

Conflicts of Interest Checklist

Evaluate your firm's exposure to claims and complaints

This checklist is designed to help you evaluate your firm's procedures for detecting and dealing with conflicts of interest. The checklist should raise questions that could help you avoid problems with conflicts of interest.

-
- | | |
|--|--|
| 1. Do you have a system for discovering conflicts of interest? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] |
| 2. Do you have routine procedures to obtain basic conflict of interest information before opening a file? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] |
| 3. Do you check for any potential conflicts prior to receiving confidential information from a potential client? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] |
| 4. Do you circulate information on the identity of new and prospective clients throughout the firm regularly and frequently? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] |
| 5. Do you have a central file index, either in a file book, card system or computerized list, of all files? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] |

Does your central file index include the following information:

- | | |
|--|--|
| 6. client name? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] |
| 7. affiliates or partners of client? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] |
| 8. "also know as" name? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] |
| 9. directors or officers of client? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] |
| 10. adverse parties? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] |
| 11. co-plaintiffs or co-defendants? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] |
| 12. known relatives of client and other parties? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] |
| 13. common-law spouses of client and other? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] |
| 14. lawyers for any names in the index? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] |
| 15. If a potential conflict is detected, does your firm have one or more lawyers assigned to the responsibility of determining whether a conflict does exist? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] |
| 16. If a potential conflict is found, do you either decline to take the case or notify the client of the potential conflict in writing? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] |
| 17. Are your conflicts procedures expressed in written form so that all your staff are aware of them? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] |
| 18. Does your firm have one person responsible for maintaining the central file index? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] |
| 19. Have you discussed the conflicts rules in the Handbook within your firm? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] |
| 20. Have you considered the meaning of "conflicting interest" in chapter 6 of the Handbook? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] |
| 21. Do you have a standard letter for conflict disclosures? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] |
| 22. Have you or a member of your firm read the cases in which the N.S. courts have considered <i>R. v. Neil</i> [2002] S.C.J. 72; <i>Dobbin v. Acrohelipro Global Services Inc.</i> [2005] N.J. No. 124; <i>De Beers Canada Inc. v. Shore Gold Inc.</i> [2006] S.J. No. 210; <i>Wolfe v. Wolfe</i> [2003] S.J. No. 795. Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] |
| The suggested answer to question 22 is YES. | |
| 23. Do you act for two or more clients in the same matter without their written informed consent? | Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] |

24. Do you act for a client in a matter in which you, your relative, friend, or partner has a financial interest which would reasonably be expected to affect your professional judgment?

Yes [] No []

The suggested answer to question 23 and 24 is NO.

Failure to give the preferred answer does not necessarily mean you have a problem, but it does suggest you should evaluate your practice and procedures.

It also suggests that you should re-read the sections of the *Nova Scotia Barristers Society Legal Ethics Handbook* (www.nsbs.ns.ca/handbook/main.html) which deal with conflicts and confidentiality.