm.

Please indicate your decision below and return one copy of this letter to the address above so that continuity in your representation is assured.

Yours very truly,

Attorney Name

_____   I wish for Attorney Name to continue to represent me.

_____   I wish for an attorney of ABC Law Firm to represent me.

_____   I wish to receive my file and select a new attorney unrelated to Attorney
                     Name or ABC law firm.

_____
                          Client Signature

AUTHORIZATION FOR TRANSFER OF CLIENT FILE

I understand that the Law Office of _____ will no longer be in operation and I hereby authorize [Attorney Name] to deliver a copy of my file to:

[ ] Me; or

[ ] My new attorney

at the following address:

_____

_____

_____

_____

_____   _____
[Client]

                                                                           [Date]

Return this authorization to:
[Attorney Name]
[Attorney Address]

AUTHORIZATION FOR TRANSFER OF CLIENT FILE

I understand that [Name of Attorney] is leaving the Law Office of _____ to join _____. I hereby authorize [Attorney Name] to deliver a copy of my file to:

[ ] Leave my file with [Current Law Office]

[ ] I authorize [Attorney's Name] to transfer my file to [New Law Office]

[ ] Me

[ ] My new attorney

at the following address:

_____

_____

_____

_____

_____   _____

[Client]

                                                                      [Date]

Return this authorization to:
[Closing Attorney Name]
[Closing Attorney Address]