

**SAMPLE**

**CHECKLIST 2—FORMER CLIENT CONFLICT DISCLOSURE AND  
CONSENT (See MRPC 1.9)**

**1. Have You Been Asked to Represent a Current Client in a Matter Where the Current Clients' Interests Are Adverse to Those of a Former Client?**

- If “yes,” proceed to question 2.
- If “no,” disclosure and consent is not required.

**2. Does the Proposed Representation Involve the Same or Related Issues as Did the Representation of the Former Client (Matter-Specific Conflict)?**

- If “yes,” proceed to question 4.
- If “no,” proceed to question 3.

**3. Did Your Representation of the Former Client Provide You with Information Protected by MRPC 1.6 (Client Confidences and Secrets)?**

- If “yes,” proceed to question 4.
- If “no,” disclosure and consent is not required.

**4. Have You Discussed the Conflict Issues with All of the Clients?**

- If “yes,” proceed to question 5.
- If “no,” proceed to question 5, but consider discussing the issue with your client(s) in person and if they consent, confirming the consent in a follow-up letter, or better yet, obtaining written consent from the client.

**5. Have You Prepared and Sent the Letters promptly?**

- If “yes,” proceed to question 6.
- If “no,” your consent may be invalid.

**6. Does Your Letter Plainly and Clearly Identify the Current and Former Client and the Matter-specific or Information-Specific Conflict That Exists?**

- If “yes,” proceed to question 7, but remember that you may not reveal any of the former client confidences to the current client.
- If “no,” work on the letter some more and repeat this question.

**7. Does Your Letter Recommend That Each Client Seek Independent Counsel to Determine If Consent Should Be Given?**

- If “yes,” proceed to question 8.
- If “no,” work on the letter some more and repeat this question.

**8. Are All Necessary Parties Sent a Letter, and Does it Include a Place for the Client to Sign the Consent and Return to You? (Written consent is not required at this time but it is highly recommended.)**

- If “yes,” proceed to question 9.
- If “no,” work on the letter some more and repeat this question.

This form does not, and is not intended by the State Bar of Michigan to provide or constitute legal advice and the SBM assumes no liability in connection with this product.

**9. If There Are Special Issues That Are Part of the Consent, Such as Who Will Work on the Matter, Are These Discussed in the Letter?**

— If “no,” work on the letter some more and repeat this question.