UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

v. Criminal No.

ADVICE OF RIGHTS AND WAIVER OF CONFLICT OF INTEREST FORM

The United States Constitution gives every defendant the right to effective assistance of counsel. Whenever two or more defendants have been jointly charged or have been joined together for trial and are represented by the same retained or assigned counsel or by retained or assigned counsel who are associated with each other in the practice of law, your lawyer may have trouble representing all of the defendants with the same fairness. This conflict of interest may deny you the right to effective assistance of counsel. Such conflicts are always a potential problem because different defendants may have different degrees of involvement. Each defendant has the right to a lawyer who represents him and only him.

This kind of conflict of interest can be dangerous to a defendant in a number of ways. A few examples are:

The government may offer to recommend a lesser sentence to one defendant if he cooperates with the government. His lawyer ought to advise him on whether or not to accept this offer. But if the lawyer advises him to accept the offer, it may harm the cases of the other defendants, who are also his, or his associate's, clients.

The government may let a defendant who is not as involved as other defendants plead guilty to lesser charges than the other defendants. After the guilty plea, however, the government may require the defendant to testify. The lawyer who represents more than one defendant might recommend that the first defendant not plead guilty to protect the other defendants that he, or his associate, represents; or the lawyer might recommend that the first defendant plead guilty, which might harm the cases of the other defendants.

Sometimes one of the defendants represented by a lawyer, or his associate, will take the stand to testify in his own behalf. In order to represent the other defendants fairly the lawyer should question the defendant on the stand as completely as possible. However, he may not be able to do that because he cannot ask the defendant as a witness about anything that defendant has told him in confidence.

The best defense for a defendant often is the argument that while the other defendants may be guilty, he is not. A lawyer representing two or more defendants, either personally or through an associate, cannot effectively make such an argument.

Evidence that helps one defendant might harm another defendant's case. When one lawyer represents two or more defendants, or two lawyers who are associated in the practice of law represent joint defendants, one lawyer might object to evidence that could help one defendant if it harms the other defendant's case.

The court advises defendants against representation by a lawyer who also represents other defendants in the same case or is associated in the practice of law with a lawyer representing another defendant in this case. The court urges each defendant to obtain a lawyer who will represent him and only him. Each defendant has the right to a lawyer of his own. Each defendant can also give up that right, if he chooses.

I have read the above statement, and I understand it fully. I know I have a right to be represented exclusively by my own attorney of my own, but I wish to give up that right.

I want _____ as my lawyer, even though he represents one or more other defendants in this case or is associated in the practice of law with a lawyer who represents another defendant in this case. I understand that a conflict of interests might arise which would not be in my best interest.

_____ _____

Date Defendant

_____

Witness, Counsel for Defendant