

Netflix v. Winston & Strawn Spotlights Advance Conflict Waiver

An order resolving a bitter disqualification fight between Netflix Inc. and its lawyers at Winston & Strawn LLP is the latest example of the acrimony that “advance conflict waivers” can engender between corporations and the law firms they hire, reports **Bloomberg Law**.

Reporter **Samson Habte** explains: “The order disqualifying Winston—issued by a federal bankruptcy judge presiding over a high-stakes licensing dispute between Netflix and a financially troubled film studio—could emerge as a blueprint for a particularly contentious category of disqualification motions: those alleging law firms betrayed existing clients by bringing cases against them on behalf of newer clients.”

Because ethics rules prohibit law firms from taking a case against a current client unless both clients waive the conflicts created by the law firm’s concurrent representation.

The waivers—often broadly worded and vague—have become a regular feature of retainer agreements that large law firms execute with corporate clients.

Read the Bloomberg Law article.