

University of Houston Law Center
Client Interviewing & Counseling – Spring 2023

Section #13168/Course #6218

Tuesdays: 5:30PM – 7:30PM

Professors: Clark Martin
Andrew Dao

Required Text: None.

Recommended Text: Binder, David A., Paul Bergman, Susan C. Price and Paul R. Tremblay, *Lawyers as counselors: A Client-Centered Approach*, Thomson West, 2nd ed., 2004.

Herman, G. Nicholas and Jean M. Cary, *A Practical Approach to Client Interviewing, Counseling and Decision-Making: For Clinical Programs and Practical Skills Courses*, Matthew Bender, 2009.

Kruger, Stefan and Richard Neumann, Jr., *Essential Lawyering Skills: Interviewing, Counseling, Negotiation and Persuasive Fact Analysis*, Aspen Publishers, 4th Edition, 2011.

Shaffer, Thomas L. and James R. Elkins, *Legal Interviewing and Counseling in a Nutshell*, Thomson West, 2005.

Office Hours: By appointment

Email: Email is the best way to contact Professor Martin and Professor Dao.

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Course Description:

This course will emphasize a client-centered approach to interviewing and counseling techniques. It will touch on the major aspects of the attorney-client relationship including: (1) the initial client interview; (2) the ethics involved when dealing with clients; (3) case analysis, development and strategy incorporating the client's input and expectations; (4) preparing the client for negotiations, depositions, settlement discussions, mediation and/or trial; (5) terminating the attorney-client

relationship; and (6) billing arrangements and collecting fees. All students will engage in mock interviews and counseling sessions throughout the semester. The professors and classmates will provide constructive feedback after each session that can and should be incorporated into future practice sessions.

Learning Objectives, Outcomes, and Goals:

This course is designed to train students to become effective listeners and communicators who are equipped with the skills necessary to successfully interview and counsel a client (or potential new client). Specifically, we will focus on a client-centered approach to client counseling and interviewing that will focus on a participatory method; balancing of legal and non-legal issues and concerns; problem-solving; client control and decision making; client's emotional investment in a problem; autonomy of clients; boundaries; and intelligence, dignity and morality.

This course starts with discussing the initial client interview and we will then discuss the different types of correspondence that a law office regularly sends to clients, including engagement letters, settlement correspondence, memos, invoices, and non-representation letters. Next, we will discuss effective active listening techniques and communication techniques, including summarization, looping, and structure/organization of a conversation focused on obtaining relevant information. We will also cover client preparation for meetings, hearings, negotiations, mediation and trial. Lastly, we will attack the difficult topic of terminating the attorney-client relationship.

Some of the challenges in client interviewing and counseling involve miscommunication; a client's inability to communicate their thoughts, emotions, and desires; "hurt feelings"; and communicating less than favorable information to a client.

To help you develop the understanding and skills necessary to respond to these challenges, we will explore different methods of communicating and practice in various types of scenarios to gain a practical understanding and experience of handling client issues.

We hope to accomplish two goals. First, we hope that you will develop skills that will make you a better communicator and counselor. Second, we hope to help you diagnose a problem, develop legal and non-legal solutions, communicate purposefully and thoughtfully, and critically evaluate outcomes and experiences.

We will explore a systematic approach to client counseling and interviewing that we think constitutes good advice about how to communicate with clients, how to advise, and how to recognize, confront, and resolve potential legal and non-legal issues.

Attendance:

You should attend all class sessions and arrive on time. The UHLC attendance policy requires attendance at 80% of all scheduled (or makeup) classes or a student risks being dropped from the course. Attendance may be taken at each class.

Please note that you are responsible for managing your absences from class and ensuring that your total number of absences does not exceed 20%. If you have to miss a class, please inform your professors beforehand so that they can adjust the counseling pairings accordingly.

Client Counseling and Interviewing Exercises:

You will take part in several client counseling and interviewing exercises. For each case, you will be assigned a particular role, either as attorney or potential new client, given background information, instructions, and confidential information to aid in your preparation. You will be asked to prepare in writing for these exercises, and you may be asked to present in class in front of the other students.

Grading:

Assignments may be emailed by the assigned due date or they may be turned into the Blakely Advocacy office or emailed to your professors. Additional specific instructions regarding how to turn in each assignment will also be provided in class.

Your grade will be based on the following components:

10% Class Participation – This component is based on (1) showing up and (2) participating in class discussion in a productive and involved way.

10% Skill Evaluation

10% Client Counseling and Interviewing Preparation Memos

Preparation Memos require the following information: (1) potential legal issues, including cases of actions that may arise; (2) how you prepared for the client meeting; (3) considerations for accepting or rejecting the potential new client; and (4) strategies for dealing with a potentially difficult client.

25% Skills Exercise Number 1

25% Skills Exercise Number 2

20% Skills Exercise Number 3

Client Intake Sheet:

You will receive a brief set of facts or client intake sheet prior to each in class exercise. The Client Intake Sheet will include the potential causes of action. You must research the potential cause(s) of action, have a basic understanding of the elements, and be prepared to discuss the potential legal issues with the client.

Counseling and Psychological Services:

Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS (www.uh.edu/caps) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the “Let’s Talk” program, a drop-in consultation service at convenient locations and hours against campus. http://www.uh.edu/caps/outreach/lets_talk.html

The Texas Lawyers’ Assistance Program (“TLAP”) also supports law students who are dealing with stress, anxiety, depression, substance abuse, and other mental health problems. You can reach TLAP at any time at 1-800-343-8527. TLAP’s website includes a page with links to sources about mental health that are of interest to law students: <https://www.tlaphelps.org/law-students>.

Anti-Discrimination and Sexual Misconduct Policies

UHLC and the University of Houston are committed to maintaining and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, a confidential reporting process is available to you. For more information, please refer to the University System’s [Anti-Discrimination Policy SAM 01.D.07](#) and [Sexual Misconduct Policy SAM 01.D.08](#).

Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty and other University employees are required to report to the University any information received regarding sexual misconduct as defined in the policy. Due to this reporting requirement, faculty members and other employees are not a confidential resource. The reporting obligations under the sexual misconduct policy extends to alleged conduct by University employees and students.

Tentative Schedule:

Class 1 (01/17)	Course Introduction The Initial Client Interview “Checklist” of Best Practices
Class 2 (01/24)	Continue Discussion of the Initial Client Interview Engagement Letters, Non-Representation Letters and Other Client Correspondence Hand out Exercise 1 (Client Interview)
Class 3 (01/31)	CLIENT INTERVIEW EXERCISE (25% OF GRADE) MEMO 1 DUE IN PREPARATION OF EXERCISE
Class 4 (02/07)	Ethics of Dealing with Clients
Class 5 (02/14)	Tackling Elements of Causes of Action When You Don’t Necessarily Know the Relevant Law
Class 6 (02/21)	The Different Types of Clients You May Encounter
Class 7 (02/28)	Development of Case Strategy and Managing Client Expectations Hand out Exercise 2
Class 8 (03/07)	CLIENT INTERVIEW EXERCISE (25% OF GRADE) MEMO 2 DUE IN PREPARATION OF EXERCISE

**NO CLASS ON TUESDAY, MARCH 14, 2023
SPRING BREAK**

Class 9 (03/21)	Dealing with “Problem Clients”
Class 10 (03/28)	Preparing Your Client for Depositions, Mediation or Trial
Class 11 (04/04)	Practice Client Interviews
Class 12 (04/11)	CLIENT INTERVIEW EXERCISE (20% OF GRADE) MEMO 3 DUE IN PREPARATION OF EXERCISE
Class 13 (04/18)	Terminating the Attorney-Client Relationship and Wrap Up