

SAMPLE ADVANCE CONFLICT OF INTEREST WAIVER LETTER

[Insert Date]

[Client]

[Name of Client Contact]

[Company or Entity]

[Address]

**Re: [Style of Case or Description of Matter/Representation]
Advance Conflict of Interest Waiver**

Dear _____:

As you know, [Law Firm] has been asked to represent you [name of client] in [describe matter] (“the matter”). This letter is written to address conflict of interest matters with regard to such representation. Currently, [Law Firm] does not have any conflicts of interests with respect to our representation of you [name of client] in this matter.

However, [Law Firm] has substantial practice in the areas of [enter relevant practice areas]. As a consequence, in the future [Law Firm] attorneys could find themselves in relationships that are potentially or actually adverse to you [name of client].

In order to preserve [Law Firm’s] ability to represent its clients in the future whose interests are or may be considered to be adverse to you [name of client], including but not exclusively in [enter relevant practice areas], although unrelated to [Law Firm’s] representation of you [name of client] in the matter, you [name of client] have/has agreed to provide this advance conflict of interest waiver. You [name of client] give/s your [his/her/its] informed consent to and waive/s any future conflicts of interest associated with [Law Firm’s] potential future representations of clients adverse to you [name of client], in [enter relevant practice areas], and in other potential practice areas. Your [Name of client’s] waiver is conditioned on the understanding that [Law Firm] will not utilize any information gathered in its role as counsel for you [name of client] against you [him/her/it] in any such adverse third party representation and that no such information shall be shared with practice groups or attorneys and staff at [Law

Firm] that or who are not required to provide representation to you **[name of client]** as counsel in the instant matter.

You **[Name of client]** further agree/s that you **[he/she/it]** will not use **[Law Firm's]** representation in the instant matter as a basis for objecting to or attempting to disqualify **[Law Firm]** in any such future representations in **[enter relevant practice areas]**, or other potential practice areas, adverse to you **[name of client]**, which are unrelated to **[Law Firm's]** representation of you **[name of client]** in the matter.

However, if you **[name of client]** object/s to any such future adverse representation, you **[name of client]** further agree/s that (a) **[Law Firm]** may immediately withdraw from its representation of you **[name of client]** in the matter and/or (b) You **[Name of client]** may summarily dismiss **[Law Firm]** as your **[his/her/its]** counsel, and that, in either case, you **[name of client]** will not assert **[Law Firm's]** former representation in the matter or **[Law Firm's]** withdrawal from the representation as a basis for a motion to disqualify **[Law Firm]** from any representation as described above adverse to you **[name of client]**, including in **[enter relevant practice areas]**, or any other matter (e.g., you **[name of client]** will not invoke the so-called "hot potato" rule to attempt to disqualify **[Law Firm]**).

In summary, your **[name of client's]** signing of this letter constitutes your **[his/her/its]** advance waiver of any conflicts of interest of the nature described above which are created in the future, including, but not exclusively, in **[enter relevant practice areas]**, or other practice areas.

If you **[name of client]** agree/s to the foregoing terms, please indicate your **[his/her/its]** informed consent and waiver by signing below. Also, please return the executed copy to me as soon as possible, keeping a copy for your **[name of client's]** records. **[Insert if the return of the signed waiver letter is to take place via facsimile and the appropriate fax number, or insert language that a stamped, addressed envelope is enclosed for return of the signed waiver letter.]**

Thank you. We look forward to working with you.

Sincerely yours,

[LAW FIRM]

By:

ADVANCE CONFLICT OF INTEREST WAIVER

[CLIENT] provides informed consent to and waives in advance any conflicts of interest associated with [LAW FIRM'S] future representations of clients adverse to [CLIENT] in matters as described above.

[CLIENT]

By: _____

Its: _____

Dated: _____