

Matthew Henderson Says Recent Bellwether Decisions Enforcing Advance Conflict-of-Interest Waivers Represent a Trend Favorable to Law Firms

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Dec 17, 2024

Matthew Henderson was recently quoted in a *Bloomberg Law* article that explores the use of advance conflict-of-interest waivers in retainer agreements and a recent trend of courts taking a more favorable view toward such waivers.

Legal ethics rules generally prohibit law firms from representing parties adverse to existing clients, absent a waiver that allows them to do so. Advance conflict waivers in retainer agreements say clients will agree to waive those conflicts. Courts have traditionally taken a harsh view of such waivers, but recently, federal courts have refused to disqualify several major law firms despite alleged conflicts of interest, including in *SuperCooler Technologies Inc. v. The Coca-Cola Co.*, *IBM Corp. v. Micro Focus Inc.*, and *US v. Tournant*.

Henderson said the *IBM Corp.* and *SuperCooler* rulings were “bellwether” cases that reflect a trend toward upholding advance conflict-of-interest waivers.

[Read the full article](#) (subscription required).

“[Big Law Firms, Clients Battle Over Advance Conflict Waivers](#)” was published by *Bloomberg Law* on December 16, 2024.

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