

July 26, 2010

To: All Students Enrolled in the Fall Semester WEDNESDAYS' Client Counseling Class  
Fr: Marjorie Corman Aaron, Professor of Clinical Law  
Re: IMPORTANT COURSE INFORMATION AND INSTRUCTIONS - and Welcome!

Welcome to the Fall Semester Wednesdays' Client Counseling Class! I very much look forward to working and learning with you this semester.

PLEASE read this memorandum carefully, as it contains important information about the course format and requirements, absence and class participation policies, the pass-fail grading policy, and the interviewing and counseling skills exercise.

## **PRE COURSE Assignments and Readings**

### ***Reading***

The course syllabus, **posted on the registrar's site and the course TWEN site**, references all of the reading assignments in the course text and various articles. The articles are all available on the course TWEN site.

### ***ASSIGNMENTS - evaluation exercises and role information***

This course is jam-packed. Everyone must be ready to "hit the ground running" in each session. That is why all roles have been pre assigned and all materials are downloadable (except the text).

To find your role assignments and evaluation exercises, go to the "Student Groupings" on the website that corresponds to your last name's place in the alphabet.

Group I - Students whose last names fall alphabetically between \_\_\_\_\_ and \_\_\_\_\_.

Group II - Students whose last names fall alphabetically between \_\_\_\_\_ and \_\_\_\_\_.

Group III - Students whose last names fall alphabetically between \_\_\_\_\_ and \_\_\_\_\_.

Group IV - Students whose last names fall alphabetically between \_\_\_\_\_ and \_\_\_\_\_.

IT IS EXTREMELY IMPORTANT that you visit the website, go to your student group, and open or download and print all of the documents there. Do not read or download the other groups' material.

**One of these documents is the case assessment exercise.** (Don't worry. No research is required! But you should read them carefully and think about your answers on the form.)

**THESE MUST BE COMPLETED AND HANDED IN TO THE LABELED FOLDER**

**TONI's FOURTH FLOOR LEDGE by SEPTEMBER 15, OR AT THE BEGINNING OF CLASS ON September 15.** We will be compiling some class statistics from these submissions, and will need the time to do number crunching before using them in the next class. Each group has also been given client or attorney role play information in **various** classroom exercises. You should have read these before the workshop date on which they will be used. Note that the roleplays entitled *Hapless Harvest Interview* and *Family Matters* will begin on September 1!

### **Course format**

As you might have anticipated, this course is designed for discussion, participation, interaction, role-playing, in-class problem sets and small group work. Please come ready to do some serious acting when in the client role and some serious lawyering when in the attorney's role. The course's value will depend upon your willingness to undertake the tasks of interviewing, counseling and decision-making as real and important.

### **Absence Policy**

Please don't get sick! I know that this is easier said than done, and I do not want someone in class delirious, nauseated.....etc. Unfortunately, to miss one class is to miss 10% of the course. If you are absent for an "excused reason" (severe illness, etc.), please see me about any necessary make-up work for the class. (This will vary class, depending upon the class missed. It is *not* intended to be punitive.) No matter what the reason, if you are absent for two classes or more, you cannot receive credit for the workshop. (While exceptions are possible, these will be at the instructor's discretion and will require SUBSTANTIAL make up assignments.)

Of course, the paragraph above should not be read as permission to come late or miss class. When you aren't there, your classmates are adversely affected, as you cannot participate in paired role playing exercises. **IF YOU KNOW YOU WILL MISS A PARTICULAR CLASS, PARTICULARLY A CLASS IN WHICH A ROLEPLAYING EXERCISE IS TAKING PLACE, PLEASE LET ME KNOW ASAP SO THAT I CAN TRY TO REASSIGN YOUR ROLE.** (Please note that missing a class or coming in late, unless excused, will affect that "high pass," "low pass" determination.)

Bottom line: I look forward to everyone being bright eyed, bushy tailed, on time and healthy.

### **The Pass-fail Grading**

As you are no doubt aware, the faculty has approved the proposal to grade this course on a modified pass fail basis. Students may receive the "grade" of "high pass, pass, low pass or unsatisfactory" (the latter meaning fail). While these words will appear on your transcript, they will not affect your GPA or class rank. A "high pass" signals exemplary performance on your transcript, and low pass the opposite. If you fail the course, that too will appear on your

transcript and you will be required to repeat the course for credit and for graduation.

Your "high pass, pass, low pass, or unsatisfactory" grade will be based upon a written decision analysis exercise, class participation, and completion of a final client counseling exercise. Students who do not perform the counseling or decision analysis exercises competently will be required to redo them to receive course credit.

***Proposal for student cooperation toward continuing the pass fail grading!***

Pass fail grading for this course continues based upon my representation that it is successful. I propose that all join in a collective effort to prove that UC Law students continue to be self-motivated to work diligently, complete reading, prepare and participate seriously, and perform skills exercises at the highest level, even in a pass-fail course.

The reasons for pass fail grading in this course are many:

- Our initial year's experience indicated that many students were resentful and anxious about being graded in a required course based upon performance in skills exercises that were less predictable than traditional law school exams. When professors provided critical feedback or suggested a retake of an exercise, students sometimes became defensive or flustered. Eliminating "grade anxiety" makes students more comfortable with honest feedback and more receptive to incorporating it.
- This course does include a significant segment on decision-analysis which does involve math. While it's easy math - arithmetic only - I know that many lawyers (and law students) are "math phobic." They would most likely choose to avoid an elective course with any math at all. I believe these students learn better and find the requirement to be fair under pass-fail grading. I WANT YOU TO LEARN THE BASICS OF DECISION ANALYSIS because a future client might well benefit from your familiarity with its application in client counseling and decision-making.
- Paradoxically, pass-fail grading may enable the professor to be more critical of students' skills, and to require higher performance. With traditional grades, I have no power to require students to do better, try it again. In this workshop, I am committed to asking students to demonstrate skills at a high level.
- With limited faculty, a LARGE number of students in the course and limited time, it would be difficult to fairly and precisely evaluate student performance of interviewing, counseling and decision making skills AND maintain focus on teaching and learning.

UC Law student have understood that working with real clients can be challenging and have valued and appreciated this course. I hope you will prove this to be true again this year! Perhaps it should go without saying that if many students do NOT appear to be taking the course

seriously, pass fail grading is unlikely to be offered in the future.

### **Class participation**

Full participation in the workshop means joining into class discussion (including discussion of the readings), being fully ready to "act" in your seat or occasionally in front of the class, providing feedback on classmates' performance, engaging in small group tasks, completing problem sets and case assessment exercises. Class participation and quality of performance will "count" in the assignment of "high pass," "low pass," or plain "pass" designations.

### **Counseling Skills Exercise**

Students greatly benefit from counseling a "real" client, consciously applying the collaborative counseling approach, skills, and strategic lessons taught in the course. Practicing with classmates is useful and efficient, but it cannot fully replicate a client counseling experience. The College of Law is committed to each student's receiving individual attention and "coaching" feedback, in a way that is not possible in class. The final "capstone" individual client counseling skills exercise is decided to do just that.

Before the end of these class sessions, all students will sign up for the individual client counseling skills exercise sessions scheduled for November. In that exercise, each student will counsel a "real" client - an actor playing the client role. The actors will be prepared to provide realistic and consistent client performances. I and/or my colleague, Patricia Foster (an alumna of this course) will be present and will, if helpful, intervene to coach students so that they will have performed the client counseling task well - at least by the end of the time slot. Each counseling session will be scheduled for approximately 30 minutes, and will be videotaped. The case facts and instructions for this exercise are on the course website.

Each student should prepare a decision tree indicating the structure of the case, assigning values and percentages, and "rolled back" to reflect the estimated monetary value. (This will make sense to you after you have completed the course.) **This should be handed to me at the time of the counseling session. The tree will be helpful for your thinking about the case, but YOU SHOULD NOT USE THIS DECISION TREE DOCUMENT IN THE COUNSELING SESSION WITH YOUR CLIENT!!!**

While no library or on-line research is required, some students may find it helpful to review basic torts concepts as they prepare to explain them to a client within the counseling session. Students should also review the lessons of the workshop, and be prepared to demonstrate their application in the counseling session. Students should demonstrate [see next page]:

- Collaborative counseling approach to process
- Clear communication of legal issues and concepts

- Strong listening skills
- Strategies for psychological barriers (including framing around risk and loss)
- Strategies/skills for the emotional or difficult client

We ask that you participate in the exercise in good faith - be prepared and able - *with faculty coaching* - by the end of the time period - to demonstrate some mastery of the skills and concepts. Note the emphasis on *with faculty coaching*. If the faculty coach does not think the student is performing well, she will intervene and make suggestions. The student will be able to incorporate these suggestions for a more successful counseling session. However, if a student is unprepared, appears not to have read the materials, or demonstrates little familiarity with the concepts covered in the counseling sequence of the course, he or she will not pass the course.

I am happy to answer any questions regarding this exercise, or any other aspect of this course.

Let's work together to make it enjoyable and a great learning experience!

Marjorie Aaron