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Heading Off Future Conflicts with Waivers

When you are engaged by a new client, is there anything you can do to keep the option of representing the party adverse to your new client in the future? One possible way is to obtain from the new client a present waiver of any potential future conflict that involves your possible future representation of the adverse party in unrelated matters. Such waivers may not be effective under all circumstances. Any waiver must be the result of informed consent after full disclosure of the material facts. It may be difficult to fully disclose to the client all information necessary to allow him to give a knowing waiver, but if the scope of the waiver is narrow, full disclosure may be possible.