



**UNITED STATES MARINE CORPS**  
**MARINE CORPS BASE HAWAII**  
**LEGAL SERVICES CENTER**  
**BOX 63002**  
**KANEOHE BAY, HAWAII 96863-3002**

Dear Legal Assistance Client:

Both you and your spouse have requested that attorneys at this office advise you on estate planning and prepare both your wills, and/or durable powers of attorney. Under the rules of professional conduct, this office is required to inform you as follows:

A husband and wife have **conflicting interests** when estate planning is being done that concerns their property.

If, as you request, attorneys at this office represent both of you, we must try to balance all factors, and cannot, therefore, be an advocate for either of you. That balance could end up favoring one of you to the detriment of the other.

This office must necessarily obtain confidential information from each of you. However, as between the two of you, we cannot keep that information confidential since this office will be representing both of you. This applies whether you are each represented by the same attorney or different attorneys at this office.

We must make recommendations that affect each of your interests in your properties and your incomes both during your lifetimes and after death. There may be a substantial conflict in the determination of what is community property, quasi-community, and separate property. The determinations may be more beneficial for one of you than the other. The possibility of divorce must always be recognized. Our recommendations now could affect the income, property and support provisions in such divorce or after death of one or both of you.

The fact that one of you may desire property to go in a way different than the other desires must also be considered. Since this office is representing both you, we cannot assert one of your positions over the other.

Under the rules of professional conduct, it is necessary for you to be fully informed in writing by us as to these conflicts of interest. Only after you have been informed by this office as to the facts of these conflicts can you decide whether you want this office to represent you.

Further, it is necessary that you be informed that under Hawaii law, where two or more clients have retained or consulted a lawyer or law office on a matter of common interest, none of them, nor the successor in interest of any of them, may claim a privilege as to a communication made in the course of that relationship when such communication is offered in a civil proceeding between one of such clients, or his successor in interest, and another of such clients, or his successor in interest.

You are each; of course, welcome to have your own counsel for any part or all of the matters in which we will be dealing. Either of you may also forbid this office from being involved in anyway on the behalf of the other.

If you still wish this office to proceed in advising you, then please sign this letter where indicated below. Thank you.

I have read the foregoing material and understand that there are many potential conflicts of interests between myself and my spouse in the matters about which we are consulting attorneys from this office. I understand that the potential for conflicts exist in at least the following areas: ownership and characterization of property; how property should be held; how property should be disposed of; and who should serve in fiduciary capacities (e.g., executor, trustee, guardian). I also understand that if an actual conflict arises that this office may have to withdraw from representing either of us. If, and to the extent that, I wish to have separate counsel or desire this office not to be involved at all, I shall notify the attorney assigned to help us. I consent to having this office representing both of us in the will/estate planning which you are doing. I understand that, this office is representing both of us on the same matter; therefore, as between my spouse, myself and this office, there are no confidential communications.

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

Printed Name: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

Printed Name: \_\_\_\_\_