

## CONFLICT LETTER OF DISCLOSURE AND MUTUAL CONSENT FORM

The Alabama Rules of Professional Conduct require that where the same attorney represents two parties, involving the same matter, the attorney must provide both parties with sufficient information to give them an understanding of the advantages and disadvantages of dual representation. This letter is provided in compliance with this ethics requirement and is to give \_\_\_\_\_, hereinafter referred to as PETITIONER, and \_\_\_\_\_, hereinafter referred to as BENEFICIARY, an understanding of the issues involved.

At issue in any dual representation setting is the Attorney's ability to represent both parties with equal zeal and loyalty should a conflict arise. Potential areas of conflict always exist in any dual representation situation. While I have no reason to believe that the following will occur, I have listed some potential areas of conflict in the permanent residence process and have outlined my duties with respect to each scenario:

1. BENEFICIARY expresses an intention to divorce spouse: Should BENEFICIARY approach me with such an intention, I am obligated to inform BENEFICIARY of his or her legal rights and obligations with regard to divorcing PETITIONER.
2. PETITIONER wants to divorce BENEFICIARY: I am obligated to inform PETITIONER of his or her legal rights and obligations in releasing BENEFICIARY.
3. Confidential information: Confidentiality of information may be compromised in a dual representation setting. Should either party inform me of facts or circumstances that I find tend to affect the other adversely, I am obligated to share that information with the other. Obviously this cuts both ways. Additionally, should PETITIONER or BENEFICIARY institute civil legal proceedings against each other, either party has a right to relevant information concerning this representation and conveyed to me while representing both parties.
4. Denial of an immigration benefit: Should an immigration benefit be denied to BENEFICIARY, such as labor authorization or permanent residence, and an appeal be necessary, I am obligated to advise both parties of the benefits and disadvantages of filing such an appeal. What may be in the interest of BENEFICIARY may not be in the interest of PETITIONER. It is my duty to inform both parties of what is in their best interests.
5. Actual Conflict: The most likely result of a dispute or conflict between the two parties will depend upon the stage of the process. If the dispute is early in the process the result is that BENEFICIARY will lose his or her opportunity to obtain any benefit. Later stages of the process may result in a need for a waiver in order to obtain the benefits being sought.

The actual occurrence of any of the above listed conflicts is, as already mentioned, rare. But should an actual conflict between PETITIONER and BENEFICIARY arise, I will inform both parties of the feasibility of my continued representation. Should I find my continued concurrent representation of PETITIONER and BENEFICIARY is in both parties' interest, I will, after full disclosure, continue your representation. My main consideration will be whether I can, in fact, zealously represent both parties without compromising my loyalties to either.

Yet, should a dispute be such that the parties decide to litigate, by signing this letter, you allow me to choose to continue representation of either party without the prior consent of the other, or neither party should I so choose. Any information I have obtained during dual representation, whether confidential or not, can be disclosed by me.

Now that I have informed you, in detail, of potential hazards involved, I can explain why dual representation is still the norm, particularly in the FAMILY VISA BENEFITS setting, in just a sentence or two. Joint representation is simply the most feasible approach, because the process inherently requires close cooperation and sharing of information between PETITIONER and BENEFICIARY. It facilitates the process and saves time and resources. I am familiar with many immigration attorneys who provide dual representation services in these matters.

By signing below, the parties acknowledge that they understand the potential advantages and disadvantages of joint representation, and that they have decided to proceed with the joint representation. Both parties hereby waive their right to disqualify me from representing either party in other immigration matters.

RE:            DATE:

\_\_\_\_\_  
PETITIONER

DATE:

\_\_\_\_\_  
BENEFICIARY