

## Sample Conflict of Interest Waiver – Waiver Letter to Former Client

Dear [Former Client]:

This waiver letter confirms our law firm’s discussion with you on [date] about our prior representation of you in [describe previous transaction]. As you are aware from our conversation, we are now representing [current client] in [describe current transaction], which is substantially related to our prior representation of you. As our former client, we have a duty of confidentiality and loyalty to you in connection with those matters in which we represented you. Since [current client] has asked us to represent him/her in [describe current transaction], their interests are adverse to yours in a matter that is substantially related to our prior representation of you. This creates a conflict of interest. You acknowledge that we have informed you of our representation of [current client] in [describe current transaction], and you have agreed to waive this conflict of interest.

We do not believe that any information that we may have acquired in our past representation of you poses a substantial risk to you now as a result of our representation of [current client], but you should consider this issue. Under the Rules of Professional Conduct applicable to our firm, we are prohibited from disclosing to [current client] any information about you that we learned as a result of our prior representation of you without your informed consent. We will not disclose such information without your informed consent nor will we use such information in our representation of [current client] in this matter. The conflict waiver merely allows us to represent [current client] in this matter.

We cannot provide you with legal advice with respect to this matter or this waiver, and, although you are not required to do so, we recommend that you seek the advice of a lawyer outside of our firm if you have any questions about whether you should sign this conflict waiver.

Although we are asking you to waive this conflict of interest to allow our firm to represent [current client] in this matter, you are not obligated to do so. We are pleased to answer any further procedural questions that you may have about this waiver process. Please respond to this request by [date] by either signing and returning this waiver letter or informing us that you decline to waive this conflict of interest.

ACKNOWLEDGED AND AGREED TO:

\_\_\_\_\_  
[Client Name]

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

\_\_\_\_\_  
[Client Signature]

This sample conflict of interest waiver is for illustrative purposes only. Your risks may be different than those described. We encourage you to modify the sample conflict of interest waiver to suit your individual practice needs. As each practice presents unique situations and statutes may vary by state, we recommend that you review governing requirements prior to use of this or similar waivers in your practice. Use of this sample language is not intended to constitute a binding contract or legal advice. Please remember that only the relevant insurance policy can provide the actual terms, coverages, amounts, conditions and exclusions for an insured. All products and services may not be available in all states and may be subject to change without notice. CNA is a registered trademark of CNA Financial Corporation. Copyright © 2018 CNA. All rights reserved.

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