

Standardized Client – Interview

Assessment Criteria

1. The greeting and introduction by the student lawyer was appropriate

This item is designed to assess the degree to which the lawyer can set you at ease in the first few minutes of the interview. There should be a minimum attempt to make conversation with you, set you at ease, and deal with other matters such as reassuring the client about confidentiality, before coming to the matter in hand.

1	2	3	4	5
No attempt to meet & greet you; plunges straight into matter. Inappropriate remarks made.	Offered time of day, then straight to matter. Not really interested in you.	Attempt to greet you, and some recognition of client situation.	Greeted you; engaged in some small talk; and attempted to lead you into the matter.	Fluent and confident greeting; engaged you in small talk; made you feel at home from the start.

2. I felt the student lawyer listened to me.

This item is designed to assess the degree to which the lawyer can listen carefully to you. This entails *active* listening – where it is necessary for the interview structure or the lawyer’s understanding of your narrative, the lawyer will restate or feed back elements of the story to you; the lawyer will not interrupt, cut you off, talk over you or rush you in conversation. The lawyer reacts to your responses appropriately. The lawyer will take notes where appropriate without losing much eye contact with you. To some extent in this item we are concerned with what the lawyer does *not* do that facilitates the interview.

1	2	3	4	5
Lawyer prevents you from talking by interrupting, cutting off, talking over, rushing you. Few notes, or spends most of the interview head-down, collecting; little or no restatement or feedback to you	Lawyer limits your opportunity to talk by interrupting, cutting you off, etc. You are allowed to answer specific questions but are not allowed to expand on topics. Little or no restatement back to you; few notes or rarely looks at you.	Lawyer rarely interrupts or cuts off or rushes you. Little restatement, but you are allowed to tell his or her story to some extent; more interested in notes taken than in eye-contact with you.	Where lawyer interrupts, it is because you are wandering in your narrative. Lawyer restates your narrative to check understanding or where otherwise appropriate. Lawyer does not provide opportunities for you to lead the discussion where appropriate. Notes are taken.	Lawyer gives you the opportunity to lead the discussion where appropriate. Lawyer uses silence and other non-verbal facilitators to give you an opportunity to expand. Lawyer restates or feeds back to reassure you of his or her understanding of your narrative. Ample notes taken and used where appropriate in the interview.

3. The student lawyer approach to questioning was helpful

This item is designed to assess the degree to which the lawyer can use both open and closed questions to elicit information from you. The use of such questions should vary according to topic, stage in the interview and many other interpersonal factors, and the lawyer should show awareness of when it is appropriate to use one approach rather than another. It is also designed to assess the degree to which the lawyer can identify which facts are germane to the legal scenario and your interests, and which you do not have. You may of course have these facts, but in the course of the interview the facts do not become apparent, either because you have forgotten to mention them, or because the lawyer did not pursue the matter sufficiently during the interview.

1	2	3	4	5
<p>Lawyer ignores your cues or misses obvious facts that require questioning; lawyer uses closed questions where open would be better, or <i>vice versa</i>. No indication that there is an awareness of the difference between closed & open questioning techniques.</p> <p>No attempt by lawyer to identify relevant facts required; no attempt to pursue in questions; no statement to you about the need for further information</p>	<p>Lawyer uses questions rather aimlessly; does not seem to know what he or she is looking for. Does not preview sets of closed questions ('I'd like to know a bit more about...' or 'Tell me more about ...'). Some awareness of important cues and facts. Uses too many or too few questions</p> <p>Some attempt by lawyer to identify relevant facts; no attempt to pursue in questions; no statement to you about the need for further information</p>	<p>Lawyer can question systematically, but uses too many questions in doing so. Tends to favor closed questions</p> <p>Lawyer identifies relevant facts; pursues further facts required in questions; no statement to you about the need for further information</p>	<p>Lawyer can appreciate when to use open & closed questions; can question systematically; can pursue facts and legally relevant information.</p> <p>Lawyer identifies relevant facts; pursues further facts required in questions; informs you about the need for further specific information</p>	<p>Excellent use of a wide variety of questions. Questions fluently embedded in the interview. Confident use of questioning to create a sense of a narrative building within the interview; gives you confidence in his/her ability to obtain and use information.</p> <p>All relevant facts required are identified by the lawyer; thorough questioning to determine extent of information required; you are clear that you need to bring further information to another meeting or send information to the lawyer.</p>

4. The student lawyer accurately summarized my situation

This item is designed to assess the degree to which the lawyer communicates with the client to confirm his or her understanding of the client's narrative. This can be demonstrated by mini-summaries in which the lawyer feeds back an understanding of parts of the client's narrative to the client. It can also take the shape of a larger summary towards the end of the interview. It should include acknowledgement of the concerns raised by the client, whatever form these concerns may take.

1	2	3	4	5
No confirmation of client narrative and issues. Lawyer insensitive to or dismissive of client concerns	Attempted summary of client narrative, but awkwardly presented (facts only), incomplete, and has to be heavily revised by the client. No link between this and future action. No or very little communication over client concerns.	Summary of client narrative reasonably attempted, and client has to revise details. Attempted link to future action. Little sensitivity to client concerns	Good summary, possibly more than one, of client narrative. Client satisfied with lawyer's understanding. Links to future action, and lawyer shows sensitivity regarding client's concerns in his or her summary	Very good summary or summaries of client narrative. Client satisfied, no details corrected. Links to future action and lawyer takes account of client's emotions, concerns, wishes, etc in the narrative, and shows the client he or she is taking account of this in the summary.

5. I understood what the student lawyer was saying

This item is designed to assess the degree to which the lawyer is able to communicate in a clear and helpful way, including avoiding the use of legal jargon. The key criterion here of course is the level of your understanding as the client. What can be jargon to a client is perfectly acceptable use to another lawyer; and what is jargon to one client may be understandable to another client.

1	2	3	4	5
Lawyer uses jargon repeatedly, and takes no account of your level of understanding. When you ask for explanations, he or she makes no attempt to respond, or alter jargon used. Rambling, confusing explanations.	Lawyer uses some jargon and has to explain to you what this means, generally not doing this well. When you ask for explanations he or she gives poor or disjointed explanations, and does not shift register in the rest of the interview.	Lawyer uses some jargon, and when you ask for explanation is able to give this. Learns from this and does not use jargon in remainder of interview. Occasionally ambiguous explanations given that require you to ask for explanation.	Lawyer uses jargon only where necessary, and provides explanation of this to you. Reasonably fluent explanations.	Lawyer avoids jargon except where necessary. Explanations are clear, simple, elegant. In the course of the interview can communicate complex legal issues to you without recourse to jargon or causing confusion.

6. I felt comfortable with the student lawyer

This item is designed to assess the degree to which the lawyer can connect at many levels with you so that you feel comfortable telling the lawyer everything important, even on uncomfortable topics. The lawyer should seem interested in you as a person and not treat you as a routine task or problem to be solved. Of course you will give a 1 or 2 if the lawyer speaks to you in a disrespectful way. Key aspects to look for: attentive, polite, comfortable, pleasant, interested, seeking to make a connection.

1	2	3	4	5
Lawyer was bored, uninterested, rude, unpleasant, cold, or obviously insincere. Used inappropriate remarks.	Lawyer was mechanical, distracted, nervous, or lacking in empathy. Slightly distant and unsympathetic.	Lawyer was courteous to you and encouraged you to confide in him or her.	Lawyer was generally attentive to and interested in you. You felt confident to confide in him/her.	Lawyer showed a genuine and sincere interest in you. There was a sense of empathy and connection between you and the lawyer.

7. I would feel confident with the student lawyer dealing with my situation

This item is designed to assess the degree to which the lawyer can gain the client’s confidence in his or her ability to handle the client’s case. Signs include attempts to gain client confidence, structuring the legal matter, sensitivity to client issues, allowing the client space to talk and explain while maintaining a structure to the interview, and making the client feel as secure as possible in the world of legal matters.

1	2	3	4	5
Lawyer is insensitive to client issues; or lawyer dominates interview and client; language and gesture not appropriate to the interview; no apparent structuring of legal matter	Lawyer is distant or domineering, but some attempt to be sensitive to client concerns; little attempt to structure the interview; random, aimless questions, abrupt transitions that leave you confused	Some attempt to structure the interview and the legal matter; manner is helpful but uncertain; client has space to explain but transitions are poor	Good structure, manner is helpful and lawyer is sensitive to client issues. Transitions uncertain but lawyer attempts to reassure client where necessary, and tries to structure the legal matter	Excellent manner, with good transitions, well structured interview that also allows the client space to talk while structuring the legal matter well. Lawyer actively provides focus and direction, but no domineering attitude; pleasant and confident

8. If I had a new legal problem I would come back to this student lawyer

This item is designed to assess in general terms your view of the student lawyer.

1	2	3	4	5
No, you are not happy with this choice of lawyer and you will not be returning to this lawyer	You might return	You would seriously consider returning to this lawyer	You would return to this lawyer	You would definitely return to this lawyer.