

# SAMPLE JOINT REPRESENTATION CONSENT LETTER

## TO OUR ESTATE PLANNING CLIENTS:

You have asked \_\_\_\_\_ and the law firm of \_\_\_\_\_ to represent both of you jointly in planning your estate. Although most married couples [registered domestic partners] choose to have the same law firm prepare their estate plans, it is possible that circumstances may exist or that a conflict may arise that would require you to have separate counsel. Oregon law prohibits a law firm from simultaneously representing two clients whose interests are in conflict. This consent letter summarizes some potential issues that a couple should take into consideration when deciding whether to have one law firm prepare their estate plan.

A lawyer who represents a couple jointly will develop a coordinated estate plan for both spouses [partners] and will not be an advocate for the interests of one spouse [partner] over the interests of the other. However, certain recommendations made by the lawyer will affect income and other property rights, and may affect support provisions in the event of death or divorce.

Any information that a couple provides to their lawyer is strictly confidential as to third parties. However, when representing both spouses [partners], the lawyer cannot keep information given to him or her by one spouse [partner] confidential from the other spouse [partner]. This means that matters that one spouse [partner] discusses with the lawyer will be disclosed to the other spouse [partner].

A couple may have a disagreement or conflict of interest regarding the disposition of their property or other matters involved in estate planning. This may be more likely if one spouse's [partner's] share of the combined estate is substantially larger than the other spouse's [partner's] share. A conflict may also arise if one or both spouses [partners] have children from a prior marriage [relationship], if a couple does not agree about the disposition of the estate after the first spouse [partner] dies, or in other circumstances. A lawyer representing both parties can point out the pros and cons of each person's position, but is not permitted to advocate for one position over the other.

Each spouse [partner] has the right at any time to retain separate counsel. If a disagreement or conflict of interest arises between a couple after they have retained our firm to represent them jointly, our firm would not be able to continue to represent either spouse [partner] and would have to withdraw.

We recommend that each spouse [partner] consult separate counsel in deciding whether to consent to joint representation.

If you have questions that you would like answered, please call us. If you continue to wish to have this firm represent both of you, please sign and date the original of this joint representation consent letter in the spaces below and return it to \_\_\_\_\_.

I HAVE READ THIS JOINT REPRESENTATION CONSENT LETTER AND I CONSENT TO \_\_\_\_\_ REPRESENTING BOTH MY SPOUSE [PARTNER] AND ME IN CONNECTION WITH ESTATE PLANNING AND RELATED MATTERS. I UNDERSTAND THAT IF CONFLICTS REGARDING OUR ESTATE PLANNING SHOULD ARISE, WE MAY NEED TO RETAIN SEPARATE COUNSEL FOR OUR ESTATE PLANNING.

\_\_\_\_\_  
*[Client's Name]*

\_\_\_\_\_  
*[Date]*

\_\_\_\_\_  
*[Client's Name]*

\_\_\_\_\_  
*[Date]*

## IMPORTANT NOTICES

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