1. **Determine what** should be checked for your practice area(s). Read Ethical Rules 1.7, 1.8, 1.10 and 1.11. If you still have questions, please contact State Bar of Arizona’s Ethics Hotline at (602) 340-7284.

   a. For example: Current Client’s First and Last Name, Client’s Company Name, Spouse’s Name. Different practice areas may require that you check the names of related persons such as officers of the corporation.
   b. Should you collect aliases and/or maiden names?
   c. Should you collect family members’ names?
   d. What about potential conflicts with employees of your firm or associates or attorneys and the firms for which they previously worked?

2. Create an intake sheet or conflicts checking **data form** on which to input the names that need to be checked.

3. **When** will the data be collected for the form?

4. **Who** will perform the conflicts check? If that person is out, who is the backup conflicts checking person?

5. **When** will the conflicts check be performed? Will it be performed immediately after the initial contact, then again after the initial consultation? Will it be performed any other times during the representation, i.e. after collection of discovery and witnesses? (This will depend on your practice area. If you still have questions, please contact State Bar of Arizona’s Ethics Hotline at (602) 340-7284.

6. **Where** will the names be searched? Do you use software that lends itself easily to checking for conflicts? Or, do you search through Word Perfect documents or Word documents on your computer? Perhaps you have a manual system of index cards or copies of intake sheets. [COMMENT: Relying on the memory of one attorney or staff is not recognized by the ethical rules as a means of storing names for a conflict checking system.]

   a. In addition to searching “Active” and “Closed” client files, where will you search non-engagement clients? Consult-Only clients?

   b. If you are setting up a database for names-checking, be sure to decide which names go where. For instance: maybe all Clients, Opposing Parties, Lawyers, Judges, etc. (anyone whom you contact) each have a contact record. Whereas, witnesses and more distantly related persons may not need a contact record, because you do not contact them. Instead,
you should decide where, specifically, in your database, those persons’ names should be stored. Remember: It is most time-efficient and most accurate to limit the various places those names are kept in the database when it comes time to run the names search.

c. Remember: It is helpful to circulate the Potential Client name, and aliases, to all attorneys and staff at the firm.

7. **How** will the data you have collected be searched? If you use a computer to do your search, will you use a “Last Name” only search? Or, will you use a “Last Name, First Name” search. Will you search using the shortest unique portion of name to search, i.e. in searching for the name “Peterson,” will you search “Peters*” so that your search will pick up any alternate spellings such as Peterson or Petersen?

8. If your conflicts search produces a “hit” or “match,” what should be done next? For example, it may be that a support staff is actually implementing the search, but it must be the responsible attorney who makes the **final determination as to whether or not a conflict does exist.** Who will make that determination? How is the final determination documented?

9. Is it considered a “match” if the last name is the same but not the first name, etc.? (i.e., does it come to the attention of a decision-maker?)

10. What will be done next, **if a conflict is determined to exist?** For example, contacting the client, advice to the client, etc. **When** will it be done? **By whom** will it be done? What is the procedure? How is it documented?

11. If there is a determination that the potential conflict may be waivable, what is the process?

12. **Posting of this conflicts checking system checklist:** Once this procedure is created and documented, be sure to keep it easily accessible to all staff, and particularly handy to staff involved in this conflicts checking procedure.

13. If an attorney begins work on a file for the first time, how does he/she verify that the conflicts check was previously made? What is the process?

14. What is the process for identifying potential conflicts when the firm considers adding a new attorney? A new paralegal? A new secretary?

15. **Training,** and keep trained, all staff on this procedure for conflicts checking.