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Revocation of Informed Consent and Its Consequences

Insight — December 2021

The Colorado Lawyer

Republished with permission, originally appeared in The Colorado Lawyer, Vol. 50, No. 11, December 2021.

This article explores a lawyer's duties when clients who have consented to a conflict of interest revoke their consent. It covers how such revocations affect lawyers and clients and discusses proactive measures practitioners can use to address potential revocations.

When two clients give informed consent for a lawyer to represent them notwithstanding a conflict of interest, and one client subsequently revokes the consent, may the lawyer continue to represent the non-revoking client? Under the Colorado Rules of Professional Conduct (Colo. RPC), the answer “depends on the circumstances.” Revocation of informed consent typically arises when (1) co-clients agree for a lawyer to represent them in the same matter, and (2) two clients agree to be represented by the same lawyer in unrelated matters. This article examines both scenarios and offers practical advice for addressing a revocation of consent.

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