

# Western Mass Estate Planning

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## DUAL REPRESENTATION OF MARRIED CLIENTS

Our office would be pleased to provide certain legal services for both of you related to your estate planning. However, representing both spouses constitutes dual representation. Accordingly, we have a duty to inform you of applicable ethical rules which could limit our ability to represent you both in some circumstances.

Since we typically find it beneficial to represent both spouses in the estate planning process, it would be our objective to establish appropriate plans and execute documents to satisfy your mutual and individual goals. However, sometimes spouses may have differing, and even conflicting, interests and objectives regarding their estate planning. For example, you may have different views of how property should pass after the death of one or both of you. Another example might involve the nature in which certain assets are held (i.e., individually, jointly, or in trust).

If you each had a separate lawyer, you would each have an “advocate” for your position and would receive completely independent advice. Information given to your own lawyer is confidential and cannot be obtained by your spouse without your consent. This is not the case when one attorney advises both of you. We cannot be an advocate for one of you against the other. Information that either of you gives to our office relating to your planning cannot be concealed from the other.

If, after careful consideration of this information, you decide that you wish for our office to represent the two of you jointly, we ask that each of you sign below, which signature indicates the following:

- You have read this document and have consented to this dual representation;
- Confidential disclosures from one of you will not be withheld from the other, and we may make full disclosure to your spouse of any information that you provide to us in the representation of the both of you; and
- Should you desire to employ separate counsel or wish for our office to cease representing you, you will notify us immediately.

If, in the course of our office’s representation, a conflict develops that we believe would prevent adequate and fair representation of both of you, we will notify you, withdraw from further joint representation of both of you, and advise you each to obtain independent counsel.

READ AND AGREED.

\_\_\_\_\_  
Client Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Client Signature

\_\_\_\_\_  
Date