

DISCLOSURE and JOINT REPRESENTATION IN ESTATE PLANNING

It is customary for couples in a committed relationship to employ the same lawyer or law firm to help them plan their estates. It is important to understand that since one lawyer or law firm represents both parties, each party is that lawyer or law firm's client and the lawyer or law firm shall treat such an engagement as a Joint Retainer.

The lawyers at Thompson Dymond obtain written joint representation letters from clients on a case-by-case basis. However, any clients that retain any of the lawyers at Thompson Dymond for the matter of estate planning on a "dual representation" basis are deemed to do so on the following basis:

- You each acknowledge that you are both considered clients of the Thompson Dymond lawyer, collectively.
- You each acknowledge the potential conflict of interest that might arise, which could prevent us from continuing as your lawyer in your estate planning.
- You each acknowledge that any matter which one of you might discuss with us would not be protected by the attorney/client privilege from disclosure to the other. We cannot agree with either of you to withhold information from the other. Of course, anything either of you discusses with us is privileged from disclosure to third parties.
- You each acknowledge that if the two of you have different opinions about your proposed estate plan, we can point out the pros and cons of such differing opinions. However, we cannot advocate one of your positions over the other.
- You each acknowledge that if a conflict of interest arises between the two of you of such nature, which in our professional judgment, renders it impossible for us to perform our obligations to both of you, we would have to withdraw as your joint attorney and advise one or both of you to obtain independent legal counsel.
- Once the documentation is executed, which puts in to place the estate planning that you have asked us to implement (i.e. Wills, Powers of Attorney, etc.), our engagement in this matter will be concluded and our lawyer-client relationship will terminate.
- If at some point in the future, either of you desire to change your particular arrangements without informing the other, we might be precluded from further representation because of our past representation of both of you, unless:
 - You and your spouse or partner have annulled your marriage, are divorced, or have permanently ended your close personal relationship, as the case may be;
 - One of the spouses or partners has died; or
 - The other spouse or partner has been informed of the subsequent communication and has agreed that we may act on any new instructions.