**Conflicts of Interest Checklist**

All attorneys and staff must disclose necessary information concerning potential conflicts relating to past clients at prior places of employment, but not confidential information.

Prior to the initial consultation, the potential clients must disclose all name information, including their other names (*i.e.*, maiden, other marital, etc.), opposing parties’ names, and associated persons’ and/or entities’ names.

Thereafter, at the initial consultation, the potential clients must disclose more detailed information in order for a more comprehensive conflicts check to be made.

The attorney then performs the conflicts check, reviewing the master client list, the former client list, and the subject matter list, if applicable.

The Conflicts Search Results Memo must be circulated to all attorneys and staff for their review and input.

Follow up with any attorney or staff member who fails to return the Conflicts Search Results Memo within 24 hours of distribution.

Analyze the results of the circulated memo and of the preliminary and comprehensive conflicts checks to determine whether a conflict exists.

If no conflict is found, the new client is entered into the conflict system and sent an engagement letter.

If a conflict is found and the attorney is not allowed to accept the representation, send a non-engagement letter explaining the conflict.

If a conflict is found and the attorney is allowed to accept the representation:

* disclose the circumstances which give rise to the actual or potential conflict;
* disclose a description of actual/foreseeable adverse effects of those circumstances;
* if the potential conflict arises out of dual or multiple representation, then disclose that no attorney-client privilege exists as between the clients;
* if the potential conflict arises out of a past representation (*i.e.*, past representation of adverse party in an unrelated matter), then disclose all pertinent non-privileged facts necessary for the potential client to make an informed decision as to whether to waive the conflict.

Obtain written informed consent after advising the potential client to seek independent legal advice regarding the waiver.

Accept the representation by sending an engagement letter.

Perform another conflicts check each time a new party enters into the legal matter. If the new party creates an adverse non-consentable conflict, withdraw and send a disengagement letter.

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**CHAPTER 2** Conflicts of Interest