

Effective Engagement Letters and Other Simple Risk Management Tools

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1



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2

Effective Engagement Letters

Basics of Engagement Letters:

Who is the Client?

What is the Scope of the Representation?

What are the Payment Terms?

Other Contract Provisions (Advance Conflict Waivers).

Other Helpful Letters (“I’m Not Your Lawyer” Letters;
Close-Out Letters).

Outside Counsel Guidelines.

3

Effective Engagement Letters

Who is the Client?

The Importance of That Question.

Creation of an Attorney-Client Relationship.

Client Due Diligence and Intake.

Client Identification in the Letter.

4

Effective Engagement Letters

Who is the Client?

Creation of an Attorney-Client Relationship.

5

Effective Engagement Letters

Who is the Client?

Creation of an Attorney-Client Relationship:

“The attorney-client relationship is contractual. An attorney must agree to render professional services for a client. In order to establish the relationship, the parties must either explicitly or by their conduct manifest an intent to create it. To make the determination of whether there was an agreement or meeting of the minds to form such a relationship, courts must use objective standards regarding what the parties said and did. One party’s subjective belief that such a relationship was formed is not sufficient.” *In re: Rescue Concepts, Inc.*, 556 S.W.3d 331, 349 (Tex. App. 2017) (internal citations omitted).

6

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