

Interviewing & Counseling

Summer Session 2015

Mondays/Wednesdays – 4-6PM

Work Phone: (714) 459-1157

Prof. Sabrina Rivera

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Office Hours: Mondays/Wednesdays – 3-4PM and by appointment.

Course Description:

Interviewing and counseling introduces you to a set of skills critical to the practice of law in any context. The goal of the course is to develop your skills in interviewing clients and witnesses and counseling clients. The role of the lawyer as interviewer and counselor also requires an understanding of the ethical rules and the legal context in which the client interaction takes place.

Required Text:

- 1) David A. Binder, Paul Bergman, Paul R. Tremblay, Ian S. Weinstein, Lawyers as Counselors: A Client-Centered Approach, 3rd Ed. (West Academic 2011).

Additional Readings will be posted on a LexisNexis Blackboard. All students must sign up for the course's Blackboard page.

Attendance:

All students are expected to attend class and to come to class prepared. Since this is a skills course, not attending class or not being ready when class starts may significantly interrupt the flow of the session. If there are times when you know that you will not be able to attend class in advance, please email Prof. Rivera. More than 2 absences may result in your receiving a failing grade for the course.

Grading Criteria and Evaluation

- Regular class attendance and participation: 25%
- Client Interview & Outline: 30%
- Client Counseling Session: 30%
- Client Counseling Session Paper: 5%
- Self-Reflections (2 Total): 10%

Simulation Exercises:

A significant part of the course will involve simulation exercises where you will be required to play the part of an attorney with your partner. Instructions for these simulations will be distributed as necessary prior to each simulation. Your performance will be evaluated by me, by you and your partner. A self-evaluation is your opportunity to reflect on your performance and make your own determinations about what you do well and what you believe you can improve.

Students will develop skills in interviewing and counseling through a combination of in-class simulations exercises, reflection memos, interview outlines, class discussion, lecture and readings.

Course Schedule of Topics, Readings and Assignments:

The assigned readings should be done before class. Please be prepared to discuss readings, additional readings and complete all exercises assigned within each chapter. The questions assigned in each chapter will be discussed in each class.

1) Week 1

a. Monday, June 1, 2015: Course Introduction; Client-Centered Approach; Introduction to Fundamental Counseling Skills (Motivation)

- Course Syllabus (*Available on Blackboard*)
- Chapter 1 & 2 – Lawyers as Counselors

b. Wednesday, June 3, 2015: Fundamental Counseling Skills (Active Listening); Preparing for the Interview

- Chapter 3 – Lawyers as Counselors
- Chapter 2 - Interviewing Clients Across Cultures (*Available on Blackboard*)

2) Week 2

a. Monday, June 8, 2015: Fundamental Counseling Skills (Forms of Questions); Information-Gathering (Beginning Client Conferences; Concluding Client Conferences); Setting the Right Tone: Building Rapport and Conveying Respect

- Chapters 4, 5, 11 – Lawyers as Counselors
- Chapter 4 - Interviewing Clients Across Cultures (*Available on Blackboard*)
- California Rules of Professional Conduct, Rule 3-100, 3-110, 3-210, 3-300, 3-500 – PDF (*Available on Blackboard*)
- Client Interviews are scheduled to be Thursday, June 18, 2015, from 6 to 9PM. Please make sure to sign up for a time before the end of class.
- Submit a hard copy of your Interview Outline to Prof. Rivera by the end of class.

- b. Wednesday, June 10, 2015: Information-Gathering (Eliciting Timelines); Nonverbal Communication in Interviews**
 - Chapter 6 – Lawyers as Counselors

 - Chapter 5 - Interviewing Clients Across Cultures (*Available on Blackboard*)

- 3) Week 3 – Client Interviews This Week**
 - a. Monday, June 15, 2015 – Client Interviews; Information-Gathering (Theory Development Questioning – Pursuing Helpful Evidence)**
 - Chapter 7 – Lawyers as Counselors

 - b. Wednesday, June 17, 2015 - Client Interviews; Information-Gathering (Interviewing Strategies for Criminal Defense); Decision-Making (Counseling Criminal Defendants); Interview Reports and Documents**
 - Chapter 10 and 22 – Lawyers as Counselors

 - Chapter 10 - Interviewing Clients Across Cultures (*Available on Blackboard*)

 - Client Interviews will be taking place **Thursday, June 18, 2015 from 6 – 9PM.**

- 4) Week 4**
 - a. Monday, June 22, 2015 - Information-Gathering (Gathering Information From Especially Difficult Clients); Understanding and Addressing Reluctance to Divulge Information**
 - Chapter 12 – Lawyers as Counselors

 - Chapter 8 – Interviewing Clients Across Cultures (*Available on Blackboard*)

 - b. Wednesday, June 24, 2015 – Decision-Making (Principles Underlying Effective Counseling);**
 - Chapter 13 – Lawyers as Counselors

 - Self-Reflection #1 is to be submitted at the beginning of class. Instructions will be provided separately.

5) **Week 5**

a. Monday, June 29, 2015 – Decision-Making (Implementing An Effective Counseling Process)

- Chapter 14 – Lawyers as Counselors

b. Wednesday, July 1, 2015 – Decision-Making (Clarifying Client’s Objectives, Identifying Alternatives, Identifying Consequences)

- Chapter 15, 16, 17 – Lawyers as Counselors
- California Rule of Professional Conduct, Rule 3-700 (Termination of Employment) – (*Available on Blackboard*)

6) **Week 6**

a. Monday, July 6, 2015 – Decision-Making (Final Decision-Making)

- Chapter 18 – Lawyers as Counselors
- Submit hard copy of your Counseling Memo to Prof. Rivera at the beginning of class.

b. Wednesday, July 8, 2015 – Interviewing Witnesses

- Chapter 9 – Essential Lawyering Skills (*Available on Blackboard*)

7) **Week 7**

a. Monday, July 13, 2015 – Professionalism

- Chapter 2 – Essential Lawyering Skills (PDF)
- Business & Professions Code, Article 1 (section 6000, 6001.1); Article 2 (section 6067, 6068) (*Available on Blackboard*)

b. Wednesday, July 15, 2015 – Information-Gathering (Transactional Clients); Decision-Making (Counseling “Deal” Clients, Counseling Formal and Informal Organizational Clients)

- Chapters 9, 20, 21 – Lawyers as Counselors
- California Rule of Professional Conduct, Rule 3-600 (*Available on Blackboard*)

*Remainder of syllabus to be updated. *

8) **Week 8 – Week of July 20, 2015**

- Counseling Session
- Counseling Memo Due

DISABILITY SERVICES STATEMENT:

Western State College of Law provides accommodations to qualified students with disabilities. The **Disabilities** Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Second Floor Students Services Suite. Dean Espinoza's phone number and email address are: (714) 459-1117; despinoza@wsulaw.edu. When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Associate Dean of Students Charles Sheppard at csheppard@wsulaw.edu or (714) 459-1152. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."