

Date: [Insert Date]

To:

[Name of Fiduciary/Executor/Trustee]

[Name of Beneficiary]

Re: Waiver of Potential Conflict of Interest Regarding Dual Representation of [Name of Estate/Trust]

Dear [Name of Fiduciary] and [Name of Beneficiary],

This letter confirms that [Law Firm/Attorney Name] has been asked to represent both [Name of Fiduciary], in their capacity as [Executor/Trustee], and [Name of Beneficiary] in matters relating to the administration of [Name of Estate or Trust].

1. Disclosure of Potential Conflict:

Under the Rules of Professional Conduct, an attorney generally cannot represent two clients if their interests are adverse. In this case, a fiduciary owes a duty to all beneficiaries, while a specific beneficiary seeks to maximize their individual interest. This creates a potential conflict of interest regarding distributions, valuations, and accounting.

2. Shared Information:

By signing this waiver, you agree that any information shared by one party with the attorney relating to this matter may be shared with the other party. There will be no "attorney-client privilege" between you two regarding the administration of this [Estate/Trust].

3. Termination of Representation:

If an actual dispute arises that cannot be resolved, I/we may be required to withdraw from representing one or both of you, and you may be required to seek independent legal counsel at additional cost.

4. Consent:

By signing below, you acknowledge that you have been advised of the risks of dual representation, have had the opportunity to consult with independent counsel regarding this waiver, and voluntarily consent to our firm representing both parties.

Sincerely,

[Attorney Name]

[Law Firm Name]

Acknowledgment and Waiver

I have read the above and consent to the dual representation:

[Name of Fiduciary], Fiduciary
Date: [Insert Date]

[Name of Beneficiary], Beneficiary
Date: [Insert Date]