

Letter to Disclose Conflict and Seeking Consent to Continue Representation

[Date]

[Name and Address of Client]

Re: Consent to continued representation

Dear [Client's Name]:

I have been representing you in your claims against _____ for _____. As we discussed, the statute of limitations on your claims of [identify claims] has expired. Your claim of [_____ however, continues to be viable. I would be pleased to continue to represent you in that claim, but the Rules of Professional Conduct [ABA Model Rule 1.7(b) - consult the rule in your jurisdiction] require that I may not represent a client if my representation of that client may be materially limited by my own interests unless I reasonably believe that the representation will not be adversely affected and you consent to my continued representation.

I believe that I can represent you in the [identify claim] claim against [adverse party]. The fact that you may have a claim against me for not filing the [identify claims] claims within the statutory time period will not, in my opinion, materially limit my loyalty to you as my client.

As we discussed, you may consult independent counsel regarding any claim you may have against me and regarding your consent to my continued representation of you in the [identify claim] claim. By executing this letter, you shall be deemed to have (i) consented to my continued representation of you in the [identify claim] against [adverse party]; (ii) understood the potential conflict of interest arising out of that representation; (iii) waived any conflict of interest that has arisen as a result of that representation; and (iv) acknowledge that you have been advised that you may consult with independent counsel regarding the waiver of any conflict of interest and consent to my continued representation of you.

If you consent to the above, please execute this letter in the place indicated below and return a fully executed original to me. If you have any questions or concerns, or wish to discuss any aspect of this letter, please contact me as soon as possible.

Sincerely yours,

[Name of Firm]

By _____ [Name of Attorney]

ACCEPTED ON _____ (Date) BY: _____ (Client)

NOTE: This material is intended as only an example, which you may use in developing your own form. It is not considered legal advice and as always, you will need to do your own research to make your own conclusions with regard to the laws and ethical opinions of your jurisdiction. In no event will ISBA Mutual Insurance Company be liable for any direct, indirect, or consequential damages resulting from the use of this material.