

## **To All Married Couples**

You have asked this office to perform estate planning services for you and your spouse. This may include comprehensive estate planning advice, and preparation of a will or other estate planning documents. Because this office would represent both you and your spouse in providing these legal services, the rules of professional responsibility require that you be advised that:

- (1) A conflict of interest may arise between you and your spouse that could prevent this office from providing continuing estate planning services.
- (2) Spouses can have differing, and sometimes conflicting, interests and objectives regarding the disposition of their property after death. This is a common problem if either spouse has children from another relationship.
- (3) Each of you has the absolute right to dispose of your property (including your share of joint / community property) by testamentary disposition (a Last Will).

Although joint representation may have the advantage of convenience and efficiency, there are significant disadvantages that you must acknowledge and accept as a pre-condition to receiving estate planning services from the Cherry Point Legal Assistance Office:

- (1) Joint representation may result in a less vigorous assertion or protection of your individual or separate interests than if we represented only one person.
- (2) Joint representation has the further disadvantage that no attorney-client privilege applies to communications between you and your spouse and the Cherry Point Legal Assistance attorney, in any dispute between the two of you. In other words, the attorney cannot keep confidential from one of you any communication made with the other during the course of the joint representation, and the attorney would be compelled to testify concerning any such communication or provide other evidence.
- (3) Joint representation often has the disadvantage of attorney-client communication that is less complete or effective than if the attorney only represented one person.
- (4) You should not assume that the attorney will advise each of you of the substance of every communication received by the attorney from the other.
- (5) If you each had a separate lawyer, you would each have an “advocate” for your position and would receive totally independent advice. Generally, information given to your own lawyer is confidential and cannot be obtained by your spouse without your consent. That is not the case when one law firm advises both of you. This office cannot advocate for one of you against the other. Information that either of you gives this office relating to your estate planning cannot be kept secret from the other.

In the event a conflict arises of such a nature that this office cannot adequately carry out its joint obligations to both of you, we will withdraw representation and advise you to obtain separate and independent civilian attorneys at your own expense.

After considering these factors, each of you must decide whether you wish us to continue to represent you jointly in connection with your estate planning and related matters. If you do, please sign the acknowledgement below.

If you have any questions regarding these issues, do not sign this acknowledgement until you first discuss them with the Legal Assistance Attorney or other counsel of your choice.

\*\*\*\*\*ACKNOWLEDGEMENT\*\*\*\*\*

Each of us has read and understands the information regarding joint representation as it affects our mutual and respective estate plans. We realize the potential for conflicts of interest and differences of opinion between us and that each of us has the rights expressed above.

We know and understand that each of us has the right at any time to hire an independent lawyer in connection with these or any other matters, without consultation with the other.

Neither of us has any question regarding this joint representation.

We have discussed and evaluated the problems, and each of us requests that the Cherry Point Legal Assistance Office represent both of us in connection with our estate planning and related matters. Each of us consents to this joint representation. Each of us also knows and agrees that any communication or information the Cherry Point Legal Assistance Office receives from either of us relating to those matters may be shared with the other.

\_\_\_\_\_  
Husband

\_\_\_\_\_  
Wife

Date: \_\_\_\_\_

Date: \_\_\_\_\_