

Common Party Search Checklist - Internal Document

When checking the names of a new client for potential conflict of interest, it is necessary to take your search beyond the names of your current and former clients. The list below suggests other parties that should be included in your search.

ANCILLARY BUSINESSES

- Name of any business in which a firm member has an equity interest or director/officer role

BANKRUPTCY

- Client
- Spouse
- Client's partners
- Client's other businesses
- Client's family members
- Creditors

COMMERCIAL REAL ESTATE

BUSINESS/CORPORATE

- Client
- Owner/Spouse
- Key employees
- Buyer
- Seller
- Partners/Shareholders
- Directors/Officers
- Brokers
- Lenders
- Any opposing party in a transaction
- Parcel number/location/address
- Title insurer

LITIGATION

- Client
- Insured
- Plaintiffs
- Defendants

CRIMINAL

- Client
- Victim
- Witnesses
- Expert witnesses
- Co-Defendants
- Potential Co-Defendants

DECLINED CLIENTS

- Person declined
- Adverse parties, if known
- Spouse, if known

ESTATE PLANNING

- Testator/Testatrix
- Spouse
- Children/Heirs
- Devisees/Beneficiaries
- Personal representative(s)
- Trustees

FAMILY LAW — DISSOLUTION

- Client
- Spouse (former & current)
- Children
- Expert witnesses
- Witnesses (if any)
- Adverse family members
- Guardian ad litem
- Related parties
- Witnesses
- Experts

IMMIGRATION LAW

- Insurance carriers
- Guardian ad litem
- Spouse
- Witnesses (if any)
- Expert witnesses
- Co-Counsel
- Co-Plaintiffs/Co-Defendants
- Opposing counsel
- Client
- Spouse (former & current)
- Children
- Expert witnesses
- Witnesses (if any)
- Adverse family members
- Guardian ad litem
- Employers
- Persons residing with client

PATENT

- Client (by name and type of products)

Patent Prosecution:

- Subject matter of patent/trademark
- Inventors
- Research & Development personnel (within reason)
- Assignees of patent/trademark
- Affiliates, subsidiaries, parent & holding companies
- Graduate student assistants
- Foreign patent agents

Patent Litigation:

- Client affiliates, subsidiaries, parent & holding companies
- Opposing parties & affiliates (to the extent identifiable)
- Opposing counsel

RESIDENTIAL REAL ESTATE

- Client
- Owner/Spouse
- Buyer
- Seller
- Brokers
- Lender/Mortgage company
- Any opposing party in a transaction
- Parcel number/locations/address
- Title insurer

WORKERS COMPENSATION

- Client
- Employer
- Insurer

NOTE: This material is intended as only an example, which you may use in developing your own form. It is not considered legal advice and as always, you will need to do your own research to make your own conclusions with regard to the laws and ethical opinions of your jurisdiction. In no event will ISBA Mutual Insurance Company be liable for any direct, indirect, or consequential damages resulting from the use of this material.