

Interviewing & Counseling

Summer Semester 2018

Mondays & Wednesdays / 4:20-6:20PM

Work Phone: (714) 459-1157

Prof. Sabrina Rivera

Email: srivera@wsulaw.edu

Office Hours: Email to schedule appointment

Course Description:

Welcome to interviewing and counseling! This course is a two credit course that introduces you to a set of skills critical to the practice of law in any context. The goals of the course are: 1) to develop your skills in interviewing and gathering information from clients; and, 2) in counseling clients to solve problems and achieve their goals.

Course Materials

The following text is required:

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

Additional Readings & Lexis Blackboard

Additional readings will be posted on a LexisNexis Blackboard. All students are required to sign up for the course's Blackboard page.

Attendance:

All students are expected to attend class and to come 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 and may affect your final grade. 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

The two units are graded on the law school's 4.0 scale. Grading will be determined according to three general categories of evaluation, listed below:

- In-class participation (regular class attendance and simulation exercises): 40%
- Attorney interview: 5%
- Client interview outline: 5%
- Client meeting & outline: 50%

Each grading component is described in greater detail below or in a handout distributed later in the semester.

Simulation Exercises:

A significant part of the course will involve in-class simulation exercises where you will play the role of an attorney with a partner playing the role of the client. Instructions for these simulations

will be distributed 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 in future simulations.

Reflection Papers

Students are required to submit two short written papers during the course of the semester. These papers are intended for you to reflect on certain aspects of your interviewing and counseling skills as the course progresses. Reflection papers should adhere to the following guidelines:

- (1) Reflection papers should be submitted via email to srivera@wsulaw.edu on or before the due dates listed below.
- (2) Reflection papers should be 2-3 pages, double-spaced, in Times New Roman font.
- (3) Below are some general themes for writing each reflection:
 - a. Pick one or two skills from the readings. How do you plan to utilize the skills while interviewing clients?
 - b. Pick one or two skills you feel need improvement. How can you improve on these skills in the future?
 - c. Which interviewing and counseling skills do you believe make an effective or successful attorney and why?
 - d. What have you learned about yourself throughout the semester?

You have the opportunity to improve your class grade through your reflection papers. Good papers submitted on time will be given a \checkmark (“check”) grade. Excellent papers will be given a $\checkmark+$ (“check plus”). $\checkmark+$ performance on both papers will improve your overall class grade. Consistent \checkmark performance on the two papers will not affect your class grade. Please note, however, that poor papers or papers submitted late will be given a $\checkmark-$ (“check minus”). $\checkmark-$ performance on both papers will result in a reduction in your overall class grade.

In-Class Presentation on Attorney Interview

Students are required to present in-class on an attorney interview you conduct during the course of the semester that discusses your reflections on the interview.

- (1) Each in-class presentation will be no longer than 10 minutes.
- (2) Selection of interviewee: you may choose any lawyer admitted to practice as the subject of your interview.
- (3) Purpose of the interview: the purpose of the interview is for you to gather detailed information from the interviewee about specific (difficult and complex) decisions that the lawyer has faced related to the practice of law. You will then use this information to describe and reflect on the lawyer’s style of lawyering. Your presentation in class should discuss a broad range of specific issues, including the following:
 - a. Choosing a type of practice
 - b. Deciding to take or decline cases
 - c. Counseling a client regarding the exercise of the client’s legal rights
 - d. Exercising strategic or tactical judgment on behalf of a client (ie, whether or not to cross-examine a witness)

- e. Withdrawing from representation
- f. Participating in pro bono, law reforms and other professional activities to improve the law

Course Schedule of Topics, Readings and Assignments:

The assigned readings should be done before class. Please be prepared to (1) discuss readings; (2) conduct simulation exercises; and, (3) complete all exercises assigned within each chapter. It is estimated that, on average, the assigned reading and other classroom preparation for every class should require four hours of outside class preparation time.

***This syllabus will be updated/revised as the class progresses.**

Week 1

Monday, June 4, 2018: Course Introduction; Client-Centered Approach; Motivation

- Course Syllabus (*Available on Blackboard*)
- Burthch, Jr., Jack W. "The Lawyer as Counselor." (*Available on Blackboard*)
- Chapter 1 & 2 – Lawyers as Counselors

Week 2

Wednesday, June 6, 2018: Professionalism; Building Rapport; Nonverbal Communication

- Chapter 2 – Essential Lawyering Skills (*Available on Blackboard*)
- Chapter 4 & 5 - Interviewing Clients Across Cultures (*Available on Blackboard*)
- California Rules of Professional Conduct, Rule 3-100, 3-110, 3-500 – PDF (*Available on Blackboard*)

Week 3

Monday, June 11, 2018: Professionalism; Building Rapport; Nonverbal Communication (Continued); Research & Short Memo

- Chapter 2 – Essential Lawyering Skills (*Available on Blackboard*)
- Chapter 4 & 5 - Interviewing Clients Across Cultures (*Available on Blackboard*)
- California Rules of Professional Conduct, Rule 3-100, 3-110, 3-500 – PDF (*Available on Blackboard*)
- Submit short memo on retaliatory evictions by the end of class via email to srivera@wsulaw.edu.

Week 4

Wednesday, June 13, 2018: Fundamental Counseling Skills (Active Listening & Forms of Questions)

- Chapter 3-4 – Lawyers as Counselors
- In-Class Simulation #1

Week 5

Monday, June 18, 2018: Information-Gathering (Beginning & Concluding Client Conferences)

- Chapters 3 - 5, 11 – Lawyers as Counselors

Week 6

Wednesday, June 20, 2018 – Information-Gathering (Eliciting Timelines)

- Chapter 6 – Lawyers as Counselors
- Submit Attorney Interview Paper via email and hard copy in class.

Week 7

Monday, June 25, 2018 - Information-Gathering (Theory Development Questioning – Pursuing Helpful Evidence, Questioning Undermining Adversaries’ Likely Contentions)

- Chapter 7 & 8 – Lawyers as Counselors

Week 8

Wednesday, June 27, 2018

- In-Class Simulation #2
- Submit Client Interview Outline via email and hard copy in class.

Week 9

Monday, July 2, 2018 - Gathering Information from Difficult Clients

- Chapter 12 – Lawyers as Counselors
- Chapter 8 – Interviewing Clients Across Cultures (*Available on Blackboard*)

Week 10

Wednesday, July 4, 2018 – NO CLASS

Week 11

Monday, July 9, 2018 – Decision-Making (Principles Underlying Effective Counseling); Decision-Making (Implementing An Effective Counseling Process); Counseling (What Happens When a Lawyer Counsels a Client)

- Chapter 13 and 14 – Lawyers as Counselors
- Chapter 18 – Essential Lawyering Skills (*Available on Blackboard*)

Week 12

Wednesday, July 11, 2018 - Information-Gathering (Transactional Clients); Decision-Making (Counseling “Deal” Clients, Counseling Formal and Informal Organizational Clients)

- Guest Lecture
- Chapters 9, 20, 21 – Lawyers as Counselors
- Submit Reflection #1 via email and hard copy in class.

Week 13

Monday, July 16, 2018 – Decision-Making (Clarifying Clients’ Objectives, Identifying Alternatives)

- Chapters 15 and 16 – Lawyers as Counselors

Week 14

Wednesday, July 18, 2018 - Decision-Making (Identifying Consequences, Final-Decision-Making); Ethical Considerations

- Chapters 17 and 18 – Lawyers as Counselors
- In Class Simulation #3

Week 15

Monday, July 23, 2018 – Interviewing Witnesses (Last Class)

- Chapter 9 – Essential Lawyering Skills (*Available on Blackboard*)
- Conducting Witness Interviews: A Primer for New Lawyers; Eastern District, The Legal Intelligencer (*Available on Blackboard*)
- Submit hard copy of Reflection #2 via email before end of class

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 Students Services Suite 119. 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 Dean Allen Easley at aeasley@wsulaw.edu or 714-459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

Western State College of Law Programmatic Learning Outcomes (PLOs), attached.

Argosy University Institutional Learning Outcomes (ILOs), attached.

Argosy University

Institutional Learning Outcomes:

1. Analytical Reasoning

Analyze issues objectively, interpret and synthesize data and ideas, and develop feasible, flexible, and creative solutions to real world problems

2. Effective Communication

Identify audiences, assess information provided, interpret needs, and present relevant information using appropriate written, oral, and listening skills and media to meet the needs of the situation

3. Information Competency

Gather, evaluate, and ethically use information from a variety of relevant technological and library resources to make decisions and take action

4. Interpersonal Effectiveness

Develop individual and group interpersonal skills to improve and foster participation and interaction critical for achieving individual and group goals

5. Personal and Professional Integrity and Ethical Behavior

Demonstrate a multi dimensional awareness of individual and social responsibility to act ethically and with integrity in a diverse, global society.

6. Professional Competence

Apply skills appropriate to program objectives and employ critical reasoning to contribute to one's field and profession

Western State College of Law – Programmatic Learning Outcomes

Western State College of Law’s curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

(1) **Doctrinal Knowledge**

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

(2) **Practice Skills**

Students will demonstrate the development of other law practice skills. Each student’s chosen outcomes within this category will be varied based on the student’s particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

(3) **Legal Analysis**

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or

rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

(4) Legal Research

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

(5) Communication

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

(6) Advocacy of Legal Argument

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

(7) Client Sensitivity and Cultural Competency

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

(8) Legal Ethics

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.