SELECTING A CONFLICT CHECKING SYSTEM

Lawyers and paralegals should use a conflict checking system to screen for conflicts. The system may be manual or computerized. For most practitioners a computerized system is the better option. A computerized system can store and manage a large amount of information about individuals and their relationships to each other.

MANUAL CONFLICT CHECKING SYSTEM

The following is a summary of some of the features of a manual system and steps that might be taken when using such a system.

1. Prepare an index card recording the name of the client at the top and all conflict names below. Conflict names include variations of the client's name, former names, and the names of related and adverse parties.

2. Prepare a separate conflict card for each conflict name recording the conflict name at the top, the relationship of that individual or entity to the client and the client name below.

3. Prepare an index card and a conflict card every time an individual or entity consults with the lawyer, whether or not the lawyer or paralegal is retained for further services.

4. Place both the index and conflict cards in a card box, filed alphabetically.

5. When a prospective client contacts the firm, office staff asks for and records the prospective client's name and all conflict names. Office staff then checks the prospective client name and all conflict names against those contained in the card system.

6. If a name is found in the card system, then the lawyer or paralegal must determine whether there is a conflict of interest. If there is no conflict of interest the lawyer or paralegal may act. If there is a conflict of interest the lawyer or paralegal must then determine whether he or she can act.

COMPUTERIZED CONFLICT CHECKING SYSTEM

A computer conflict checking system allows for fast and easy inputting and retrieval of information.

When setting up a computer conflict checking system the lawyer or paralegal should:

- ensure that system allows for easy searching and that it can hold a sufficient number of records for the practice, and

- consider setting up a database for the computerized system which includes the following fields:

- **Date Opened:** (the date that the file was opened)
- **Matter Name:** (name of the file)
- **File Number** (the number assigned to the file)
- **Client Name** (the name of the client)
- **Lawyer or Paralegal** (name of lawyer or paralegal responsible)
- **Description of matter** (brief description of the matter to allow individual searching to determine if there is a conflict without having to examine the actual file)
- **Conflict Names** (names of related and adverse parties and their relationship to the client)
- **Date Closed**: (date file was closed)
- **Closed File Number**: (number assigned to closed file)
- **Date Destroyed**: (the date when the file was destroyed)

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