

Model Notice and Waiver of Conflict of Interest

Why you need this model Notice:

This model Notice will help your efforts to protect your practice from the risk of violating conflict of interest rules.

How this model Notice helps you:

If a potential conflict of interest exists, but the parties still want the firm to represent their legal interests, have all parties sign a Waiver of Conflict of Interest, acknowledging the existence of the conflict and waiving any potential claims of conflict of interest.

How to use this model Notice:

Customize this policy and use it at your medical practice.

This material is for informational purposes only and not for the purpose of providing legal advice. You should always contact your attorney to determine if this information, and your interpretation of it, is appropriate to your particular situation.

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Here's a Model Policy your practice can adapt to limit potentially harmful social networking activities by employees.

NOTICE AND WAIVER OF CONFLICT OF INTEREST

In any legal matter where an attorney client relationship is formed, the attorney owes duties of loyalty and confidentiality to the client. The duty of confidentiality means that only the client may authorize the attorney to share case information with a third party. The client may, in some instances, choose to seek legal advice or representation along with another person or people. For example, spouses often seek legal advice from the same attorney. Whenever an attorney undertakes representation of two or more clients in the same matter, it is important for each client to understand that the attorney strives to be equally loyal to all represented clients and that representing multiple clients on the same matter places limits on the duty of confidentiality.

When one attorney represents two clients (Client A and Client B) in the same matter, the duty of confidentiality extends to both clients, meaning that nothing Client A or Client B tells the attorney will be shared with any outside party, unless expressly authorized. However, the attorney also owes a duty of loyalty to both clients, and thus anything Client A tells the attorney must also be shared with Client B. An attorney will never withhold information provided by Client A from Client B, or vice-versa, even if one jointly represented client requests that information be withheld from the others.

The duties of loyalty and confidentiality create a conflict of interest between jointly represented parties. When the attorney is obligated to tell Client A all of the information received from Client B, Client A may be able to gain an advantage from that information if a dispute arises between the parties. If a dispute arises, the attorney is required to withdraw from the case and can no longer provide legal advice to either party.

Think carefully about this conflict of interest and whether you can accept that confidential information will be shared with all parties to the representation. If your

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attorney withdraws from the case due to a conflict, each party must locate separate private counsel, likely resulting in greater expense and inconvenience than if you had been individually represented from the beginning of the case. No one is under any obligation to agree to joint representation. If you have any doubts about agreeing to joint representation, you should obtain independent counsel to ensure that your interests are independently represented.

After carefully considering all possible present and future conflicts of interest, and having been fully informed of the potential for negative or adverse consequences arising from this joint representation, I, by placing my signature on this page, consent to the joint representation of myself and _____ who is present with me at this office today.

I understand that at any time I may choose to retain private independent counsel in connection with this matter. Similarly, I understand that if my attorney determines that continued joint representation will create an unfair advantage to one of the parties, this office must withdraw its representation of both myself and _____.

SIGNATURE	PRINTED NAME	DATE
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