

**NORTHEASTERN UNIVERSITY SCHOOL OF LAW
LEGAL INTERVIEWING & COUNSELING
LAW 2535**

SPRING, 2010

Instructor: Melinda Drew **Office:** 27CG **Phone:** 617 373-3960

Office Hours: Open Door and/or By Appointment

Required Text: Essential Lawyering Skills, Third Edition, Krieger & Neumann, Aspen Publishers (2007)

Required Supplemental Readings: All are on **TWEN**. If I add other supplementary articles during the quarter, the TWEN system will send you an e-mail to let you know about them.

Assignments:

- 1) There will be interviewing assignments for each student to complete, each of which will be reviewed by the instructor. You will be using audio tape recorders to record some of your interviews.
- 2) Beginning the second week of the quarter, each student will keep a weekly journal which is intended to reflect your preparation and/or to help you reflect on client interviewing and/or counseling issues and experiences. I will review and comment on your journals which will be due on the dates specified below. Further instructions about the journal assignment will be given to you in class.
- 3) Note that most of the reading for this course will be done in the first half of the course.

Enrollment: Limited to 20.

Course Description: This 3 credit course is designed to raise students' awareness of the dynamics inherent in all attorney-client interactions and to train students to function in the role of an attorney in interviewing and counseling clients. We will study the basic principles and techniques of interviewing clients and witnesses and planning and structuring counseling sessions with clients. We will also study possible conflicts in the attorney-client relationship and learn ways to deal with them.

Topics to be discussed in class will include: the initial client interview, models of legal counseling (authoritarian model, client-centered counseling model, and collaborative decision-making model), communication skills, decision making - who is in charge, the impact of difference on attorney-client relationships, and ethical considerations as they affect the interviewing and counseling process. We will practice various interviewing techniques, view

and critique videotapes and dvds of interviews, and role-play various client encounters with critiques by other students and the instructor.

This course emphasizes student participation. Students will be divided into pairs or threes for interviewing exercises. Since participation is crucial to the success of this course, **attendance at all classes is required. If you miss class, you will be depriving your partner of an opportunity to further his or her interviewing and counseling skills.** Failure to attend class regularly will be noted in your evaluation and may subject you to being required to withdraw from the course.

Final Examination/Final Project: There will not be a final exam in this course. The final project will be an interview that will be observed by the instructor. We will discuss this final interview in greater detail later in the quarter.

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Classes, Readings, and Assignments

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| CLASS 1
3/2 (T) | Course Introduction and Overview, Professionalism and Types of Lawyering
For this class, please read: Chapters 2 & 3 (pages 7-17 & 19-28)
In-Class Exercise - Introductions |
| CLASS 2
3/4 (TH) | Topics: The Lawyer As Problem-Solver and Communication Skills
Please read: Chapters 4 & 5 (pages 29-41 & 43-52) and on
TWEN: A Therapeutic Communications as a Tool for Case Theming@
In-Class Exercise - Interviewing a Classmate |
| CLASS 3
3/9 (T) | Topics: Multicultural Lawyering and Observation and Exploring Memory
Please read: Chapter 6 & 7 (pages 53-61 & 65-80)
In-Class Exercise - Memory
Journals Due |
| CLASS 4
3/11 (TH) | Topics: Preparing an Interview Plan & Interviewing the Client
Please read: Chapter 8 (pages 81-108) |
| CLASS 5
3/16 (T) | Topic: Interviewing the Client (Continued)
In-Class Exercise - Client Interviews
Journals Due |
| CLASS 6
3/18 (TH) | Topic: Interviewing Witnesses
Please read: Chapter 9 (pages 109-127) and on
TWEN: A Four-Domain Model for Detection Deception: An Alternative Paradigm for Interviewing@ |

- CLASS 7**
3/23 (T) **Topic: Interviewing Witnesses (Continued)**
Please read: Chapters 10 (pages 131-139)
In-Class Exercise - Interviewing a Reluctant Witness - Demonstration
Interview by Instructor & Critique by Students
Journals Due
- CLASS 8**
3/25 (TH) **Topic: Organizing Facts**
Please read: Chapters 11 & 12 (pages 141-148 and 149-158)
In-Class Exercise - Student Interviews of a Reluctant Witness
- CLASS 9**
3/30 (T) **Topic: Methods Of Presenting Facts**
Please read: Chapter 13 (pages 159-175)
Journals Due
- CLASS 10**
4/1 (TH) **Topic: Presenting A Case**
Please read: Chapters 14 & 15 (pages 177-180 & 181-197)
- CLASS 11**
4/6 (T) **Topics: Investigating Facts and Responding to Adversary's Facts**
Please read: Chapters 16 & 17 (pages 199-212 & 213-217)
- CLASS 12**
4/8 (TH) **Topic: Preparing For & Counseling The Client**
Please read: Chapters 18 & 20 (pages 221-229 and 237-259) and
M.G.L.A. c. 186 §15B (handout)
Journals Due
- CLASS 13**
4/13 (T) **Topics: Counseling A Client and Preparing A Client Counseling Plan**
Please read: Chapters 21 & 22 (pages 261-270 & 271-279)
Review/Critique ABA Video
Assignment Due: Written Counseling Plan (please bring 2 copies of your
completed written counseling plan to class)
- CLASS 14**
4/15 (TH) **Topics: Ethical Issues and Problems in Client Counseling**
In-class demonstration by a student of a counseling session in the McAllistair case
Journals Due

- 4/20 (T)** **CLASS 15 Topic: Client Counseling Meetings**
Discuss role of critiquers
Review/Critique ABA Video
- CLASS 16 Topic: Client Counseling**
4/22 (TH) In-Class Exercise - Demonstration Interview by Instructor & Critique by Students
Please Read: Handout on “Lemon Laws”
Journals Due
- CLASS 17 Topic: Client Counseling**
4/27 (T) In-Class Exercise - Interview and Client Counseling by Students/Debrief
- CLASS 18 Topic: Client Counseling**
4/29 (TH) In-Class Exercise - Interview and Client Counseling by Students/Debrief
Journals Due
- CLASS 19 Topic: Client Counseling**
5/4 (T) In-Class Exercise - Interview and Client Counseling by Students/Debrief
- CLASS 20 Topic: Client Counseling**
5/6 (TH) In-Class Exercise - Interview and Client Counseling by Students/Debrief
Interviewing and Counseling - Final “tips”
- CLASS 21 Final Project**
5/11 (T) **Student Final Interviews (during May 11 and May 13 class times and throughout this week)**
- CLASS 22 Final Project**
5/13 (TH) **Student Final Interviews (during May 11 and May 13 class times and throughout this week)**

Final Journals are due by or before the last day of exam week - Friday, May 21 at Noon