

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 [] No []
2. Do you have routine procedures to obtain basic conflict of interest information before opening a file? Yes [] No []
3. Do you check for any potential conflicts prior to receiving confidential information from a potential client? Yes [] No []
4. Do you circulate information on the identity of new and prospective clients throughout the firm regularly and frequently? Yes [] No []
5. Do you have a central file index, either in a file book, card system or computerized list, of all files? Yes [] No []
6. Does your central file index include the following information:
 - a) client name? Yes [] No []
 - b) affiliates or partners of client? Yes [] No []
 - c) "also know as" name? Yes [] No []
 - d) directors or officers of client? Yes [] No []
 - e) adverse parties? Yes [] No []
 - f) co-plaintiffs or co-defendants? Yes [] No []
 - g) known relatives of client and other parties? Yes [] No []
 - h) common-law spouses of client and other? Yes [] No []
 - i) lawyers for any names in the index? Yes [] No []
7. 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 [] No []
8. 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 [] No []
9. Are your conflicts procedures expressed in written form so that all of your staff are aware of them? Yes [] No []
10. Does your firm have one person responsible for maintaining the central file index? Yes [] No []
11. Have you discussed the conflicts rules in the Handbook within your firm? Yes [] No []
12. Have you considered the meaning of "conflicting interest" in chapter 6 of the Handbook? Yes [] No []
13. Do you have a standard letter for conflict disclosures? Yes [] No []

14. Have you or a member of your firm read the cases in which the Nova Scotia courts have considered: Yes [] No []
[R. v. Neil, 2002 SCC 70, \[2002\] 3 SCR 631](#);
[Dobbin v. Acrohelipro Global Services Inc. \[2005\] N.J. No. 124](#);
[De Beers Canada Inc. v. Shore Gold Inc., 2006 SKQB 154](#);
[Wolfe v. Wolfe, 2003 SKQB 474](#).

The suggested answer to question 14 is YES.

15. Do you act for two or more clients in the same matter without their written informed consent? Yes [] No []

16. 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 questions 15 and 16 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 chapters of the Nova Scotia Barristers' Society [Legal Ethics Handbook](#) dealing with Confidentiality (ch.5) and Conflicts (chs.6; 6A and 7).