Experiential Module 1: Client Interview

Course: Civil Law of Persons

Professor Monica Wallace

February 17, 2014

1:00 to 2:15 p.m.

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Contents: This Experience 1 packet contains the following:

1. Memo from Senior Partner
2. Quick Notes: "How to Prepare for a Client Interview"
3. Quick Notes: "How to Conduct a Client Interview"
4. Effective note taking during the client interview examples

Your Task

On February 17th, our class time will be dedicated to meeting a client who needs legal representation and decided to use our law firm. Essentially, the client wants a divorce, custody of the children and support, but it is up to you to gather enough facts, research the law, find the proper pleadings and other legal documents to file with the court. This first exercise is dedicated to learning the skill of gathering information through interviewing. Although this may sound like an easy task, the more you prepare for the interview, the more successful you will be at fact-gathering and building a sound relationship with the client. Remember, the facts you gather during the interview are necessary to draft the Petition for Divorce and to argue the support and custody issues. This packet is designed to help you prepare and conduct the interview.

Skill competencies developed during this experiential module

- Effectively prepare for the interview by arranging topical discussions with specifically designed questions
- Professional preparation using template note taking method and strategic questioning
- Build on knowledge of professional rules of conduct in establishing an attorney client relationship
- Identify ethical considerations regarding attorney client relationship
- Research legal issues preconceived as relevant to client's factual issue
- Research legal issues after the facts develop from interview
- Build client relationship through opening remarks
- Effectively open interview by explaining procedures or protocols
- Organize factual questioning arranged by topics
- Elicit facts necessary to determine legal issues
- Accurately identify legal problems/issues of client
- Recognize difference between legal and non-legal issues
- Recognize need for further information to determine legal issues
- Develop sufficient facts to identify all appropriate theories
- Identify factual inconsistencies to discard inappropriate theories
- Anticipate legal and factual arguments from adversaries and others
- Develop sufficient facts to establish emotionally sensitive theories
- Treat client with respect
- Listen to concerns/issues voiced by client
- Respond in an empathetic manner to client
- Foster confidence in client
- Advise client on next course of action specifically significant dates and

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procedures

- Educate client to better protect their own interest
- Confidently end the interview in a manner effective in building the client relationship

Evaluation

This assignment is not evaluated or assessed for a grade. Practitioners who practice in family law will use explanatory coaching during the simulation to help you develop the skill of interviewing.

Skills Credits

Students enrolled in Professor Wallace's course automatically earn 1 skills credit.

Collaboration Rules

For Experiential Module 1, you are encouraged to collaborate with classmates prior to the interview to effectively prepare for the interview similar to that in real practice. You are however discouraged from consulting with outside practitioners (i.e. lawyers, judges, family members who are attorneys). Think of this exercise as learning the skill of preparing and interviewing a client in areas where you may not know the facts or law. An experienced practitioner may hinder this exploratory learning process by imputing their wisdom and offering lines of questioning.

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To: Associate Attorney

From: Senior Partner Alex Hoffman

Re: Smith v. Smith

Date: February 10, 2014

A former classmate Zara Smith called last week asking me to handle her divorce. During our telephone conversation, I determined our firm could take the case. I told her we would represent her in her divorce proceeding.

I am writing you to help me on this case, as I know you are very knowledgeable about family law issues. I normally like to be present for the initial client interview scheduled on February 17th; however, I am scheduled to be in court in another matter. As such, I would like you to conduct the interview. Below are the only facts I know about Zara's problem:

- Zara and her husband Alfred are having problems.
- They have two children.
- She wants to take the kids and move in with her mom and would like to have custody and support (child and spousal) as soon as she moves out.

I also asked Zara to bring the following documents to the interview: a) tax returns; b) payroll stubs; c) bank statements for the past year. We probably will need more documents, so take notes during the interview and we will ask for those later.

To make sure you are prepared, I've attached Quick Notes on "How to Prepare for a Client Interview" and "How to Conduct a Client Interview." Please make sure you prepare for the interview, as Ms. Smith is a very important client for our firm.

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Quick Notes: "How To Prepare for the Client Interview"

- Attorney-client relationship rules: Remember, the initial client interview is one of the most critical meetings especially if you are first establishing the attorney-client relationship. This first meeting is the foundation for the relationship and first impressions may be long lasting. Is the attorney-client relationship established? If not, review the professional rules of responsibility to ensure your interview is structured accordingly.

- Documents: Do you need the client to bring documents? If so, make sure you are familiar with the format of the documents. Do you need to bring blank documents for client's signature, such as medical or employment record release or legal service agreement?

- Prepare Questions: Make sure you review any files you have on the case including notes from paralegal or secretary. What do you know about the client? What do you know about the case? Does the client have special needs? Have you thought about possible topics to guide the interview? Have you arranged the questions according to a topic? Have you thought about the best type of question to solicit the information while building the relationship? Has someone else in your office reviewed your questions?

- Prepare Interview Room: Remember, the setting will help foster the type of relationship you want to build with the client. How will the room provide the proper amount of comfort and authority to build the relationship?

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Quick Notes: "How To Conduct the Client Interview"

- The Greeting: How will you make the client feel welcomed and comfortable? What type of first impression will you make?

- The Beginning: How will you open the conversation by not immediately discussing the client's legal issue?

- The Substance: How will you allow the questioning to flow arranged by topics? Who will take notes without impeding on the ability to build a relationship with the client?

    - The legal theory: Have you researched areas of law involving client's factual issue to ensure your questions align with the legal theory? Are there other areas of law you need to research? What facts would change the application of the legal theory?

    - The facts: Did you review documents the client brought to the interview? Do you have a clear picture of what happened? And who was involved, specifically the names and contact information for witnesses? Are there any inconsistencies in the client's story? Have you mapped out the chronology of events relevant to the legal theory?

- The Conclusion: Have you covered everything? Are all documents signed?

    - The next plan of action: What will you do next in the client's case? When will you contact the client? How will you contact the client? Have you let the client know? Is there any advice or counseling you want to provide? Does the client have your contact information? How will the client know the interview is complete?

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Effective Note Taking Examples

Example 1: Questions and Notes

Questions	Notes
Topic: Background	
What is your full name?	

Example 2: Checklist

1. CLIENT BACKGROUND INFORMATION
Full name
Nickname/former name
Current address
Address last ten years
Phone no. (home/work/cell/pda)
Fax
Email
Soc. Sec. no.
DOB
Marital Status
Spouse's name
Children
Current employer
Address
Phone
Employment duties/title
Supervisors
Salary
Other annual earnings/income
Former employment last ten years

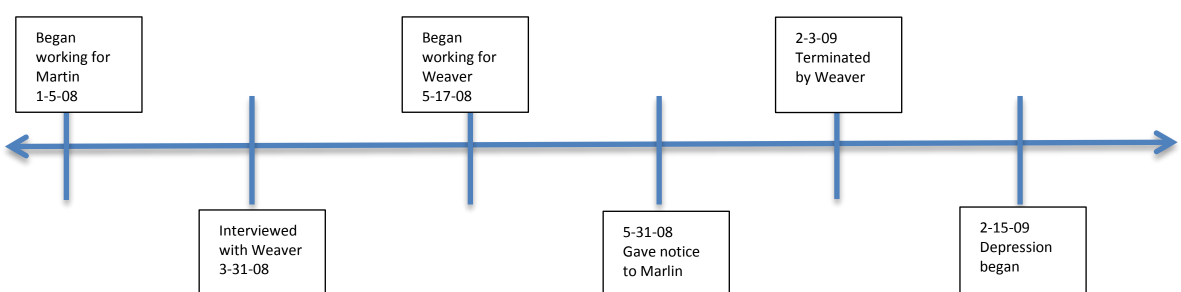
2. INCIDENT INFORMATION
Date
Place
Summary of incident
Known witness
Other parties involved in incident
Third parties who may be responsible
Incident job related (Y/N)
Investigating authority
Investigating officer
Accident report (copy Y/N)
Other physical evidence.

The example is a checklist for a personal injury case, but you can create your own checklist specific for the area of law.

3. PROPERTY DAMAGE . . .

End of excerpt – this list could go on for several more pages depending upon what information the attorney deems necessary.

Example 3: Time line (drawn by either client or attorney or both)



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