Client Counseling and Interviewing  
Spring 2013

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Adjunct Professor of Law

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Meeting Place & Time: Thursdays, 6:30-8:10 p.m., Rm. 206

Course Description and Objectives:  
This course will cover theories and techniques used in interviewing and counseling in the context of legal representation, utilizing simulation exercises designed to illustrate the theories and techniques. Skills developed will include empathetic listening, fact gathering, client goal identification, and ethical and responsive decision-making. There will be guest speakers who will discuss their experiences in representing clients.

There will be writing assignments related to topics discussed in class. Further, throughout the course, we will discuss the ethical and professionalism issues that often arise in lawyer-client interactions. There will be a midterm interviewing assignment. As a final project, you will participate in videotaped client counseling sessions and receive feedback on their performances.

In teaching this course, my goal is to help you develop and improve skills to interact with clients in an ethical and effective manner. Although there will be discussions about theory, this class is primarily practical in nature, designed to help you think about ways to deal with situations you may encounter as an attorney.

I believe you will find that even if you have never had clients, you have developed communication skills in your work and life experiences that can be transferred to client interviewing and counseling. All of you have these experiences; therefore, all of you have something useful to bring to class discussions and simulations.

Course Materials:  
Required text: Lawyers as Counselors: A Client Centered Approach, 3d Ed., by Binder, Bergman, Price and Tremblay. (Referred to as Binder)  
(Note: We are using the new 3d Edition!)

Illinois Rules of Professional Conduct (Handed out in class)
Supplemental reading materials:

*Essential Lawyering Skills, 3rd Ed.,* by Stefan H. Krieger and Richard K. Neumann, Jr. (on Reserve at School of Law Library)

Other materials will be handed out in class or posted on TWEN during the semester.

**Evaluation:**
This is a Pass/Fail course. To receive a passing grade, you must read and be ready to discuss all assigned materials before each class, satisfactorily complete all homework assignments in a timely manner, actively participate in class exercises, and satisfactorily complete all projects, writing assignments and quizzes.

Although you will not receive a final letter grade, you will receive points for class participation, assignments, the midterm assignment, and the final counseling evaluation. Students must receive at least 60% of the available points to pass the course.

Because this class is meant to help you develop practical skills, it will involve participation in class discussions and simulations and out-of-class activities. There will be constructive feedback from the professor, clients, and fellow students. Your attendance and level of participation (as a participant and as a provider of feedback) will be a significant factor in determining whether you receive a passing grade.

**Class Attendance:**
Unless there are extraordinary circumstances, students who miss more than **three (3)** classes will not receive a passing grade.

Sometimes students have to miss class for moot court or another Law School activity. In the interests of fairness to all students, if you miss class for such an activity, you will receive an absence for that class, as with any other absence. You are welcome to watch the video of the class later, but you will not be able to make up an absence by doing so.

**Assignments:**
You are expected to read all assigned materials before each class and to actively participate in classroom activities, including simulations.

There will usually be a written assignment given during each class, for a total of ten (10) assignments by the end of the semester. These assignments will also be posted on TWEN after the class in which they are handed out. Unless specifically stated otherwise, each assignment is due at or before the start of the next class period. Each assignment will be worth one (1) point, for a total of ten (10) points.
To receive full credit, each assignment must be turned in on time, typed, grammatically correct, and must comply with the assignment’s requirements. To be considered “on time,” the assignment must be turned in to me, by e-mail, by hand-delivery or in my faculty mailbox, before the start of class in order to receive credit for the assignment, regardless of whether you attend that class or not.

In addition to assignments, you will be required to participate in a midterm tape-recorded interview project and draft a memorandum to a partner in your law firm about the interview. As a final evaluation, you will participate in a videotaped client counseling session, which will be followed by feedback from the client and professor.

Your active participation in these activities and competent, timely completion of the memorandum will be factors considered in determining whether you receive a passing grade. Barring exceptional circumstances, you will not receive credit for assignments, midterm writing projects or final evaluations that are turned in late.

Classroom Etiquette:
Please be courteous to others by keeping distractions to a minimum, turning off cell phones and other electronic devices, and giving the class your full attention. If you need to enter or leave the room during class, please do so without disrupting the class.

Due to the participatory nature of this class, use of laptops will not be permitted during class. You will need to bring a notepad and a pencil or pen to class with you.

Class Recordings:
Classes are videotaped by the Law School. Except with my prior approval, no other taping of the class is allowed. Viewing or listening to a recording of the class does not count as being present in the class, unless I have made a special exception.

TWEN (The West Education Network):
You should register for this course on TWEN prior to the first week of classes. The syllabus and reading assignments are posted on TWEN, as well as other relevant information. You will be expected to check TWEN before every class and are responsible for any materials posted on TWEN.

Students with Disabilities:
The law school’s policies and procedures regarding students with disabilities may be found on line at http://www.law.siu.edu/. Students with disabilities requiring reasonable accommodations should contact the Registrar’s office.

Emergency Procedures:
Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are
beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available in posters in buildings on campus, on BERT’s website at www bert. siu. edu, Department of Safety’s website www. dps. siu. edu (disaster drop down) and in Emergency Response Guideline pamphlet. Know how to respond to each type of emergency.

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.
Schedule and Reading Assignments:

(You must read all assignments prior to class and be ready to discuss the materials).

Unit 1: Interviewing

Class 1: Introduction: Client-Centered Lawyering
Jan. 17  
Readings:
Binder - Chapter 1
(Reserve at the Library) - Neumann - Chapter 3
Rule 1.4 of the Illinois Model Rules of Professional Conduct

Assignment No. 1:

(Your typewritten answers are due at the start of the first class):

1. List ten skills you think are important for being an effective lawyer.

2. For each skill listed, provide a brief typewritten evaluation of your current level of proficiency. If there are specific skills that you hope to develop in this class, please describe them.

3. Indicate whether you have any past experience interviewing or counseling clients, even if in a non-legal environment, and a brief explanation about your experience.

Class 2: Fundamental Counseling Skills: Motivation & Active Listening
Jan 24  
Readings:
Binder - Chapters 2-3
Neumann – Chapter 5 (Communication Skills)

Class 3: Forms of Questions; Beginning Client Conferences
Jan 31  
Readings:
Binder - Chapters 4-5

Class 4: Eliciting Timelines
Feb 7  
Readings:
Binder – Chapter 6
Neumann – Chapter 7 (Observation, Memory, Facts & Evidence)

Class 5: Theory Development
Feb 14  
Readings:
Binder – Chapters 7-8
Class 6: Information Gathering in Transactional Settings; Interviewing Strategies for Criminal Defense Counsel
Feb 21 Readings:
Binder – Chapters 9-10

Fact packets & instructions for Midterm Interview Assignment will be distributed at the end of class

Note: Midterm Interview Assignment is due on or before March 7, 2013 by 6:30 p.m. (this is the last class before Spring Break)

Class 7: Concluding Client Conferences; Gathering Information from Especially Difficult Clients
Feb 28 Readings:
Binder Chapters 11-12

Unit 2: Counseling

Class 8: Principles Underlying Effectively Counseling; Implementing an Effective Counseling Process
Mar 7 Readings:
Binder – Chapters 13-14

Midterm Interview Assignment is due at the start of class!!!

SPRING BREAK – March 9 to 17, 2013

Class 9: Clarifying Clients’ Objectives; Identifying Alternatives
Mar 21 Readings:
Binder - Chapter 15-16

Class 10: Identifying Consequences; Final Decision-making
Mar 28 Readings:
Binder – Chapter 17-18

Class 11: The Counseling Model & Litigation; Counseling “Deals” Clients
Apr 4 Readings:
Binder – Chapters 19-20

Fact packets and instructions for Final Client Counseling Assignment handed out

Class 12: Counseling Formal & Informal Organizational Clients; Counseling Criminal Defendants
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