

**Information or instructions: Letter to a client advising against a settlement offer**

**PREVIEW**

1. The purpose of this form is to prevent a client from accepting a bad settlement offer.
2. The letter informs the client that the offer should not be accepted and explains the rationale for the recommendation.
3. The letter is written to confirm the client's decision to settle against the attorney's advice.
4. Failure to notify the client, in writing, can result in a malpractice lawsuit, if the attorney cannot prove that he or she advised the client that the settlement was inadequate or adverse to the client's best interests.
5. The letter should serve as proof that the client refused to follow the attorney's recommendation.

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**Form: Letter to a client advising against a settlement offer**

[Date]

[Client's name]

[Client's address]

**ATTORNEY-CLIENT COMMUNICATION: THIS DOCUMENT AND ITS CONTENTS CONSTITUTE LEGALLY PRIVILEGED INFORMATION**

**THIS DOCUMENT**

Dear [Client's salutation].

Per our conversation, we have discussed the following settlement offer: [describe the settlement offer].

As we discussed, I have advised you that we should consider the following actions and I have recommended against the settlement proposal for the following reasons: [list the recommended actions and reasons why the settlement should not be accepted].

You have informed me that you understand my recommendations, however you have decided to accept the settlement offer notwithstanding my advice to you to the contrary.

**THANK YOU**

As I understand our conversation, your reasons for said decision is based upon the following factors:

[list the factors i.e.]

1. the cost for you to defend including attorney's fees,

2. travel to and from the court,

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3. loss of earnings while contesting the matter.

# PREVIEW

4. the case is not economical to defend.

5. [State the specific facts that recite the client's reasons for wanting to disregard your advice].

[optional paragraph withdrawing from representing the client]

Accordingly, we are closing our file on this matter and are no longer your attorney for said matter. I cannot continue to represent you, if you are not willing to follow my advice.]

[optional paragraph if the attorney will continue to represent the client]

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Since you have requested me to complete this matter I will perform the following legal work to finalize the settlement [state the work to do].

I hope this letter explains the importance of your intended decision. I am not trying to scare or offend you, but it is important for you to be fully aware of the consequences of your decision not to follow my advice.

I am required to inform you of your legal rights; I have done so. I am also required to exercise my best professional judgment; that is why I have written this letter. Once you have been informed of the settlement its advantages and disadvantages and any alternatives to the settlement, then the decision to accept or reject the settlement is yours to make.

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If my understanding of the above is incorrect, or if you have any questions, please contact me in writing, as soon as possible, but no later than [date] since we must act on or before said date.

Very truly yours

[Attorney's name]

Certified Return Receipt Request Number:

[If possible, have the client sign the following acknowledgment]

# THANK YOU

## CLIENT ACKNOWLEDGMENT & DECISION

I hereby acknowledge that I have read and understand the above letter and the advice given to me by my attorney.

My attorney has recommended I against file a suit, however I have decided to proceed with the settlement even though it is against my attorney's advice.

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I hereby accept any and all consequences that may result from ignoring my attorney's advice, including but not limited to the following: 10 [state the consequences].

Signed on \_\_\_\_\_.

\_\_\_\_\_  
[Client's name]

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**THIS DOCUMENT**

**THANK YOU**

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