

SAMPLE

CONFLICT OF INTEREST CHECKLIST

[NAME OF FIRM]

To comply with Arizona's Rules of Professional Conduct, all firm employees must disclose necessary information concerning potential clients. Conflict checks must be initiated prior to the initial substantive discussion; all potential clients should be asked to disclose information, including any other name they have used, actual or potential opposing parties' names (and the name of their attorney(s), if known), and any other associated persons' and/or entities' names, such as witnesses, experts, counsel and experts, etc., involved in the matter at issue. Conflict checking is an ongoing obligation and should be conducted anytime a new individual becomes associated with the matter.

UPON COMPLETION, THE COMPLETED FORM MUST BE MAINTAINED WITH THE APPROPRIATE MATTER, WHETHER IN DIGITAL OR PAPER FORMAT. All firm members, including administrative staff, must know where in the case file this information is maintained for ease of reference.

The following is **the minimum** information required to evaluate conflicts of interest, and the information gathered is confidential information:

I. General:

- Potential client name(s)
- Other names used, including nicknames
- Physical Address
- Mailing Address
- Email(s) and telephone contact information
- Spouse/partner's name, including any nicknames and other names used
- Spouse/partner's contact information

- A. If this is a civil matter:
- The name(s) of the Plaintiff(s)
 - The name(s) of Defendant(s)
 - If there are possible third-party claimants, their names
 - The name of any anticipated additional opposing party/parties
 - The names of all insurance companies that may be involved
 - Known counsel for opposing parties
 - The name of all known material witnesses and/or engaged experts
 - The name of all medical providers if relevant to the matter
- B. If this a corporate/business/real estate matter:
- The name of the owner of the business/real property, including all members of an LLC or, in the event of another business association, the major partners/shareholders
 - If a spouse/partner owns a corporate entity or is employed by a corporate entity, list the entity name(s)
 - List any affiliates or subsidiaries of any of the corporate entities identified above
- C. In a probate matter:
- The spouse/partner, natural and/or adopted children, and/or dependents of the decedent
 - The personal representative of the decedent
 - Known currently or previously involved attorneys for the decedent in estate or trust matters
- D. In a workers' compensation matter:
- The injured worker
 - The name of the worker's employer
 - The name of entity for which the employer contracted while the accident occurred
 - The address at which the accident occurred
 - The insured and insurance company of the employer
 - All known involved attorneys
 - All known medical providers
- E. In an estate planning matter:
- The name of the maker(s)
 - Identify any relevant prior estate planning documents of the maker(s)
 - The spouse (partner)/child(ren)/heir(s)/legatee(s)
 - The name of currently or previously involved attorneys for the decedent in estate or trust matters

F. In a criminal matter:

- The name of the defendant
- The name(s) of any co-defendant(s)
- The name(s) of any victim(s)
- The name(s) of any actual or potential witnesses
- The jurisdiction in which the defendant is being prosecuted
- The name of any prosecutors or police officers involved
- The name of any prior attorneys for the defendant in the matter

G. In a bankruptcy matter:

- The name of petitioner
- The spouse/partner of the petitioner if the spouse/partner is not also a petitioner
- Identify all creditors, including any DBAs for corporate creditors
- The name of other attorneys involved, including current and any former for the petitioner(s), and known attorneys for the creditors

H. In a landlord-tenant matter:

- The name of all lessees
- The name of the owner of the dwelling
- The name of any management company acting on behalf of the owner of the dwelling
- Any person or entity collecting rent for the dwelling
- Any witnesses to the conditions alleged to constitute a violation of the dwelling lease
- The city or town in which the dwelling is located
- The jurisdiction in which an action is pending relating to the lease

I. In a family court matter:

- Spouse/partner's name and any other names used by the individual
- The name of any natural or adopted children and/or dependents
- The name of spouse/partner's natural or adopted children or dependents
- Known attorneys for spouse/partner
- The name of spouse/partner's employer; if self-employed, the name of any company through which the spouse/partner does business
- List any affiliates or subsidiaries of any of the corporate entities identified above
- If a family law action has already been filed, the jurisdiction in which the matter was filed and case number if available
- The name of any individual anticipated to be a witness in the matter
- The identity of any experts engaged to provide testimony in the matter for or against a party

II. Completion Steps:

A. Initial search:

- The name of the employee running the initial conflicts check
- Date that the initial conflicts check

B. Require all employees to review the results of the initial conflicts check

- Note that this form should include language similar to **“THIS FORM MUST BE REVIEWED BY, ALL EMPLOYEES, AND RETURNED TO [NAME OF PERSON RESPONSIBLE] NO LATER THAN [DATE].”**
- Note that it is required that each employee, after reviewing the completed form, disclose the following:
 - Any current or past business interest with or in the client and any proposed opponents
 - Any current or past affiliation with the client
 - Any current or past affiliation with witnesses, beneficiaries, creditors, experts, victims, and any other professional, personal, or financial relationship to any party in the matter
 - Any reason the employee believes that the Firm should not represent this client based on a personal or business/professional relationship
 - The signature and date of the employee reviewing the initial conflicts check and the analysis of any conflict

C. Completion

- Create a form to note the date finalizing the conflicts check analysis after all employees’ review
- If no conflict is found, document the date that the engagement letter was issued
- If a conflict was found and not waived, document the date that the disengagement letter was issued
 - If a conflict was found, describe the reasons for the conflict
- Retain the information regarding the prospective client for use in future conflicts checks to analyze whether the Firm received information privileged and/or otherwise cannot be released without informed consent