
Michigan Department Of Attorney General

Conflicts and Financial Disclosure Packet

Non-Attorney Screening

Instructions

Please complete the Michigan Department of Attorney General Conflicts and Financial Disclosure Packet by following these instructions.

1. Read the Michigan Department of Attorney General Conflict Wall Policy (pp. 1-5).
2. Read Michigan Rules of Professional Conduct (pp. 6-9)
 - ☐ Rule 1.7 Conflict of Interest: General Rule
 - ☐ Rule 1.9 Conflict of Interest: Former Client
 - ☐ Rule 1.10 Imputed Disqualifications: General Rule
 - ☐ Rule 1.11 Successive Government and Private Employment; and
 - ☐ Rule 5.3 Responsibilities Regarding Non-lawyer Assistants
3. Read and sign the Michigan Department of Attorney General Conflict Wall Policy and Michigan Rules of Professional Conduct-Rule 1.7, Rule 1.9, Rule 1.10, Rule 1.11, and Rule 5.3 Receipt and Acknowledgment Form (p. 10).
4. Complete the Conflicts Screening Questionnaire for Non-Lawyers, including the Conflict Wall Screening - History of Case Involvement chart (pp. 11-13) if applicable.
5. Read Michigan Civil Service Commission Rule 2-8.3 "Disclosure." (pp. 14-15).
6. Complete the Michigan Civil Service Rule Acknowledgment Form (p. 16).
7. Please email only the following pages back to the Attorney General's Conflict Screening Group within three days of receipt of this packet.
 - ☐ Page 10: Receipt & Acknowledgment Form showing that you have read and understand the Michigan Attorney General Conflict Wall Policy and the provided Michigan Rules of Professional Conduct.
 - ☐ Pages 11-13: Conflict Screening Questionnaire and chart.
 - ☐ Page 16: Michigan Civil Service Acknowledgment Form.

**Michigan Department of Attorney General
Conflict Wall and Isolation Wall Policy**

Policies and Procedures: Conflict Wall and Isolation Wall Policy

Effective Date: 02/02/2026

Supersedes: Conflict Wall Policy, 12/23/1998, 09/13/2007, 06/26/2018

Policy: This Policy requires conflict of interest screening for all incoming staff members prior to working for the Department. It also outlines the establishment of conflict walls and isolation walls for both incoming and existing staff when the existence of, or the potential for, a conflict of interest arises between staff and a matter being handled by the Department, or between divisions or teams of attorneys within the Department. The purpose of this Policy is to prevent conflict disqualification of the Department and to facilitate departmental compliance with applicable ethical standards. See MRPC 1.7, 1.9, 1.10, 1.11, and 5.3; Michigan Formal Ethics Opinion R-4.

A. Notice of Conflicts.

1. Conflict Notice by New Staff Members. Before beginning work for the Department, incoming staff members shall give written notice of all matters (including clients, files, and investigations) in which they may have a conflict of interest warranting establishment of a conflict wall pursuant to the Michigan Rules of Professional Conduct. Such conflicts may exist, for example, when the incoming staff member was personally and substantially involved in a legal matter for a client, judge, court, or other individual or entity that involved the Department. Incoming staff members, including all volunteers and law clerks, are required to execute an acknowledgment of compliance with this Policy.
2. Conflict Notice by Current Staff Members. If a current staff member develops an actual or potential personal conflict of interest on any matter being handled by the Department, the staff member shall give immediate written notice of the conflict to their supervisor, stating the case name and docket number, or any other relevant identifying information, and the reason for the conflict. Once notice is given to the supervisor, the supervisor shall inform their division chief, who shall then inform the Department's Ethics Officer.
3. Conflicts Between Divisions or Attorneys. Conflicts between divisions or attorneys may arise in several circumstances, including where separate divisions or attorneys within the Department are, or may become, adverse to

each other in a particular matter. Conflicts may also arise where a division would be required to take a position that is adverse to a current or former client of the division, or where a division would be required to represent a client in a situation where that representation may be materially limited by the division's responsibilities to another client or a third party. Notice of such conflicts, or the potential for such conflicts, must be given to the Chief Deputy. See MCR 1.7 and 1.9.

B. Conflict Walls versus Isolation Walls. Conflict walls are generally used where an actual conflict exists for the Department, a division, or staff under the Michigan Rules of Professional Conduct. In contrast, isolation walls are generally used in situations where there is no actual, current, conflict that would warrant a conflict wall, but the Department wants to screen certain attorneys or divisions in a particular matter so that they may participate in that, or a related matter, at a later date and be free of any conflict of interest due to the sharing of client confidences or secrets. For example, the need for an isolation wall may arise when the Department represents a client agency in a matter and there is a possibility that staff may be needed at some point to represent the views of another client agency, the Attorney General, or the State of Michigan that may be different than the positions taken by the original client in that matter.

C. Timing and Effect of Establishing Conflict Walls and Isolation Walls. In the case of new staff members, conflict walls should be established on or before the incoming staff member's first day of work for the Department. In the case of a conflict or need for isolation that involves existing staff members, or arises between divisions or attorneys, a conflict wall or isolation wall will be established as soon as possible after the conflict or need for isolation has been identified. All conflict walls and isolation walls must be reviewed and approved by the Chief Deputy. Once the conflict wall or isolation wall has been established, the affected staff members, divisions, or attorneys are considered "screened" for purposes of the matter.

D. Department Screening Notice.

1. **Timing.** As soon as possible after a conflict wall or isolation wall has been approved by the Chief Deputy, notice shall be electronically transmitted to all Department staff members advising that a conflict wall or isolation wall has been established. The notice shall identify the screened staff member(s), divisions, or attorneys, and the matter screened, and specify the conduct appropriate to observe the conflict wall or isolation wall.

2. **Content/Restrictions.** When staff members, divisions, or attorneys are screened in a matter, other Department staff members shall:

- a. Exclude the screened staff member, division staff, or attorneys from any participation in the screened matter, unless consistent with the conflict wall, isolation wall, or Michigan Rules of Professional Conduct.
- b. Refrain from discussing the matter in the presence of the screened staff member, division staff, or attorneys, unless consistent with the conflict wall, isolation wall, or Rules of Professional Conduct.
- c. Prevent the screened staff member, division staff, or attorneys from viewing any documents or material relating to the screened matter, unless consistent with the conflict wall, isolation wall, or Rules of Professional Conduct.
- d. Refuse to receive any confidential information from, or provide any confidential information to, the screened staff member, division staff, or attorneys, concerning the screened matter, unless consistent with the conflict wall, isolation wall, or Rules of Professional Conduct.

E. Communication Between Screened Staff. The goal of conflict walls and isolation walls is to protect client confidences and confidential information, not to prohibit all communication about the matter between staff on opposing sides of a conflict wall or isolation wall. Instead, staff should treat those on another side of a conflict wall or isolation wall in the same manner they would treat an opposing counsel in any other matter when it comes to discussions and the sharing of information.

F. Management of Screened Files. Once a conflict wall or isolation wall is established, the steps in Section G must be taken. The file shall be marked accordingly, and access to that file shall be denied to any screened staff member. An alert note shall also be placed in the electronic Legal Files record providing the same information as that contained in the conflict wall or isolation wall notice so that there will be no question as to who may view the contents of the file. Any hard copy files relating to the screened matter shall be physically labeled with the screening notice and placed in a physically segregated area marked with special coding.

G. Point of Contact and Instructions to Staff in Charge of Screened Files. Unless otherwise requested by a division, the Division Head Secretary is the point of contact on procedural questions relating to the establishment and management of conflict walls and isolation walls, including compliance with this section.

Staff in charge of a screened file shall do the following as soon as possible after the conflict wall or isolation wall has been established:

1. Create an alert note for the appropriate file(s) in Legal Files. This note will pop up every time the record is opened in Legal Files.
2. In Legal Files, remove the screened staff from the list of users in the appropriate file.
3. For conflict walls that are established for a new hire who was previously a judge or judicial law clerk, complete the Conflict Notice to Court (New Employee) and file with the appropriate court/tribunal. The conflict wall itself will state when it was established for this purpose such that the notice is necessary.
4. If a physical file is maintained: attach a label to the outside of any physical files pertaining to the screened matters and to any cabinet or drawer where the screened file is stored.
5. Provide email confirmation of compliance with the procedures identified above to the Department's Ethics Officer's assistant.

H. Conflicts Between the Public Service and Special Litigation

Divisions. The Public Service Division and Special Litigation Division regularly advance conflicting positions or represent competing parties in matters before the Public Service Commission. Because the Public Service Division stands alone and is geographically separated from the Special Litigation Division, these two divisions are exempted from complying with previous sections of this Policy when in conflict with each other, but shall institute the following screening provisions:

1. Identify and treat employees assigned to, or supervising the work of, the respective division as "screened" and, with respect to the screened matter, treat such employees in the same manner as if they were representing an opposing party.
2. Refrain from discussing the screened matter in the presence of the screened staff members, except as would occur in the ordinary course of the representation if the screened member were representing an opposing party.
3. Take necessary steps to prevent the screened staff members from viewing documents or material relating to the screened matter, except as would occur in the ordinary course of the representation if the screened member were representing an opposing party. Such steps should include preventing access to computer files maintained by competing divisions by

screened staff members and limiting screened staff members from access to the file areas of the competing divisions.

4. Establish work-product review procedures, such as litigation approvals and appellate reviews, which ensure that supervisory staff members are not simultaneously reviewing material from the screened divisions.

I. Updating and Removing Conflict Walls and Isolation Walls.

1. Updating. Conflict walls and isolation walls must be regularly reviewed and updated while the matter is pending to ensure that they are accurate. For example, if staff listed on a wall are no longer with the Department, they should be removed and, when necessary, replaced.

2. Removing. Generally speaking, in order to fulfill the ethical obligation to protect client confidentiality even after a representation or matter has ended, conflict walls and isolation walls will not be removed. Isolation walls, however, may be removed if the potential conflict and need for isolating staff no longer exists. For example, if staff were isolated in a matter to possibly represent the views of a client that may differ from another client, and that possibility never materialized and no longer exists, then an isolation wall may be removed.

Requests to update or remove a conflict wall or isolation should be made to the Department's Ethics Officer.

J. Questions. Staff with questions relating to this Policy should direct them to their division chief, who may contact the Department's Ethics Officer.

K. Violations. Any violation of this Policy shall be reported immediately to a supervisor, the Department's Ethics Officer, and the Chief Deputy to determine whether corrective measures should be taken.

(Form revised and approved on January 28, 2026)

Michigan Rules of Professional Conduct

RULE 1.7. CONFLICT OF INTEREST: GENERAL RULE.

(a) A lawyer shall not represent a client if the representation of that client will be directly adverse to another client, unless:

(1) the lawyer reasonably believes the representation will not adversely affect the relationship with the other client; and

(2) each client consents after consultation.

(b) A lawyer shall not represent a client if the representation of that client may be materially limited by the lawyer's responsibilities to another client or to a third person, or by the lawyer's own interests, unless:

(1) the lawyer reasonably believes the representation will not be adversely affected; and

(2) the client consents after consultation. When representation of multiple clients in a single matter is undertaken, the consultation shall include an explanation of the implications of the common representation and the advantages and risks involved.

RULE 1.9. CONFLICT OF INTEREST: FORMER CLIENT.

(a) A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client consents after consultation.

(b) Unless the former client consents after consultation, a lawyer shall not knowingly represent a person in the same or a substantially related matter in which a firm with which the lawyer formerly was associated has previously represented a client

(1) whose interests are materially adverse to that person, and

(2) about whom the lawyer had acquired information protected by Rules 1.6 and 1.9(c) that is material to the matter.

(c) A lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter:

(1) use information relating to the representation to the disadvantage of the former client except as Rule 1.6 or Rule 3.3 would permit or require with respect to a client, or when the information has become generally known; or

(2) reveal information relating to the representation except as Rule 1.6 or Rule 3.3 would permit or require with respect to a client.

RULE 1.10. IMPUTED DISQUALIFICATION: GENERAL RULE.

(a) While lawyers are associated in a firm, none of them shall knowingly represent a client when any one of them practicing alone would be prohibited from doing so by Rules 1.7, 1.8(c), 1.9(a), or 2.2. If a lawyer leaves a firm and becomes associated with another firm, MRPC 1.10(b) governs whether the new firm is imputedly disqualified because of the newly hired lawyer's prior services in or association with the lawyer's former law firm.

(b) When a lawyer becomes associated with a firm, the firm may not knowingly represent a person in the same or a substantially related matter in which that lawyer, or a firm with which the lawyer was associated, is disqualified under Rule 1.9(b), unless:

(1) the disqualified lawyer is screened from any participation in the matter and is apportioned no part of the fee therefrom; and

(2) written notice is promptly given to the appropriate tribunal to enable it to ascertain compliance with the provisions of this rule.

(c) When a lawyer has terminated an association with a firm, the firm is not prohibited from thereafter representing a person with interests materially adverse to those of a client represented by the formerly associated lawyer, and not currently represented by the firm, unless:

(1) the matter is the same or substantially related to that in which the formerly associated lawyer represented the client; and

(2) any lawyer remaining in the firm has information protected by Rules 1.6 and 1.9(c) that is material to the matter.

(d) A disqualification prescribed by this rule may be waived by the affected client under the conditions stated in Rule 1.7.

RULE 1.11. SUCCESSIVE GOVERNMENT AND PRIVATE EMPLOYMENT.

(a) Except as law may otherwise expressly permit, a lawyer shall not represent a private client in connection with a matter in which the lawyer participated personally and substantially as a public officer or employee, unless the appropriate

government agency consents after consultation. No lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter, unless:

(1) the disqualified lawyer is screened from any participation in the matter and is apportioned no part of the fee therefrom; and

(2) written notice is promptly given to the appropriate government agency to enable it to ascertain compliance with the provisions of this rule.

(b) Except as law may otherwise expressly permit, a lawyer having information that the lawyer knows is confidential government information about a person, acquired when the lawyer was a public officer or employee, may not represent a private client whose interests are adverse to that person in a matter in which the information could be used to the material disadvantage of that person. A firm with which that lawyer is associated may undertake or continue representation in the matter only if the disqualified lawyer is screened from any participation in the matter and is apportioned no part of the fee therefrom.

(c) Except as law may otherwise expressly permit, a lawyer serving as a public officer or employee shall not:

(1) participate in a matter in which the lawyer participated personally and substantially while in private practice or nongovernmental employment, unless under applicable law no one is, or by lawful delegation may be, authorized to act in the lawyer's stead in the matter; or

(2) negotiate for private employment with any person who is involved as a party or as an attorney for a party in a matter in which the lawyer is participating personally and substantially, except that a lawyer serving as a law clerk to a judge, other adjudicative officer, or arbitrator may negotiate for private employment in accordance with Rule 1.12(b).

(d) As used in this rule, the term "matter" includes:

(1) any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter involving a specific party or parties; and

(2) any other matter covered by the conflict of interest rules of the appropriate government agency.

(e) As used in this rule, the term "confidential government information" means information that has been obtained under governmental authority and that, at the time this rule is applied, the government is prohibited by law from disclosing to the

public or has a legal privilege not to disclose, and that is not otherwise available to the public.

RULE 5.3. RESPONSIBILITIES REGARDING NONLAWYER ASSISTANTS.

With respect to a nonlawyer employed by, retained by, or associated with a lawyer:

(a) a partner in a law firm shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the lawyer;

(b) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer; and

(c) a lawyer shall be responsible for conduct of such a person that would be a violation of the rules of professional conduct if engaged in by a lawyer if:

(1) the lawyer orders or, with knowledge of the relevant facts and the specific conduct, ratifies the conduct involved; or

(2) the lawyer is a partner in the law firm in which the person is employed or has direct supervisory authority over the person and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

Michigan Department of Attorney General Conflict Wall Policy
and
Michigan Rules of Professional Conduct-Rule 1.7, 1.9, 1.10,
Rule 1.11, and Rule 5.3
Receipt and Acknowledgment Form

I certify that I have received and read the Michigan Department of Attorney General Conflict Wall Policy, as well as Michigan Rules of Professional Conduct Rule 1.7, 1.9, 1.10, 1.11, and 5.3. Additionally, I certify that I comprehend the rules' implications and my responsibilities under them.

Employee Signature

Date

Employee Name

Expected Start Date

Title

Division

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MICHIGAN ATTORNEY GENERAL

Dana Nessel, Attorney General

Conflict Screening Questionnaire for Non-Lawyers

Name: _____ Date: _____

In an effort to avoid conflicts of interest with staff that join the office after having served in some capacity with an outside employer' involved with the practice of law, have you worked on any legal matter, before joining this office that involved a state agency, officer, or employee or state board or commissions?

YES or NO _____ If YES, please provide the following information:

1. Please list the name(s) of the attorney, firm, government law office, or other entity with whom you performed this service and the dates of employment.
2. To the best of your ability, please provide the name of the case or the name of the state agency, employee or board or commission that was involved in the matter.

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3. Is there any other matter, including financial matters, or person, or entity that might reasonably present a conflict of interest or otherwise limit your ability to perform work at the Attorney General's Office?

4. Please list all former employer(s), including your employer before taking this position, along with dates of employment and a basic job description for each position.

5. If you plan on working or volunteering while employed with, or clerking or interning for, the Department of Attorney General, please provide the name of the employer or organization and your hours of work.

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Conflict Wall Screening - History of Case Involvement

Please identify all files in which you had participated personally and substantially before your employment with the State of Michigan. Please include party names, dates, attorneys involved, judges involved, and the courts in which the cases took place. If more space is necessary, please attach additional sheets.

Party Name: Plaintiff	Party Name: Defendants	Date(s) Involved	Attorney(s) Involved	Judge(s) Involved	Court(s)

☐

NO – I DO NOT HAVE ANY CASE HISTORY

OR

☐

YES – I HAVE CASE HISTORY and have disclosed it on the above chart, attaching additional sheets as necessary.

I certify that the above information is truthful, complete, and correct. If I learn of any more information I have not already disclosed, I will immediately inform my supervisor so that instant action can be taken to erect a conflict wall.

Employee Name

Employee Signature

Date

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Michigan Civil Service Rules

These rules are published by the Michigan Civil Service Commission, Office of the General Counsel.

Effective June 7, 2026

2-8.3 Disclosure

(a) Personal and financial interests.

- (1) **Disclosure.** At least annually, an employee shall disclose to the employee's appointing authority all personal or financial interests of the employee or members of the employee's immediate family in any business or entity with which the employee has direct contact while performing official duties as a classified employee.
- (2) **Action by appointing authority.** If an appointing authority determines that the personal or financial interests of an employee or the employee's immediate family represent an unacceptable conflict of interest with the employee's state duties, the appointing authority may take any of the following actions to eliminate the conflict:
 - (A) Require appropriate actions by the employee or the employee's immediate family regarding the personal and financial interests.
 - (B) Change the employee's job, including, but not limited to, imposing a lateral job change, demoting the employee, changing reporting relationships, changing work locations, or reassigning specific tasks.
 - (C) Separate the employee from the classified service if the conflict cannot be eliminated.

(b) Supplemental employment.

- (1) **Disclosure and approval required.** An employee must report all supplemental employment to the employee's appointing authority and must receive approval from the appointing authority to engage in supplemental employment.
 - (A) **Employees.** Before engaging in supplemental employment, an employee must disclose the nature and extent of the supplemental employment to the employee's appointing authority. Thereafter, an employee must report all supplemental employment at least annually as required by this rule, applicable regulations, and the appointing authority.

- (B) **Newly hired employees.** A newly hired employee who is already engaging in supplemental employment at the time of hire must disclose the nature and extent of the supplemental employment as required by an appointing authority.
- (C) **Changes.** If there is a change in approved supplemental employment, the employee must disclose the nature and extent of the change to the employee's appointing authority within 14 days.
- (2) **Action by appointing authority.** If an appointing authority determines that supplemental employment (1) interferes with the employee's attendance or efficiency or otherwise conflicts with the satisfactory performance of the employee's state duties or
- (2) represents an unacceptable conflict of interest with the employee's state duties, the appointing authority may take any of the following actions:
- (A) Withhold or withdraw approval to engage in supplemental employment.
- (B) Require the employee to modify, limit, or terminate the supplemental employment.
- (C) Change the employee's job, including, but not limited to, imposing a lateral job change, demoting the employee, changing reporting relationships, changing work locations, or reassigning specific tasks.
- (D) Separate the employee from the classified service if the conflict cannot be eliminated.
- (3) **Service in the uniformed services; exception.** An employee is not required to obtain approval to engage in supplemental employment in the uniformed services. However, unless precluded by military necessity, an employee must give advance written or verbal notice to the appointing authority of any absence from state duties for service in the uniformed services.
- (4) **Applicants.** As part of the appraisal process, an appointing authority may require an applicant to disclose the nature and extent of all employment that the applicant intends to continue as supplemental employment after the applicant is hired into the classified service.

Michigan Civil Service Rule Acknowledgement Form

I certify that I have been notified that I am subject to Section 2-8.3 of the Civil Service Commission Rules and:

☐ NO – I HAVE NO INTEREST – I have no personal knowledge that I, or members of my immediate family, have personal or financial interests in any business or entity with which I have direct contact while performing my official duties as a classified employee.

– OR –

☐ YES – I HAVE AN INTEREST – I have, or a member of my immediate family has, a personal or financial interest in the following businesses or entity with which I have direct contact: _____

I certify that I have read Michigan Civil Service Rule 2-8.3, and I comprehend its implications and my responsibilities under the rule. Additionally, I certify that the above information is complete and truthful. I also understand that I have an obligation to revise this statement as necessary in accordance with this rule.

Employee Signature

Date

Employee Name

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