

EXERCISES 1 and 2 FACULTY GUIDE

Exercises 1 and 2 focus on client interviewing and counseling and allow the students to practice, experience and critique the interviewing techniques that we have discussed in class. You will receive copies of the general exercise instructions (posted on TWEN), the various role instructions, and a schedule with the times and locations of your group meetings. Each group meeting will last a total of 55 minutes. For the first 35 minutes, the students will role-play a client and 2 lawyers engaged in an initial client interview. You and another student will observe the interview. For the remaining 20 minutes, the group will critique the interview, with the faculty member facilitating the critique process. The same pattern will apply to the counseling portion of the exercise.

One of the main objectives of this exercise (in addition to allowing students to practice interviewing and counseling skills) is to instill in the students confidence in their abilities to evaluate their own performances as well as those of their colleagues. For this reason, I encourage the students to critique the performance of themselves and their peers. You can consult the Discussion Guide for questions to begin this process. Hopefully, such questions will lead to dialogue between the students playing lawyers and the other students (client and observer) in the group. You should also ask the client and observer to offer their comments on various aspects of the interview and/or counseling experience (especially if they are not drawn into a dialogue with the attorneys). Ultimately, the goal is to facilitate a discussion among all of the exercise participants that brings out many of the issues that arise in interviewing (some of which are noted in the Discussion Guide).

Although your role is one of facilitator, do not hesitate to offer your own comments or suggestions, especially drawn from your practice experience. The students look to us for feedback and suggestions for improvement.

If you want, you may distribute the Discussion Guide at some point during the session, explaining that it can be helpful in critiquing one's own work and that of others. (The Discussion Guide was distributed only to the student observer before the exercise.)

You can contribute to the meeting in several ways: by sharpening or expanding the students' comments; by generalizing students' experiences to other settings, particularly your own practice settings; by adding new ideas to the group discussion; and, of course, by keeping the discussion constructive and on topic, if it strays.

A note about evaluation: This is not a graded exercise. Nor is there any paperwork that you need complete when the exercise is done. However, if you feel that any one of the participants was not prepared for or did not fulfill his or her role, or otherwise did not make positive contributions to the exercise or the critiquing process, please let me know. I will send critique instructions to you prior to the counseling exercises.

Finally, thank you for participating in this exercise. Your willingness to share your experience and expertise greatly enhances the value of this course for our students.

Jessica

DISCUSSION GUIDE

When critiquing the initial client interview, you may consider the following questions:

1. At the beginning of the interview, what use was made of ice breakers? How effective were they?
2. What kinds of questions were used? When did open questions seem to work best, and when were closed questions useful?
3. Was the lawyer listening to the client's answer? Were his or her follow-up questions responsive to these answers?
4. Did the lawyer engage in active listening techniques? Which ones? How did they make the client feel?
5. Did the lawyer establish rapport with the client? What were the indicators of that rapport? How did the lawyer establish or fail to establish rapport?
6. Was the lawyer responsive to the client's questions? Did he or she answer them directly? Did he or she say when more information was needed in order to answer?
7. How thorough was the lawyer's information gathering? Did the lawyer make use of time line questioning? Did the lawyer probe for details after events or issues were described?
8. Did the lawyer identify what the client sees as the problem?
9. Did the lawyer get ideas about how the client would like to solve the problem, and about the client's goals of the representation?
10. How did the client and lawyer feel about the lawyer's explanation of the applicable law?
11. Did the lawyer describe the firm's fee structure and other aspects of the attorney-client relationship?
12. Is it clear what the lawyer will do – and what the client will be expected to do – after the interview concludes? Is the client comfortable with the plan?
13. How did the client feel throughout the interview? Were there certain actions on the part of the lawyer that made the client comfortable/uncomfortable?
14. Who controlled the interview? How did the client/lawyers feel about that relationship?
15. What did the lawyer do when s/he did not know the answer to a question? How did that make the lawyer/client feel?
16. How does the lawyer feel about the planning he or she did before the interview? Was there anything the lawyer could have planned for that he or she did not consider?
17. Is there anything that the lawyer would have done differently? Is there anything that the client or observer/critiquer would have done differently had he or she done the interview?