ET-ETB
Conflict Checker

New Client Conflict Checker

The Rules of Professional Responsibility generally prevent lawyers from representing two clients who have competing interests or may divide an attorney's loyalty. The Rules extend to former clients, so that a lawyer who represented person X may not subsequently represent person Y in a suit against person X. The purpose of a conflict check is to ensure that an attorney's commitment to a client's matter will not interfere with a commitment to any other person.

Every lawyer or law firm, no matter how small or how limited the practice area, must have a conflicts database and a procedure to check and log a conflict review. Firms without a reliable conflict checking system build systematic risk in their operation.

One challenging law firm management issue is developing an appropriate system. Having a strong system not only identifies potential conflicts, but also reduces your risk of negligence and helps lower your firm's professional liability insurance rates.

There is no question that a law firm conflict of interest system must adequately detect, identify and address any potential conflict. While the basics of a conflict of interest checking system might appear simple, in practice it is fairly challenging to develop a "bullet proof" system. A system that functions properly must be up to date at all times, be easy for the firm to use and readily identify potential conflicts of interest.

Suppose, for example, you represented John Smith in a divorce case. Laura Smith was the opposing party (John's spouse) and "Kyle Cramer" was a witness for Laura. After two years, Kyle Cramer" seeks your legal help. How would you know that representing Kyle Cramer might be a potential conflict without a comprehensive computerized database?

If you are entertaining idea of checking conflicts with a manual system or relying on your memory, think again! We're beyond the days where it's okay to have a manual conflict checking system. Every practicing lawyer should have a computerized database for identifying clients and transactions.

Easy TimeBill & Easy Trust software have a built in conflict-checker system. Use the programs and follow three simple steps and you'll have a reliable, integrated system and no redundant data entry.

Step 1: Maintain a comprehensive contact database in the program.

Step 2: For current and past clients, specify key relationships (e.g. link clients with other contact names and specify relationships such as spouse, adversary, adversary's counsel, key witness, etc.).

Step 3: Before adding a new client, run a conflict search. Keep the print out of the search report in the client file.

Easy Soft to the Rescue

Make a conflict of interest check a standard practice, before your firm establishes an attorney-client relationship. Conflict checking is simple. Easy TimeBill and Easy Trust have a built in conflict check utility —all you have to do is use it!