**PREEMTIVE CLIENT CONSENT IN FEE AGREEEMENTS**

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*The Special Committee encourages, and is happy to hear, your comments about this example form. If you have comments, questions, or suggestions for the Special Committee, please contact us at* [*ISBASuccession@isba.org*](mailto:ISBASuccession@isba.org)*.*

**Client Consent**

Consider incorporating clients' consents into your retainer agreements and retention letters to permit another attorney to work on their files and review confidential information in the event of your unavailability, illness, death or disability. It could be as simple as:

**Unavailability of Attorney/Client's Consent to Temporary Substitute Attorney/Limited Confidentiality Waiver.** In the event attorney is unavailable or becomes ill, disabled or dies unexpectedly, client consents to another lawyer, chosen by attorney or attorney's legal representative, appearing for the attorney and to the extent necessary reviewing the file and handling the file until attorney becomes available or a successor attorney is either approved by or chosen by client. For this limited purpose, client waives confidentiality and consents to the other lawyer's appearance and access to clients' file for the purpose of taking appropriate action to protect clients' interests and reviewing and receiving the file as a possible successor attorney. To the extent possible, attorney will discuss with client the need for the other attorney and identify the other attorney, prior to having the substitute attorney temporarily act for or appear for the primary attorney and the client or reviewing the file.

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