

Spouse_____

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Dual Representation Letter

We have requested that a Legal Assistance Attorney at the First Coast Guard District Legal Office provide us with estate planning services. It is contemplated that the matters to which such representation will extend **may** include the following:

- a. Analysis of the assets owned by each of you at the time of your marriage, including consideration of the fair market value of such property and the nature in which title was then held;
- b. Analysis of all property now owned by each of you, including consideration of its fair market value, the manner in which title to such property is now held, and a categorization of such property as separate, community, or quasi-community property;
- c. Discussions about the manner in which you wish to dispose of any property over which you may have any power of disposition at the time of your death;
- d. Analysis of the tax impact of such disposition and recommendations for alternative dispositions; and
- e. Preparation of the documents necessary to accomplish the desired disposition, including the drafting of wills, trusts, property agreements, and other documents as may be required.

One of the most common issues creating a conflict is if one of us has children prior to our marriage (stepchildren) and wants to insure that those children will eventually share in the estate. We understand that a will may be changed at any time, and that even if one agrees to leave property to the children of the other spouse there is no guarantee that one will not change the will or the ownership form of the property so that those children will in fact not eventually share in the property.

We each understand that, during the course of the estate planning work, conflicts may arise between us with respect to the ownership of our property (separate, community, or quasi-community property) and its desired disposition during our lifetimes and at our deaths. We further understand that differences of opinion on the disposition of the property, under ethical rules, will not prevent a legal assistance attorney from continuing to represent both of us. However, we are aware that during the course of the estate planning, conflicts of interest between us may arise, such as issues regarding the ownership of certain property.

Under such circumstances, we understand one attorney cannot ordinarily represent both of us. It may be better for each of us, under such circumstances, to have separate independent counsel to avoid the possibility that the legal assistance attorney's advice to one of us is influenced by that attorney's representation of the other. Nevertheless, we request, with a full understanding of our right to, and the advantages of, independent counsel, that the legal assistance attorney represent both of us in all of the above matters.

We understand if conflicts do arise between the two of us of such a nature that the legal assistance attorney believes it impossible, in the attorney's judgment, to continue to perform any obligations to either of us in accordance with this letter, the attorney will withdraw from all further dual representation of both of us in this matter at that time and advise one or both of us to obtain independent counsel.

We have each agreed that there will be complete and free disclosure and exchange of all information that the legal assistance attorney receives from either or both of us in the course of representation, and that such information shall not be confidential between us irrespective of whether the attorney obtains such information in conferences with both of us or in private conferences with only one of us, including any conferences that may have taken place before the date of this letter.

We have each read the foregoing letter, understand the same, consent to the disclosure and exchange of all information received by the legal assistance attorney from either one of us, with the other one of us, and consent to the attorney representing each and both of us in the aforementioned estate planning services.

Dated: _____, 20____

Spouse Signature

Printed Name

Spouse Signature

Printed Name