Interviewing & Counseling Syllabus  
Spring 2014

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<thead>
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**Required Text:**


**Description:**

Interviewing and Counseling introduces students to a set of skills critical to the practice of law in any context. The teaching method involves simulations in which students will be required to play the roles of client, lawyer, and, possibly, critique provider. Class exercises will be posted on the course website or directly e-mailed to individual students. Some will be common to all and others will involve unique role-play exercises that require confidentiality of information prior to class. On occasion, we will have short in-class exercises.

The role of the lawyer as interviewer and counselor also requires an understanding of the Rules of Professional Conduct and the legal context in which the client interaction takes place; consequently, students will also be exposed to and discuss issues relating to professional responsibility and identity. Students are expected to be present and engaged as we learn from one another these vital skills.

The pedagogy of this course looks to providing students with a common vocabulary within which to view the skills being learned, opportunities to analyze models through film and/or interview transcripts, and finally multiple chances to practice the skills through simulation. Once the course is up and running, you will be working throughout as a lawyer and a client in long-running simulation in which you will play the client in one fact pattern and the lawyer in another. You will choose at the beginning of the quarter from among various practice contexts.

At the end of each simulation in which you play the attorney, you will be expected to draft a memo to the file in which you record what happened in your simulated client meeting. This will also give you legal writing practice in a critical aspect of practice — documenting the client meeting. For each role-play in which you play a client you will be expected to provide written feedback from the client perspective. It is hoped that not only will this assist me as the instructor in working with the ongoing role-plays, but it will also assist you in improving your work as interviewers as you view the experience.
from the client experience and come to know what techniques are helpful to clients who are being interviewed and counseled.

Each student will meet with the professor at least once (perhaps twice depending on the number of students in the class) for feedback and self-reflection. You will be required to review the recording of your session in advance and come prepared to discuss.

Goals:

- To expose students to the common kinds of problems that arise when interviewing and counseling clients
- To provide students with a basic model for interviewing and counseling the typical client
- To provide students with the opportunity to practice the skills associated with interviewing and counseling in order to develop a level of proficiency that will enable them to depart from the model as necessary to adjust to the needs of individual clients
- To explore the lawyer’s professional role as fact gatherer and counselor
- To hone legal writing skills attendant to interviewing and counseling
- To develop self-reflective practice skills

Grading:

This is a credit-no credit class. However, you must attend, hand in all written and taped assignments at passable standards and be prepared for your role in assigned exercises in order to receive credit for this class.

Unexcused absences will lead to a no-credit grade. Except in true emergencies, students must request to be excused at least one week in advance. Absences will only be excused for serious health reasons, faith-based obligations, or unavoidable conflicts in which professional responsibility would dictate that the student place the conflicting matter above class time. Examples include the students’ own serious illness, the serious illness of a family member requiring the student’s care, or a court appearance in which the student is an advocate, party, or juror. Proof of the basis for any request for an excused absence may be required.

No student will be granted more than two excused absences. Any unexcused absence may result in the student being withdrawn from the class. This course relies upon each student’s thorough preparation and attendance.
## Interviewing & Counseling  
### Course Schedule and Reading Assignments

<table>
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<tr>
<th>Date</th>
<th>Topic</th>
<th>Required Reading</th>
<th>Exercise</th>
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| 4/2  | Client-Centered Lawyering, Motivation, Active Listening and Forms of Questions | Ch. 1-3 | 1) Intro. Interview  
2) Your Bequest  
3) Clawson Transcript  
4) Story Corps |
| 4/9  | Beginning Client Conferences; Considering Context and Ethics | Ch. 4-5  
Crim. Def.: Ch. 10  
Contract: Ch. 9  
Fam.: Website  
Civ. Pl.: Website  
Civ. Def.: Website  
Policy: Website | Role-play exercises |
| 4/16 | Eliciting Timelines | Ch. 6, 12 | Role-play Exercises |
| 4/23 | Theory Development & Concluding the Conf. | Ch. 7-8, 11 | Role-play Exercises |
| 4/30 | Principles Underlying Effective Counseling, Implementing Effective Counseling, Checking in and Fact Development Practice | Ch. 13-14  
For specific players:  
Pl. and Def. in Civil Litigation: Ch.19  
Contract: Ch. 20  
Policy: 21  
Crim. Def.: 22 | Role-play Exercises |
| 5/2  | Clarifying Clients’ Objectives | Ch. 15 | Role-play Exercises |
| 5/7  | Identifying Alternatives | Ch. 16 | Role-play Exercises |
| 5/14 | Identifying Consequences | Ch. 17 | Role-play Exercises |
| 5/21 | Final Decision-making | Ch. 18 | Role-play Exercises |