

**LETTER 7—FORMER CLIENT CONFLICT WAIVER LETTER—  
TO FORMER CLIENT BEING OPPOSED**

Dear [Former Client]:

As you know, [my firm and I] have been asked to represent Ms. Jones in [describe—e.g., the dissolution of her marriage with] you. As you also know, [my firm and I] represented you in the past concerning [describe—e.g., the purchase of your primary residence while you were still single].

As we have discussed, the Oregon Disciplinary Rules, which apply to all Oregon attorneys, do not allow me to represent Ms. Jones against you without the consent of both of you based upon full disclosure. This means that I must discuss the pros and cons of consenting with both of you and that I cannot proceed unless both of you agree to allow me to do so.

In any former client conflict situation, the former client is typically concerned about whether there is a material risk that his confidences or secrets may be used adversely to him and about whether there is a material risk that the work that the lawyer now proposes to do adversely to that former client will unfairly or inappropriately undercut the work that the lawyer previously did for the former client.

In the present context, I personally believe that these risks are minimal. For example, [describe—e.g., the information that I learned from you in the course of representing you in the residential transaction is likely available to Ms. Jones in any event and the house represents a very small part of your total assets]. Nevertheless, these are issues that you should consider for yourself. In fact, the Oregon Disciplinary Rules also require that I recommend that you consult independent counsel prior to reaching a decision on this matter. You are not obligated to consult such counsel if you do not wish to do so, however; the choice is yours.

Please review this subject and let me know whether you are willing to consent notwithstanding my prior representation of you. Needless to say, if there is any additional information that I can provide in order to assist you in your review, please let me know.

If you are willing to consent after such review as you deem appropriate, please sign the enclosed extra copy of this letter and return it to me for my files.

Very truly yours,

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Consent to the terms outlined above is hereby granted.

Dated: \_\_\_\_\_ By \_\_\_\_\_