

**LETTER 8—FORMER CLIENT CONFLICT WAIVER LETTER—
TO CURRENT CLIENT BEING REPRESENTED**

Dear [Current Client]:

As you know, you have asked me to represent you in [describe—e.g., the dissolution of your marriage with] Mr. Jones. As you also know, [my firm and I] previously represented Mr. Jones in the past concerning [describe—e.g., his purchase of his 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 you against Mr. Jones 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 current client is typically concerned about whether there is a material risk that her confidences or secrets may be used adversely to her and about whether there is a material risk that the work that the lawyer now proposes to do for her will be less zealous due to the work for the former client.

In the present context, I personally believe that these risks are minimal. For example, [describe—e.g., my relationship with Mr. Jones was limited, and the house represents a very small part of his 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 him. 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,

Consent to the terms outlined above is hereby granted.

Dated: _____ By _____